

Public Document Pack

Mid Devon District Council

Cabinet

Tuesday, 28 June 2022 at 10.00 am
Phoenix Chamber, Phoenix House, Tiverton

Next ordinary meeting
Tuesday, 12 July 2022 at 10.00 am

PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Zoom. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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Membership

Cllr R M Deed

Cllr C J Eginton

Cllr R J Chesterton

Cllr Mrs C P Daw

Cllr D J Knowles

Cllr B A Moore

Cllr S J Penny

Cllr C R Slade

AGENDA

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

1. **Apologies**
To receive any apologies for absence.
2. **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
3. **Declarations of Interest under the Code of Conduct**
To record any interests on agenda matters.
4. **Minutes of the Previous Meeting** (*Pages 5 - 12*)
To consider whether to approve the minutes as a correct record of the meeting held on 17 May 2022.
5. **Unauthorised Encampment Policy** (*Pages 13 - 80*)
Following consideration of a report of the Corporate Manager for Property, Leisure and Climate Change, the Community Policy Development Group has made the following recommendation: that the updated Unauthorised Encampment Policy and procedure for managing and enforcing unauthorised encampments as detailed in Annex A be adopted.
6. **LGA Peer Challenge Report** (*Pages 81 - 108*)
To receive the report from the Local Government Association (LGA) as part of their peer challenge sector-led improvement programme and to consider the action plan proposed by means of addressing the recommendations from the peer team.
7. **Levelling Up Fund Bid and Cullompton Town Centre Relief Road - update** (*Pages 109 - 112*)
To receive a report of the Director of Place informing Members about the second round of the Levelling Up Fund and seeking Members endorsement of resubmitting a bid for the Cullompton Town Centre Relief Road (including associated pedestrian and cycling improvements to the proposed new station site). The bid being updated to include key information and addressing issues raised through bid evaluation.
8. **Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 - Variation** (*Pages 113 - 136*)
To consider a report of the Operations Manager for Street Scene and Open Spaces requesting consideration of whether to make a proposed variation to the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (the "PSPO") by adding two locations to the list of areas in the PSPO where dogs are only allowed if on a lead; add one location to the list of areas in the PSPO where dogs are excluded; and correct a

plan within the existing PSPO which shows the wrong area of land.

9. **Revenue and Capital Outturn 2021/22** *(Pages 137 - 178)*
To receive a report of the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn figures for the financial year 2021/22 for both the General Fund and Housing Revenue Account.
10. **Annual Treasury Management Report** *(Pages 179 - 190)*
To consider a report of the Deputy Chief Executive (S151) providing Members with a review of activities and the prudential treasury indicators on actuals for 2021/22 and recommend this to Council.
11. **Performance and Risk Outturn** *(Pages 191 - 246)*
To consider a report of Corporate Manager for People, Governance and Waste providing Members with an annual review of the Council's performance against the corporate plan, local service targets for 2021/2022 as well as providing an update on the key business risks.
12. **Notification of Key Decisions** *(Pages 247 - 258)*
To note the contents of the Forward Plan.

Stephen Walford
Chief Executive
Monday, 20 June 2022

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Zoom.

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. 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 Sally Gabriel on:

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

1.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 17 May 2022 at 10.00 am

Present

Councillors

R M Deed (Leader)
C J Eginton, R J Chesterton, Mrs C P Daw,
D J Knowles, B A Moore and C R Slade

Also Present

Councillor(s)

J Buczkowski, S J Clist, L J Cruwys, R J Dolley and S Penny

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Karen Trickey (District Solicitor and Monitoring Officer), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Tina Maryan (Area Planning Officer), Chris Scobie (Cullompton High Street Heritage Zone Project Officer), Jessica Watts (Member Services Apprentice) and Sally Gabriel (Member Services Manager)

1. APOLOGIES (00-02-55)

There were no apologies for absence.

Cllr S Penny joined the meeting via Zoom.

2. PUBLIC QUESTION TIME (00-03-07)

Honorary Alderman Mrs Campbell referring to Item 5 on the agenda (Cullompton HSHAZ) highlighted the setting of the medieval street layout of Cullompton, the impact of any motorway closure on the town and the previous funding bids for improvements to the public realm. She referred to the volume and size of traffic, the lack of free parking in the town and the impact of the proposed scheme on pedestrians, by bringing them closer to the traffic. She then asked the following questions:

Referring to the recommendations within the report she asked whether there would be a genuine public consultation on the plans and whether there would be room for alteration and amendment post consultation? She had asked during the first consultation whether a parking bay for emergency vehicles should be provided on the east side adjoining the access the Clark's Court, this seemed to have been ignored; a minor rearrangement had been made to the disabled parking spaces with the result that the number of spaces had been reduced, why had this been done and who would benefit? She referred to the bus bay being removed and whether buses would therefore in the block the traffic in the high street. She also asked about the installation of cameras in the area during the period of consultation to record the

number and size of vehicles using the road at this point, she had been told that it would be illegal to use the existing CCTV cameras, was that correct? Referring to the traders, the Honorary Alderman asked how many traders had been involved in the consultation to date and how many of those had agreed to the reduction in the number of free parking spaces in the town centre prior to the opening of the proposed relief road? She also asked whether it was intended to proceed with the work before confirmation had been received with regard to the amount of funding available and a start date for the relief road, as there were concerns with the amount of traffic in the high street due to the development of more housing to the west of the town, as access to the site would only be via the High Street and Tiverton Road. Finally she referred to the memorial area and whether there would be adequate space for traders vehicles to unload their wares for the street market.

The Chairman indicated that responses the questions would be provided when the item was discussed.

3. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-15-15)

The Leader declared a personal interest in Item 5 on the agenda following the mention of ambulances as he was a Governor of SWAST.

4. MINUTES OF THE PREVIOUS MEETING (00-15-38)

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

5. CULLOMPTON HSHAZ - HIGHER BULLRING PUBLIC REALM ENHANCEMENT (00-16-05)

The Cabinet had before it a *report of the Director of Place requesting approval of the Cullompton Higher Bullring public realm enhancement concept design for public consultation, and to handover to Devon County Council for design development and implementation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report providing some background information on the award of funding for the scheme and the stage 1 public consultation process that had already taken place, the conclusion of which had demonstrated strong support for the public realm enhancements around the Higher Bullring with 89% stating that this area needed improvement. Consultants had been appointed and had developed a concept design focused on the Higher Bullring area alongside Historic England and highway officers from Devon County Council, which could be delivered in advance of the relief road. He added that the key considerations in the course of the design included the War Memorial, the street trees, the bus stop, facilitation of loading and unloading and the parking in the area.

The Member informed the meeting that the proposal had set out the creation of an enhanced, expanded and decluttered public realm focused around a new square framing the War Memorial and providing a central focus. He stated that if the recommendations were approved it would mark another important milestone for Cullompton and would demonstrate the Council's continued commitment to delivering significant improvements for the town and its residents.

In response to questions raised in public question time, the Cabinet Member stated that with regard to the consultation:

Recommendation 1 – this was to approve the concept design for public consultation.

Recommendation 2- this was to delegate authority to the Director of Place (in consultation with the Cabinet Member for Planning and Economic Regeneration) to finalise the material and arrangements for public consultation.

Recommendation 3 – this was to instruct DCC to take forward the project through to implementation which would ensure timely delivery of their detailed design work and also ensured that they were fully instructed on the project. The project programme was, and always had been, very challenging given the limited funding window from Historic England. Achieving the sign-off here to instruct DCC saved valuable programme time and made delivery within the funding period possible.

Recommendation 4 – this was to delegate authority to the Director of Place (in consultation with the Cabinet Member for Planning and Economic Regeneration) to work with DCC to build in the views and public consultation responses into the design.

The consultation would be meaningful, but the challenging project programme and the limited available window of project funding was a key consideration which had to also be balanced.

The consultation would focus, where it could add maximum value allowing for programme constraints. Officers from MDDC and DCC would work hard to ensure that consultation findings were incorporated into the final detailed design wherever practicable.

With regard to the question about a parking bay for emergency vehicles, he stated that no disabled parking spaces from the eastern side of the Higher Bullring would be removed, with four disabled spaces shown on the concept design as was currently the case. The spaces had been rearranged slightly to reflect the minor relocation of the existing pedestrian island, which needed to be moved very slightly to continue to allow adequate vehicle turning movements.

In terms of the provision of emergency vehicle parking, it was understood that adequate provision was considered to currently exist for this. This would also form part of the DCC consultation into the Traffic Orders, whereby emergency services would be consulted as part of this process and findings from this would be considered appropriately.

Referring to the bus bay being removed, the Member stated that through the course of their work the project team had sought to ensure that existing traffic flows and vehicle movements were maintained. Sufficient road widths existed to enable vehicles to pass, including when buses were using the layby. DCC had been involved in this design work and were comfortable at this stage that the plans showed sufficient space for passing and the movement of traffic.

With regard to the installation of cameras during the consultation period: Traffic data was available from the Relief Road planning application, and this had been considered by the project team in the development of the proposals, along with consideration of the type of vehicles using the High Street. DCC had stated that contemporary traffic data would be gathered at an appropriate time during the detailed design phase to ensure that the project benefits from up to date and accurate data.

With regard to whether the traders had been involved in the initial consultation, the Cabinet Member stated that the project team had hosted a Town Centre Business Open Evening. All businesses in the town centre were invited to this, with flyers delivered and a press release issued.

Consultants at this event presented the public realm enhancement project, and were able to seek feedback from businesses attending on the developing ideas.

A total of 8 town centre businesses attended this session. Overall feedback from the event was generally in agreement with the emerging themes presented, including support for a de-cluttered streetscape, high quality materials and more space around the War Memorial.

In terms of parking provision, survey work and analysis by the project team had concluded that sufficient parking existed elsewhere in the town centre to accommodate the removal of the ten spaces.

With regard to the relief road and the impact of development to the west on the local infrastructure, he stated that the project was following a tight programme, with construction anticipated from spring 2023 for around 6 months. This may mean that it would proceed ahead of any confirmed start date for the Relief Road. The overarching project concluded in March 2024 when the funding window closed, and so it was important to start as soon as feasible. The concept design had been developed, in consultation with DCC, in such a way that it could be delivered as a standalone phase in advance of the Relief Road opening, while also allowing a planned and phased approach to future enhancement works should circumstances allow. Officers from MDDC would continue to work with DCC to ensure that disruption to Cullompton was minimised in the delivery of this and other infrastructure projects around the town.

With regard to the access for traders to the Higher Bullring, the Cabinet Member was able to report that the design had been created so that the traders could drive onto and off of the area.

Consideration was given to:

- The traffic issues within the town to include any closure of the motorway
- The timing of the creation of the relief road
- Parking issues in the town and the impact of the scheme on shop keepers and pedestrians; 10 parking spaces would be removed to deliver quality space in the area
- Whether the responses from the second consultation should return to Cabinet for further consideration and how this would impact on the timescales for the scheme

- Presentations that had been received by the Town Council who were broadly supportive of the scheme and who had raised some points of discussion regarding detail that could be picked up during the Stage 2 consultation such as planting
- Air quality in the town and whether the scheme would improve those issues
- Officers agreed to consider further the space for ambulance parking near to Clark's Court

RESOLVED that:

- i) The concept public realm enhancement design (developed as part of the High Street Heritage Action Zone project) for the Higher Bullring area of Cullompton, as set out in Appendix 3, be approved for public consultation;
- ii) Delegated authority be given to the Director of Place (in consultation with the Portfolio holder for Planning and Economic Regeneration) to finalise the material and arrangements for public consultation;
- iii) Approval is given to instruct Devon County Council to take forward the project through to implementation, to facilitate timely delivery of their design development work, informed by the concept design, and;
- iv) Delegated authority is given to the Director of Place (in consultation with the Portfolio holder for Planning and Economic Regeneration) to work with Devon County Council to incorporate views resulting from public consultation (to relate to layout and design of street furniture such as benches, planters and cycle parking), where possible.

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

Reason for the decision: there is a need for the scheme to be approved for a further public consultation process.

Note: *Report previously circulated copy attached to minutes.

6. **NORTH WEST CULLOMPTON MASTERPLAN (00-57-56)**

The Cabinet had before it a *report of the Director of Place seeking approval for public consultation on the draft updated NW Cullompton Masterplan SPD.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report referring to Policy CU1 of the Mid Devon Local Plan which allocated 100 hectares of land at North West Cullompton for 1350 homes, infrastructure and community facilities. The initial SPD had been adopted in 2016 but was now considered to be out of date with 3 additional land parcels being allocated in the new Local Plan. He informed the meeting that 3 planning permissions had been granted on the land totalling 600 homes. Feedback from the consultation would help shape the final version of the Masterplan SPD which when adopted would support the local plan and guide development of the proposed allocation.

Consideration was given to the views of one of the local Ward Members with regard to the Cullompton Neighbourhood Plan, Policy CU1 of the Local Plan and the CCA management plan with regard to the transport infrastructure, the number of houses to be occupied before the spine road was established and the impact of construction traffic accessing the site via Tiverton Road. It was felt that the views of local residents were being ignored.

Officers provided a response stating that 3 applications had already been approved; Policies CU1-CU6 of the Local Plan required the spine road to be available before the occupation of 500 dwellings, planning permission had already been granted for 600 dwellings. The S106 agreement for the Persimmon parcel (one sector of the spine road) had a trigger of 100 dwellings with the Barratt/David Wilson Homes agreement stating that the remainder of the spine road to be completed before the occupation of 100 dwellings. Construction traffic would initially have to travel via Tiverton Road until the trigger had been met, and a Construction Management Plan submitted with the planning applications would be consulted on to manage the traffic impacts.

It was therefore: **RESOLVED** that:

- i) That the document at Appendix 1 is approved for public consultation.
- ii) That delegated authority be given to the Director of Place in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the consultation material.

(Proposed by Cllr R J Chesterton and seconded by Cllr B A Moore)

Reason for the decision: the existing adopted masterplan is out of date, there is a need for a new masterplan to be approved for public consultation.

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

7. UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (1-19-42)

The Cabinet Member for Continuous Improvement informed the meeting that she continued to work with officers to drive continuous improvement highlighting the number of open cases and the number of cases closed.

She outlined the amount of work that had taken place with regard to planning enforcement, which had brought forward several retrospective planning applications to legalise development and that some income had been gained from this. She also outlined work taking place with regard to vehicle and parking enforcement, voids, complaints and fly tipping.

Discussion took place with regard to staffing issues within the Planning Department and particularly within the enforcement team.

8. **NOTIFICATION OF KEY DECISIONS (1-36-41)**

The Cabinet had before it and noted its rolling *plan for June 2022 containing future key decisions.

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

(The meeting ended at 11.39 am)

CHAIRMAN

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COMMUNITY POLICY DEVELOPMENT GROUP

7 JUNE 2022

UNAUTHORISED ENCAMPMENT POLICY- THREE YEARLY REVIEW

Cabinet Member(s): Cllr Stuart Penny - Cabinet Member for Housing & Property Services

Responsible Officer: Andrew Busby - Corporate Manager for Property, Leisure & Climate Change

Reason for Report: To receive a report on the three yearly review on the Unauthorised Encampment Policy on land in the ownership of Mid Devon District Council, including guidance for encampments on land in the ownership of Devon County Council.

Recommendation: To recommend to Cabinet that the updated corporate policy and procedure for managing and enforcing unauthorised encampments as detailed on Annex A is adopted and implemented by the Council.

Financial Implications: There is no existing budget for responding to unauthorised encampments, any costs associated with managing such encampments shall continue to be absorbed by the General Fund and reported to Members via the Asset Directorate.

Budget and Policy Framework: There is no existing budget for responding to unauthorised encampments, any costs associated with managing such encampments is absorbed by the Asset Directorate and reported to Members accordingly. The original policy was adopted in February 2019.

Legal Implications: The policy includes legal provisions the Council may adopt to remove unauthorised encampments from Council land.

Risk Assessment: Reputational risks to the Council if it does not deal with unauthorised encampments in a consistent way and in line with relevant legislation, risk that we fail in our duty of care to provide appropriate welfare support to members of the Gypsy, Roma & Traveller (GRT) community, risk of potential conflicts with local residential communities and risk of damage to land and property.

Equality Impact Assessment: People with the protected characteristic of race, specifically Romany gypsies and Scottish and Irish travellers are likely to be impacted by this policy and procedure. The policy seeks to balance their rights with the needs of the Council and the wider community. Through the use of this policy outcomes for these groups should improve more generally through the use of welfare assessments. In addition, the identification of clear officer roles and responsibilities should enable a quicker and more consistent response and reduce the risk of tension between gypsies and travellers and the settled community. Regard will be given to the public sector equality duty in each unauthorised encampment.

Relationship to Corporate Plan: Community -Seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon.

Impact on Climate Change: The recommendations within this report does not affect Climate Change.

1.0 Introduction

- 1.1 This report seeks Cabinet approval for the adoption of the updated corporate policy and procedure for responding to and enforcing on unauthorised encampments on land owned by Mid Devon District Council. Where the land is not owned by the Council the relevant landowner (where known) shall be notified and general advice provided as required.
- 1.2 Having a clear policy and procedure for responding to unauthorised encampments will ensure that the Council adopts a consistent and proportionate response. It shall also ensure that the Council acts lawfully and that the needs of the Council and those of the community are balanced with the rights of the individuals concerned.
- 1.3 Unauthorised encampments could occur on Council land for a variety of reasons. The removal of unauthorised encampments can be costly for the Council to deal with, both in terms of staffing resources and in terms of potential clean-up costs.
- 1.4 Annex B demonstrates how this procedure is implemented via a flow chart.
- 1.5 For ease of reference Annex C lists the five key action stages within the procedure.
- 1.6 Unauthorised encampments could occur on Council land for a variety of reasons. The removal of unauthorised encampments would be costly for the Council to deal with, both in terms of staffing resources and potential clean-up costs.
- 1.7 The Council has taken action on four unauthorised encampments over the past three years. The total cost of external enforcement action for the four encampments is circa £3k.

2.0 Assessment

- 2.1 A policy is required to be in place to ensure that:
 - Officers, Members and the Community more generally have clarity in terms of the actions that the Council can take and under what circumstances.
 - Action to tackle unauthorised encampments is undertaken promptly and effectively.

- The Council adopts a proportionate and justified response to tackling unauthorised encampments and avoids the cost of unnecessary or legal action to gain possession of illegally occupied land.
- The Council engages effectively with key stakeholders, particularly Ward Members, residents and the Police.
- The need to take possession action promptly is balanced with the rights (and potential welfare needs) of the individuals concerned.

3.0 Consultation 2019

- 3.1 In 2019 Officers considered this proposed policy within the context of the Government publications. Dealing with illegal and Unauthorised encampments A Summary of Available Powers (2015)” together with the Association of Chief Police Officers Guidance on Unauthorised Encampments 2011. This Procedure has been updated with reference being made to the National Police Chief’s Council Operational Guidance on Unauthorised Encampments published in June 2020.
- 3.2 This procedure had been consulted on with key stakeholders including all Town and Parish Councils within the District including Devon County Council.
- 3.3 Legal services had also reviewed the procedure, as agreed at the Community Policy Development Group meeting held on the 18th September 2018.
- 3.4 Legal services have reviewed the policy again and have updated the Equality Act, sections 77-78, Powers used by the Police and updated Police guidance. Contact telephone numbers have also been checked and updated accordingly. The flow chart (Annex B) has been updated to replace Group Managers with Corporate Management Team (CMT).

4.0 Annex A

- 4.1 A copy of the proposed policy/procedure can be referred to on Annex A.
- 4.2 The proposed policy contains the following key points:-
 - Nominated Officers have now been identified and will now take the lead in dealing with unauthorised encampments on Council land.
 - All unauthorised encampments shall be moved on as quickly as is practicably possible.
 - In all cases a proportionate approach shall be taken with respect of the use of legal proceedings to secure possession. In order to avoid unnecessary legal costs or abortive proceedings a negotiated solution would generally be sought prior to the commencement of any legal action.
 - The period given prior to the commencement of eviction proceedings will generally be 48 hours (Monday to Friday); however, this period may be extended

depending on the location, and the impact of the encampment, the circumstances and the stated intentions of the trespassers themselves.

- Where an encampment presents an immediate health and safety risk to either the public or the trespassers themselves immediate possession shall be sought.

- In the majority of other cases, for example in relation to unauthorised encampments on public open space located within a residential area, parkland or car parks, possession action would generally be commenced by the Council within 48 hours (Monday to Friday).

- In other instances, where for example the location of the unauthorised encampment has a relatively low impact or where the circumstances of the trespassers themselves require flexibility, then at the discretion of the Deputy Chief Executive (S151) a grace period” maybe given before possession action is taken.

- As part of its procedures, the Council will seek to identify and appropriately meet any relevant welfare needs through a standardised ‘welfare assessment’. This welfare assessment is required both to help inform the Council’s decision regarding the use of enforcement powers and where required to signpost to other relevant agencies

5.0 Legal position

5.1 Generally the most appropriate power in relation to unauthorised encampments is Sections 61, 62, 77 and 78 of the Criminal Justice and Public Order Act 1994.

Sections 77 and 78 of that Act gives Local Authorities the power to give a direction to leave land to people residing in vehicles, including caravans, on land on which they are residing without the Council’s consent. Failure to comply with such a direction means the Council can apply to the magistrate’s court for an order requiring the removal of the vehicles and occupants.

In addition, under certain circumstances, the Police have a discretionary power to take action in accordance with Sections 61 and 62 of the same Act. This gives the Police powers to direct trespassers to leave and remove any property or vehicles where the landowners has given a direction for the trespassers to leave and they have failed to do so. Trespassers must also have either: -

- damaged land or property; or
- used threatening, abusive or insulting words or behaviour or have six or more vehicles.

5.2 Under these sections of the Act, failure to comply with the direction by leaving the land as soon as is reasonably practicable is an offence however the Police response will take into account issues of behaviour and the impact on the relevant land owner and settled community, each case is considered on its own merits. The Police should follow the guidance in the National Police Chiefs’ Council’s Operational Advice on Unauthorised Encampments (which has replaced the ACPO Guidance referred to in 2018).

Attached to this report as Annex D is a publication from the government that makes it clear on the Police powers apply where there is a suitable pitch available on a caravan site elsewhere in a local authority area.

Decisions regarding the length of any verbal notice period or decisions to commence legal action to move trespassers on shall be made by the Deputy Chief Executive (S151), delegated to the relevant officer and considered in the context of the findings from the site inspection and the outcomes of the welfare needs assessment.

- 5.3 Where trespassers do not move on at the end of any given verbal notice period the Council will take appropriate action including the use of private bailiffs to repossess its land.
- 5.4 It is acknowledged that any unauthorised encampment would generate numerous enquiries from the public, directed both towards the Council's Call Centre and local Ward Members. To mitigate against this it will be the responsibility of the nominated officer to keep both local Ward Members and Customer First updated regarding the actions being taken to manage the situation.
- 5.5 In order to support the wider communications attached to this issue a communications plan has been produced.
- 5.6 The policy covers instances of unauthorised encampments on Council owned land however many encampments occur on land that is not owned by the Council. In these instances, the Council shall advise the relevant landowner and provide advice and assistance as required. It is the responsibility of that landowner to take any action they deem to be necessary to recover possession of their land.

6.0 Financial Issues

- 6.1 There is no existing budget for responding to unauthorised encampments, any costs associated with managing such encampments is absorbed by the Asset Directorate and reported to Members accordingly.

7.0 Designated Pitches

- 7.1 As part of the Fairfax Heath, Tiverton development (application 21/00128/MFUL) and the S106 agreement, there is a requirement on the developer to provide three Gypsy and Traveller pitches to be provided prior to the occupation of the two hundredth and ninety forth (294) open market dwelling within the wider site of (application 13/01616/MOUT). The Council's planning application for 70 Council homes on the Braid Park development will trigger that requirement.
- 7.2 The timescale of the above will be subject to the planning application being approved for the 70 Council homes and estimated to be with the next 18 months.

7.3 The provision of the three pitches should assist with the number of unauthorised encampments.

8.0 Conclusion

8.1 Having a clear policy and procedure for responding to and enforcing on unauthorised encampments will help ensure that the Council adopts a consistent and proportionate response. It shall also ensure that the Council acts lawfully and that the needs of the Council and community are balanced with the rights of the individuals concerned. It is therefore recommended that the updated policy (Annex A) is adopted and implemented.

Contact for more Information: Andrew Busby Corporate Manager for Property, Leisure and Climate Change. Tel 01884 255255, E-Mail abusby@middevon.gov.uk .

Circulation of the Report: Cabinet Member seen and approved [yes/no – name of Cabinet Member], Cabinet, Leadership Team seen and approved [yes/no]

List of Background Papers: Cabinet Procedure for Managing and Enforcing Unauthorised Encampments 7 February 2019



Mid Devon District Council

Procedure for Managing and Enforcing Unauthorised Encampments

Date of Policy: May/June 2022

Review Date: May/June 2025

Contents

Aim

Background

Enforcement Powers available

Other issues arising as a result of unauthorised encampments

The Local Authority's Procedure:

- (a) Stage 1 – Identification of Land Ownership
- (b) Stage 2 – Action by Local Authority – Welfare
- (c) Stage 3 – Action by Local Authority – Decision Making
- (d) Stage 4 – Action by Local Authority – Enforcement
- (e) Stage 5 – Action by Local Authority – Site Clean-up

Preventing further unauthorised encamping.

The Mid Devon District Council (the Council) will manage unauthorised encampments on land in the Mid Devon District in accordance with the procedures set out in this document. The Council will:

- Have regard to legal requirements, including those placed under the Human Rights Act 1998, the Equality Act 2010, the Children Act 2004, Education Act 1996, Housing Act 2004, the Civil Procedure Rules, Criminal Justice and Public Order Act 1994, Anti-Social Behaviour, Crime and Policing Act 2014, the Police, Crime, Sentencing and Courts Act 2022, planning legislation and national planning policy and any relevant case law.
- Take actions as necessary, following the five stages set out in the Procedure.
- Keep relevant agencies/ departments, any individual persons or groups making unauthorised encampment, elected members and members of the settled community informed of action taken in relation to the unauthorised encampment.
- Monitor the implementation of the Procedure and keep this under review.
- Work collaboratively with other Local Authorities in Devon and Somerset towards a common strategic approach to managing unauthorised encampments.

Aim

This Procedure has been developed in order:

- To put forward the Council's position in relation to unauthorised encampments within the District.
- To clarify working arrangements surrounding unauthorised encampments including the role of the Authorities included.
- To increase awareness of the responsibilities and constraints upon the powers of the Authorities.
- To ensure that unauthorised encampments are addressed swiftly and effectively.
- To prevent further unauthorised encampment within the District.
- To ensure that welfare issues arising as a result of unauthorised encampments are dealt with appropriately.
- To ensure that the correct method of enforcement is used in order to make enforcement action quicker and more cost effective.

- To be able to plan ahead to control problems and to avoid the need to deal with unauthorised encampments on a crisis basis.
- To ensure that the needs and legitimate expectations of landowners and the settled community are considered.
- To put a framework in place within which clear, consistent and appropriate decisions can be made on unauthorised encampments with minimum disruption, whilst recognising the requirements to balance the needs of a range of interested parties.
- To ensure that the Procedure reflects the human rights of both the settled community and the Gypsy, Roma and Traveller (GRT) communities and to comply with equality and race relations legislation as set out in the background to this Procedure.
- To prevent anti-social behavior and to take effective enforcement action against any perpetrators.

This Procedure has been drawn up taking into account guidance provided by the Government in Dealing with unauthorised encampments: A summary of available powers published in March 2015 by the Department for Communities and Local Government. Reference has also been made to the -National Police Chief's Council Operational Guidance on Unauthorised Encampments published in June 2020.

It is recognised that this a sensitive subject and that it is important that everyone be treated with respect, giving consideration to the variety of ethnic and racial origins, different lifestyles, needs and welfare issues. It also recognises the rights of the settled community within the District.

Decisions to evict or not must be balanced and must be compliant with the terms of the Human Rights Act and Equality Act demonstrating legality, necessity and proportionality together with the principles of common humanity.

The Council will consult and work in partnership with all agencies. Each unauthorised encampment will be looked at on its own merits.

This Procedure will be reviewed annually and monitored by the Corporate Manager for Property, Leisure and Climate Change, to ensure that it is useful in practice when dealing with unauthorised encampments and also to ensure that any legislative changes are incorporated.

Upon review if the Procedure is not working effectively changes will be made in order to address any issues.

Background

There is no specific legislative duty placed on Local Authorities to deal with unauthorised encampments. The powers available are optional and varied and are set out in detail at pages 9 to 13 of this guidance.

There are however various matters that must be taken into account when managing unauthorised encampments.

Equality Act 2010

The Equality Act makes it unlawful to treat someone less favorably because of a range of protected characteristics. These protected characteristics include race, nationality or ethnic or natural origins.

Race is a protected characteristic.

Romany Gypsies, Scottish Travellers and Irish Travellers have all been declared by the Courts to be protected as “races” under the Equality Act.

Roma are also an “ethnic group” and therefore protected as a “race” under the Equality Act.

The following of a nomadic lifestyle is lawful and is a culture recognised and protected through legislation.

Policies for managing illegal and unauthorised camping are likely to affect the GRT Community significantly.

When evicting and enforcing Local Authorities must act in a way which complies with their duties under the Equality Act.

The Equality Act enacts a single general public sector equality duty (PSED) under section 149, which applies to public authorities exercising public functions.

All relevant officers of the Council have received training in considering the PSED

In deciding to evict persons with a relevant “protected characteristic” the PSED will be engaged and the decision maker must comply with the PSED and must evidence this in writing.

Human Rights

The Human Rights Act 1998 contains the Articles and Protocols of the European Convention on Human Rights that are deemed to apply into UK legislation. It is unlawful for public authorities to act in a way that is

incompatible with the Convention (section 6 of the Human Rights Act).

The main relevant rights that the Council must consider when dealing with members of an unauthorised encampment are as follows:

Article 8 of the European Convention on Human Rights - Right to respect for private and family life. This says

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

Case law has established that, while neither eviction action against trespassers nor planning enforcement is incompatible with the Human Rights Act, either could potentially breach Article 8 rights if not properly used. Local Authorities, and other public bodies covered by the Human Rights Act, must be able to demonstrate that all eviction and enforcement decisions are 'proportionate' in weighing individual harm (in the loss of 'home' for the GRT community) against the wider public interest.

Case law also says consideration needs to be given the best interests of children. Children are protected by art.3(1) of the United Nations Convention on the Rights of the Child which states that: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. "

In *ZH (Tanzania) V Secretary of State Secretary of State for the Home Department* [2011] UKSC 4; [2011] 2 A.C. 166 Baroness Hale referred to the UN Guidelines which explain that "best interests" are not just about health and education and she stated that when considering Article 8 of the European Convention of Human Rights in any case in which the rights of a child are involved, the best interests of the child must be "a primary consideration".

Accordingly the best interests of any child must be kept at the forefront of the decision-maker's mind as he or she examines all relevant considerations and when considering any decision that might be taken, he or she must assess whether the adverse impact of such a decision on the interests of the child is proportionate.

Potential challenge under the Human Rights Act means that all decision-making must be fully recorded and evidenced to withstand scrutiny. It should be noted that it is possible to rely upon an alleged breach of Article 8 as a

defence to a claim for possession brought by a public body against members of the GRT community or as a ground for seeking judicial review of a decision to evict.

First Protocol, Article 1 - Protection of property. This says

“Every natural and legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

This Article might be seen as protecting the settled community's right to quiet enjoyment of their possessions, which might be threatened by nuisance, noise or anti-social behavior from a problematic unauthorized encampment. This should be one of the considerations to be borne in mind by Local Authorities and the Police when considering eviction action. To date there is no relevant case law in relation to this Article specifically in relation to the GRT community.

First Protocol, Article 2 - Right to education. This says

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

Education of GRT children is often raised in cases dealing with eviction proceedings, and particularly with planning enforcement actions against unauthorized development. In such cases the question resolves itself to one of balance between the individual harm to GRT children's' educational needs and the public interest harm in allowing unauthorised development to persist. To date there is no specific case law on arguments relying on this Article in this context.

Article 14 - Prohibition of discrimination. This says

“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property birth or other status.”

While Article 14 rights are potentially engaged in any action concerning the

GRT community (as ethnic groups and national minorities), the Article can only be successfully argued if another Article is found to be breached. Where a claim under any Article is rejected, it follows that any claim under Article 14 also falls.

Section 11 of the Children Act 2004

Section 11 of the Children Act 2004 requires that Local Authorities must “make arrangements for ensuring” that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

Welfare Checks/Service Provision for the GRT community:

The GRT community are entitled to access health, housing, education and welfare services in the same way as members of the settled community.

There is specific recognition to the needs of GRT children in accessing education under the provisions of the Education Act 1996.

Housing/Site Provision

The Housing Act 2004 placed a duty on Local Authorities to develop and implement strategies to address the needs of GRT communities.

Enforcement Powers Available for Dealing with unauthorised Encampments:

There are various powers available to the Local Authority when dealing with enforcement of unauthorised encampments. They are detailed as follows:

1. Common Law Powers (Tort of Trespass) – Used by Private Landowners:

All private landowners can use their common law powers to recover land. This allows the person in possession of the land to evict an individual from their land, to seek damages from that individual and may also seek an injunction to prevent the trespass from reoccurring.

If the trespasser has entered the land peaceably they are entitled to a request to leave the land prior to being forcibly removed. If however a trespasser has entered the land with force and violence they can be removed without a request to leave having been given.

The eviction of the trespasser can be made by the landowner or a private bailiff who can use no more than reasonable force to remove the trespasser. Use of excessive force could give rise to a claim against the landowner by the trespasser.

Where a landowner is considering using this power they should inform the Police in order that the Police can be present to prevent any breach of the peace that might occur. If the Police advise that they feel it is inappropriate to attempt eviction, eviction should be delayed until such time that the police believe it is safe.

A Local Authority should not use common law powers, unless there is exceptional justification for doing so and, for example, the police are unable to use their powers under s61 of the Criminal Justice and Public Order Act 1994. Government guidance states that Local Authorities should not take enforcement action, w h i c h does not make reference to the court. There is no reference to the court under common law rules and there are similar statutory provisions in Part 55 of the Civil Procedure Rules which should be used as an alternative action against trespass.

2. Part 55 Civil Procedure Rules – Used by Private Landowner or Local Authorities:

Part 55 of the Civil Procedure Rules allow any landowner to regain possession of their land.

The first step is for the landowner to ask the trespasser to leave the land. If they refuse to do so or ask to be allowed to remain on the land for a period that the landowner feels, unacceptable the landowner can then begin action against the unauthorised campers through the County Court.

If the eviction is required urgently, the court should be put on notice as soon as possible. The relevant documentation is completed and submitted to the court manager along with any relevant evidence. A hearing date will then be arranged.

The court will then provide the landowner with a Notice of Hearing to serve on the unauthorised campers. If it is not possible to identify any individuals, the Notice can be issued to “persons unknown”. The Court rules state that the unauthorised campers must be given two clear days’ notice of the hearing.

At the hearing, evidence will be put before the judge and the judge will have to be satisfied that the unauthorised campers have been dealt with appropriately before granting a possession order. The order will then be served on the unauthorised campers.

In most cases, the unauthorised campers will leave the site within 24 hours of the order for possession being served upon them. If they fail to do so then it will be necessary to apply to the Court for a warrant for possession of land. The Council will then work with the County Court Bailiff who will carry out the eviction.

After the eviction has taken place, the landowner should sign a warrant of

possession to acknowledge that the land has been regained.

This is the usual course of action taken by the Council because:

- Occupants of unauthorised encampment change frequently. It is more effective to use this provision, which relates to the land itself rather than the power available under section 77 Criminal Justice and Public Order Act 1994 (CJPOA 1994) (see below) which requires individuals or vehicles on the encampment to be identified.
- A Judge can affirm the decision to evict based on the available evidence.
- It is a relatively quick procedure. Although the process will take, longer if a warrant proves necessary.

3. Sections 77 - 78 Criminal Justice and Public Order Act 1994 – Used by Local Authorities:

Where people are residing in vehicles (including caravans) on land section 77 of the CJPOA 1994 gives Local Authorities the power to direct individuals to leave the land and to remove their vehicles and belongings from land. This power applies only to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the occupier.

*“Occupier” means the person entitled to possession of the land by virtue of an estate or interest held by him. Initially a direction will be drawn up by the Council which instructs the unauthorised campers to leave by a particular date and time. The direction should identify either individuals or vehicles on the unauthorised encampment.

The direction should then be served by handing it to one of the individuals or by being affixed prominently to one of the vehicles.

If the campers fail to move and/or remove any of their vehicles and other property by the specified date or return to the same location within three months they will be committing a criminal offence and a prosecution may be brought against them.

In practice, however it is probably more effective for Local Authorities to use the powers available under section 78 CJPOA 1994. This allows the Local Authority to advise the Magistrates Court that there has been a contravention of a direction under section 77 and if the court is satisfied, they may grant an Order for Removal of Persons and Vehicles.

Once granted the Order should be served on the unauthorised campers as

soon as possible. Twenty-four hours must elapse between the serving of the Order and any action to remove the unauthorised campers and their vehicles from the land. Officers or agents of the Local Authority may use reasonable force to evict. Police should be present during the removal to ensure that no breach of the peace takes place.

These powers are likely to be used by the Council where:

- The land is owned by the Council or any other landowner authorises the Council to use them.
- The owner of the land on which the encampment is situated cannot be identified and the land is not owned by the Council, the Council may use these powers regardless as to who owns the land.
- It is appropriate to evict some but not all of the unauthorised campers, for example where one of them is ill or heavily pregnant. Or alternatively, where certain members of the group are involved in anti- social behavior yet the rest of the group could be allowed for a period of time.
- The unauthorized campers involved keep returning to a specific location, as this provision prevents them from returning to that area for three months.

4. Powers used by the Police

Sections 61 - 62 CJPOA 1994 will be used by the Police where behaviour or conduct is considered to be inappropriate, or where the impact of an encampment on others is deemed unacceptable.

The Police are required to follow the operational advice issued by the National Police Chiefs' Council. Under section 61 CJPOA 1994 the Police can direct unauthorised campers to leave land without reference to the courts.

Section 62 A - E CJPOA 1994 - Where a pitch is available on a caravan site within the area that is managed by a Local Authority, social landlord or other person or body as specified by the Secretary of State, the CJPOA1994 allows the police to direct unauthorised campers to remove themselves and their vehicles and property from the land which they are on to the available caravan site.

If the unauthorised campers do not leave the land or return within a period of three months they will be committing an offence and the police may use powers under the CJPOA 1994 to arrest and detain them and/or to seize and remove vehicles on the land.

5. Anti-Social behaviour, Crime and Policing Act 2014:

This Act enables a Local Authority to make a Public Spaces Protection Order (PSPO) if it is satisfied on reasonable grounds that 2 conditions are met;

- a) The activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality; and it is likely that activities will be carried on in a public place within at area and that they will have such an effect.
- b) The effect or likely effect, of the activities is, or is likely to be of a persistent or continuing nature, such as to make the activities unreasonable and therefore justifies the restriction imposed by the notice.

In order to get a PSPO in place the behaviour/events would need to be of a persistent or continuing nature, a one-off encampment would not meet the criteria of persistent. The Council would need to go through a period of consultation with our Partners, the community and the Police & Crime Commissioner before being approved.

A PSPO identifies the public place and prohibits specified things being done to the restricted area and/or require specific things to be done by persons carrying on specified activities in the area. The PSPO will result in a fixed penalty notice (of up to £100) to an individual. Failure to pay may result in the Council deciding to take court action, which you mean up to a level 3 fine.

A PSPO may not have effect for more than 3 years and the Local Authority must consult with the Chief Officer of Police before issuing an Order. Failure to comply with the Order is an offence.

6. Police, Crime, Sentencing and Courts Act 2022

From 28 June 2022 this Act creates a criminal offence where a person who resides or intends to reside with a vehicle on land fails to leave the land or remove their property without reasonable excuse when asked to do so by the occupier of the land, their representative or a constable and they have caused, or are likely to cause, significant damage, disruption, or distress (including anti-social behaviour).

Other Issues arising in respect of unauthorised encampments:

Dealing with Anti-social/Criminal Behaviour on unauthorised encampments

As stated previously in this Procedure document encampments must adhere to a certain standard of behaviour while they are within the District. If a member or members of the unauthorised encampment engage in anti social/criminal activities, it will not be allowed.

It will be the decision of the nominated officer whether to exclude the individual responsible for the behaviour from the encampment or where the behaviour is more wide spread whether it is necessary to evict the whole encampment.

Dealing with any criminal behaviour by the unauthorised encampment will be the responsibility of the Police in accordance with their policies and procedures. Other enforcement agencies may become involved such as trading standards if the police detect a crime that is not within their remit. Reporting any such crimes to the relevant authority will be the responsibility of the Police. Where the Police feel that action is justified they will take appropriate action and will not be deterred from taking action against unauthorised campers on grounds of expediency.

Where anti-social behaviour issues arise both the Council and the Police will work together in considering the use of the anti-social behaviour escalation process that may result in warning letters and Acceptable Behaviour Contracts. If the behaviour continues and is persistent, the process would move onto the use of current legislation under the Anti-social Behaviour & Crime and Policing Act 2014 that includes Community Protection Notices, Civil Injunctions or Criminal Behaviour Orders. It may be possible to apply for some of these sanctions alongside the Council application to court for an order to remove unauthorised campers from the land.

Keeping People Informed throughout the process

Unauthorised encampments can be a sensitive issue within the District and it is therefore important to keep people informed. Communications and publicity arrangements are an important element when managing unauthorised encampments.

It is important to ensure that all agencies/departments, the GRT community, elected members and members of the settled community are kept informed about what is happening and what can be expected to happen with encampments within the District.

The Council has a Frequently asked Questions (FAQ) page on its website. This gives details of all unauthorised encampments of which the Council is aware. It is regularly updated. A copy of the FAQ can be found at Appendix T7.

The website also gives details of how to report any unauthorised encampment and contact numbers.

There is also information on the page for private landowners and contact numbers if they need advice or assistance.

The GRT community will be provided with a Code of Conduct that contains details on who to contact should they have any queries. The Council intends to be proactive in working with GRT community groups in Mid Devon and work towards positive outcomes and that this is articulated by the Council in its media articles

Most unauthorised encampments will be of concern to the settled community

and businesses within the area. The Single Point of Contact for the Council (SPOC) will brief elected members for the area in which the encampment is situated in order that the members can pass information onto their constituents. In addition, contact email addresses should be taken from any complainants in order that they can be emailed directly by the SPOC where appropriate.

Where the encampment is large or high profile it may be necessary to regularly brief the local media in addition to taking the steps above. The SPOC will liaise with the Council's Media team to provide the regular updates in order to demonstrate that the authorities are taking a proactive approach.

The aim in providing such information is that by providing as much information as possible upfront and keeping people informed should keep the number of calls from complainants to a minimum. Also by being proactive, the scope for rumor and misinformation should be reduced. It will also provide opportunity to manage the information released and keep negative media coverage to a minimum in turn reducing inter-community tension.

The Local Authority's Procedure for dealing with unauthorised Encampments

The procedure comprises of five stages as follows:

- Stage 1 – Identification of Land Ownership
- Stage 2 – Action by the Council – Welfare
- Stage 3 – Action by the Council – Decision Making
- Stage 4 – Action by the Council – Enforcement Stage
- Stage 5 – Action by the Council – Site Clean-up

The Stages are simplified in a flowchart at Appendix T1 of this document.

STAGE 1 – IDENTIFICATION OF LAND OWNERSHIP

The relevant course of action will be determined depending on whether the land is privately owned land or land owned by the Council. Another factor which may need to be considered is what action should be taken where the land is owned by the GRT Community themselves. The SPOC will liaise with the appropriate departments to determine Land Ownership.

Privately owned land:

The Council will not take action to evict where there is an unauthorised encampment on privately owned land. It will be the responsibility of the landowner to arrange for evictions, where necessary with the support of the Police.

The Council will notify the landowner of the encampment where they are not already aware and will give advice on how to effectively manage the unauthorised encampment and the powers available to recover possession of

the land. In order to formulate a consistent approach to advice a handout to be issued to landowners is contained at Appendix T4.

If the landowner has given the encampment permission to use the land and the encampment are not causing disruption to the settled community the matter should be referred to the Council's Planning Department to look at taking enforcement action for an illegal development.

Where the landowner does not take action to recover the land or the landowner cannot be found and the encampment is causing serious disruption or a nuisance to the settled community action should be taken following the procedure for if the land was Council owned land. Initially by proceeding to Stage 2 of this Procedure.

Land owned by the GRT Community (Unauthorised Developments):

Where the GRT community (or anyone else) buy land and develop it as a caravan site without planning consent, any enforcement action must be taken through the planning system.

Enforcement in this regard will be a matter for the Council's Planning Department in accordance with their enforcement policy.

Local Authority Owned Land:

Where the land is identified as land which is owned by the Council then proceed to Stage 2.

Devon County Council Land:

Devon County Council (DCC) has overall management for the two Gypsy and Traveller Local Authority sites: Sowton and Broadclyst.

Sowton, which has been in existence for over 30 years, consists of 11 pitches, offering permanent residential accommodation.

Broadclyst consists of five permanent residential pitches and is slightly different in that the land is owned by The National trust.

Although there are a number of authorised private sites in Devon there is still a serious shortage of sites for the GRT community both here in the county and across the country as a whole. This has led to camping on land that the GRT community do not own (unauthorised encampments), and also a growing tendency to buy land and develop it without planning permission (unauthorised developments). At present, approximately one in five GRT caravans in England are on unauthorised sites. 90% of planning applications that GRTs submit fail, which often forces them back onto the road with no fixed abode.

When GRTs camp on land that they do not own, without the permission of the owner, they are trespassing. If a negotiated solution is not possible, then private landowners, Local Authorities and the police all have powers of enforcement to evict. However, a negotiated solution that avoids confrontation is often the most appropriate way of dealing with a situation.

Unauthorised encampments **on Devon County Land** fall into 2 main categories: those on land owned by Local Authorities (highways, schools, public parks and car-parks etc.), and those on privately owned land.

Residents on both sites pay rent and are responsible for paying council tax and utility costs.

The County Council's Gypsy Traveller Liaison Service (GTLS) is the first point of contact for responding to new unauthorised encampments (UEs) and monitoring Areas of Temporary Acceptance (ATAs) **on DCC land**. The details of any UE on DCC land should be referred to the GTLS as soon as possible.

Referrals to the GTLS are usually through:

- My Devon Customer Contact Centre
- The local County Councillor
- Devon County Council Highways department
- Another Public Sector organisation (3rd party notification).

Referrals may be made by anyone including members of the public, businesses, public service staff or Councillors.

Contact details for My Devon
Telephone 0845 155 1015.

Email customer@devon.gov.uk

SMS text 80011 (please start all messages with the word Devon)
Fax 0845 155 1003 Text phone 0845 155 1020

Write to Devon County Council, County Hall, Topsham Road Exeter EX2 4QD

STAGE 2 – ACTION BY THE COUNCIL – WELFARE

Property Services will be responsible for managing this stage of the Procedure and will monitor progress and report back to the nominated officer accordingly.

As soon as it is agreed that the Council will take action a representative from the Council will attend the site to carry out an initial welfare assessment to identify relevant welfare issues. This person will also distribute refuse sacks to be used by members of the encampment in order that the duties regarding refuse under the Code of Conduct can be adhered to. This person will have

regard to the Council's risk assessment. This person will then report back to the Property Services who will then contact the relevant person should any welfare issues have been identified.

If any welfare concerns are raised welfare, support will be provided by the following:

Table that lists the potential welfare issues and what support there is to assist

<u>Potential Issue</u>	<u>Support</u>
Education	Ethnic Minority Achievement Service
Homelessness	Strategic Housing Service
Health	Public Health – Health Protection & Civil Contingencies
Animal Welfare	RSPCA RSPCA
Child Care	Safe Guarding Procedure , MASH, DCC Care Direct
Adult Care	Safe Guarding Procedure , MASH, DCC Care Direct

Full contact details of the above services/agencies are at Appendix T5.

Where possible welfare support should be provided within 2 working days.

STAGE 3 – ACTION BY THE COUNCIL – DECISION MAKING

A decision will be made by the Corporate Manager for Property, Leisure and Climate Change on the best course of action. The decision will be recorded.

If serious or urgent welfare issues need addressing the removal of the encampment should be delayed where possible unless the site is particularly hazardous or sensitive, in which case the unauthorised campers should be asked to relocate to a more appropriate location in the vicinity.

Where there are serious or urgent welfare issues the Deputy Chief Executive (S151), in discussion with Elected Members will need to make a decision on whether to enforce or allow the campers to stay until the welfare issues are resolved. This decision will be based on a number of factors including; type of land, number of campers, behaviour of campers and the effect that the encampment is having on the settled community within the vicinity of the site.

Before making a decision to evict the decision maker must:-

- Consider the relevant human rights of the persons involved. Public bodies must take account of the relevant human rights when deciding whether or not to evict persons from an unauthorised encampment and must act proportionately.
- Consider and ensure the Council complies with other relevant public duties such as the Public Sector Equality Duty or the duty under section 11 of the Children Act 2004

Generally the following also should be considered:

The decision to evict and the full reasons for it should be recorded including considerations of human rights and the other public duties (Public Sector Equality duty and the duty under s.11 of the Children Act 2004). Such a written decision will be particularly helpful if the decision comes under judicial scrutiny.

Where an encampment cannot be allowed to remain eviction action may have to be taken.

There are various methods of enforcement action available to remove unauthorised campers. Although many encampments can be dealt with through negotiation, there will be times when eviction is the only option. The Government believes that Local Authorities should always follow a route which requires a court order and this should be taken into consideration by the Authorities when making any decisions. Different cases will require different courses of action and when making its decision the Council should take into account the factors. In the majority of cases the Council will use the services of the external service.

STAGE 4 – ACTION BY THE COUNCIL - ENFORCEMENT

Once the decision to evict has taken place the procedure taken to secure eviction will differ depending on the decided course of action.

The most likely course of action to be taken by the Council will be by private Bailiffs or through the County Court.

Step by step approach – Civil Procedure Rule 55 County Court:

NOTE: These steps will only be taken once the Council has carried out its initial welfare assessments and a member of the Leadership team has approved this course of action.

- Legal Services will draw up the relevant documentation which includes a witness statement detailing the action taken by a Member of the Property Services team.
- Legal Services will attend Court, usually accompanied by the Enforcement Officer to issue the papers and obtain a hearing date.
- The Corporate Manager for Property, Leisure and Climate Change will arrange for the service of the Notice of Hearing and accompanying documentation.
- If the unauthorised campers fail to leave, the site Legal Services will attend Court with the Enforcement Officer to obtain an order for possession.
- A Member of the Property Services team will serve the order for possession and keep the necessary stakeholders informed.
- If the unauthorised campers fail to leave the site, Legal Services will apply for a warrant for possession of land.
- A member of the Property Services Team will work with the County Court/ private Bailiffs who will carry out the eviction.

STAGE 5 – ACTION BY THE COUNCIL – SITE CLEANUP

Although the Council provides unauthorised encampments with refuse sacks and arranges collection there will still be some circumstances where cleaning up will be required.

The Street Scene service should be notified by the Enforcement Officer as soon as the unauthorised encampment has left the site.

The Council will then attend as soon as reasonably practicable.

Preventing further unauthorised encamping

Injunctions– may be used to prevent unauthorised persons from returning to an area where they have caused problems in the past or are taking up unauthorised camping throughout the District.

Site protection measures – could be further considered in locations where they are vulnerable to unauthorised encamping. Some measures are listed below that is not an exhaustive list:

- a. Substantive steel gate with anti-tamper locks
- b. Substantial height barriers
- c. Width restrictions (that allow cars to pass but not caravans) installed with substantial posts or large concrete blocks/ boulders
- d. Fencing/ ditching
- e. Closing off seldom used accesses – under Highways Act if there are more commodious routes available.
- f. CCTV surveillance to be installed on particularly vulnerable sites and or officer patrols to be carried out in the local authority area to ensure sites are secure and any follow up steps to make sites secure is undertaken.

Referral to the Police – where trespass has taken place upon Council owned land and security fencing/ locks/ any type of security measure has been breached by way of removal or cutting should be referred to the Police who will make a decision whether to further investigate a crime based upon, and balancing, the following principles:

- Being victim focussed.
- Protecting the public.

Appendices:

Appendix A –	Flowchart Appendix
Appendix T2 –	Time Chart
Appendix T3 –	Handout advice
Appendix T4 –	Code of Conduct for persons on an unauthorised encampment
Appendix T5 –	Contact List
Appendix T6 –	Definitions
Appendix T7 –	Frequently Asked Questions
Appendix T8 –	Communications strategy

Form T1 – Flow Chart: Attached as Annex A

T2 – Time Chart

1. Identification of Land Ownership will be undertaken immediately following notification and/ or complaint of unauthorised encampment to the Council.
2. Where land is privately owned dialogue will ensue with private landowner and either the private landowner will take necessary action or discuss assistance required from the Council and arrangement agreed.
3. Where land owned by the Council the following time periods apply (response times may vary):
 - a. Day 1 – Health and welfare assessment to be undertaken and reported back to Public Health and Regulatory Service as to whether or not any reasons why unauthorised encampment to be allowed.
 - b. If no reason to allow unauthorised encampment the matter will be referred to the external service or proceedings will be commenced in the County Court.
 - c. Day 4 –
 - i. Hearing at County Court (if unauthorised persons still remain on land) for order of possession.
 - ii. Order then served upon unauthorised encampment giving 24 hours to leave the site. Or
 - iii. External service bailiffs evict.
 - d. Day 5 – If unauthorised persons remain on land, an application to be made for warrant for possession to the County Court.

Form T3 – Advice on unauthorised encampments on privately owned land:

Does the Council have a duty to move unauthorised campers when they are camped without the landowner's permission?

The Council has no specific legislative duty to move campers from land which is not Council owned. It is the responsibility of the landowner to do so.

If campers are on my land without permission what should I do?

There are powers available to private landowners under common law and under Part 55 of the Civil Procedure Rules to enable you to be able to remove the campers from your land. Advice should be sought from your own solicitor as to the best course of action. Landowners may also contact the Council's Legal Services on 01884 255255 for advice.

You should also contact the Council to put them on notice that there is an unauthorised encampment within the District. Please use the Council's website or telephone 01884 255255.

What could I do to deter campers from camping on my land?

There are a number of preventative measures to prevent campers from gaining access to your land as follows:

- Make earth barriers.
- Plough the land so that vehicles sink in.
- Reduce access width and/or headroom with the use of barriers.
- Place locked gates across the entrance.

You may need to consult your solicitors or insurers prior to making such changes.

Do the police have a duty to help private landowners in the eviction process?

The Police have a duty to preserve peace and prevent crime. This applies to the community as a whole including unauthorised campers. Trespass on land alone is therefore not a matter for the police.

You should however inform the Police that the encampment has arrived within the District in order that they are aware. Also if the campers have caused damage to your property or have used threatening or abusive behaviour towards you, a member of your family or an employee or agent the Police may be able to assist under section 61 Criminal Justice and Public Order Act 1994.

There are certain factors that will need to be taken into consideration which can only be determined by a senior police officer. Each case will be considered on its own merits. The senior police officer must have regard to guidance issued by the National Police Chiefs' Council.

What should I do once I have a date for eviction?

You should notify the Police that you are to carry out an eviction in order that they can assess whether or not their attendance will be required to avoid any breach of the peace that may occur.

Useful Contacts/Sources of information:

Council Contact:	Planning Enforcement Team	01884 255255
	Legal Section	01884 255255

Police Contact:	Tel: 101
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REMEMBER – PROTECTION OF YOUR PROPERTY IS YOUR RESPONSIBILITY

Form T4 - Code of Conduct for persons on unauthorised campsites

To ensure those members of both the settled and GRT communities can live together in a peaceful and unprejudiced way we expect you to comply with this Code of Conduct. We expect you to treat the land you have occupied with respect, and that you respect the rights and freedoms of other people who also wish to use the area.

Behaviour that may result in your eviction from a site includes the following:

- Camping upon any land designated as a public amenity, such as parks, recreation areas, school fields and similar locations (not an exhaustive list).
- Interfering with the rights and freedoms of other members of the public, including interrupting the operation of legitimate businesses.
- Forcing entry to land, by causing damage to any fixtures, fittings or landscaping (including planted areas). This includes digging away of earthwork defences, which have been placed at landowner's expense to prevent trespass.
- Causing any other damage to the land itself, or property on it. Particular care should be taken not to cause damage to those features provided as public amenities.
- Driving vehicles along any footpath, or other highway not specifically designed for road vehicles. This practice is not only unlawful but is also highly dangerous.
- Parking vehicles or caravans on any road, footpath or other highway that causes an obstruction to other people wanting to pass by. This includes parking immediately next to footpaths.
- Dumping or tipping rubbish, waste materials or trade waste such as tree cuttings, rubble, etc. It is your responsibility to keep the site clean and tidy. Council Officers can direct you to Civic Amenity Sites (Council tips) where you will be able to pay to dispose of trade waste.
- Use the area as a toilet. You must not deposit or leave human waste openly in public areas.
- Abuse, intimidation or harassment of any person who is lawfully using the area.
- Excessive noise or other forms of anti-social behaviour.
- Animals that are not kept under control or that attack persons lawfully on the land, or nearby

- Interference with electrical, water or gas supplies. Any person(s) found abstracting electricity, or wasting quantities of water may be subject of criminal proceedings.

This Code is the same standard of behaviour that is expected of the settled community. The Police are committed to ensuring that all policing issues that affect you are balanced; however behaviour that is deemed unacceptable within society will not be tolerated.

Please note that if you are considering moving to another unauthorised location, be aware that encampments on certain land will not be allowed and eviction will be sought immediately. Such sites include school grounds, playgrounds, public car parks, industrial estates/leisure centres and polluted land.

USEFUL CONTACTS

LEGAL ADVICE

If you need general legal advice please contact the Citizens Advice Bureau on 0800 144 8848.

HOUSING

Some GRT families have expressed an interest in moving in to Local Authority Housing. Tel Housing Services 01884 255255.

EDUCATION

If you want help with your children(s) education please contact Devon County Council on 0845 155 1015.

SOCIAL WELFARE

Should you have any worries about aspects of your welfare or your children or relatives welfare please contact Devon County Council on 0845 155 1015.

HEALTH

If you want advice on any health issues there is a 24 hour NHS helpline you can call '111'.

T5 – Contacts List

Officer	Role	Contact No.
Corporate Manager for Property, Leisure and Climate Change	Single Point of Contact for MDDC to log and disseminate actions following notification/ complaint of an unauthorised encampment	Tel:- 01884 255255 Email:- propertyservices@middevon.gov.uk
Customer First	MDDC customer contact centre will take details of any complaints relating to unauthorised encampments and will communicate the information to the Single Point Of Contact 'SPOC'.	Tel:-01884 255255 Website: https://www.middevon.gov.uk/
Standby	Out of hours contact - Appointed contact centre for the Council to take details of all complaints to communicate to the appropriate officers, and in relation to unauthorised encampments.	Tel:- 01884 255255
Police	In case of all emergencies.	Tel:- 101 for a non-emergency incident
Fire and Rescue Service	In case of fire and rescue situations.	Tel:- 999
NHS Health Outreach and Inclusion	For medical health support.	Tel:-111.
RSPCA	For incidents relating to neglect or cruelty towards animals.	0300 123 4999

Adult & Childcare	For any immediate adult and child welfare concerns.	0345 1551071 or 0845 6000388 (after hours).
Animal Welfare, petrol and explosives	For concerns about animal welfare, use of petrol or explosives.	01392 499499

T6

Definitions

‘Authorities’

Devon & Cornwall Police, Devon County Council and Mid Devon District Council.

‘Local Authority’

Mid Devon District Council.

‘Police’

Devon & Cornwall Police.

‘Unauthorised Encampment(s)’

Trespassing on land by persons which do not own or have a legal right to occupy the land.

‘Gypsies, Roma and Travellers (GRT)’

Persons with a cultural tradition of nomadism or of living in a caravan and all other persons of a nomadic habit of life, whatever their race or origin.

‘Enforcement’

Taking legal steps to remove unauthorised encampments from land.

‘SPOC’

Single Point of Contact for the Council in relation to unauthorised encampments.

T7

Frequently Asked Questions

What we will do

Log the report or call.

Aim to visit the site within 4 hours of receiving a report in order to ascertain the number of caravans involved and to plot the exact location.

Should the unauthorised encampment be on land that is under the ownership of Mid Devon District Council we will work within our legal framework to address the situation.

In the majority of cases we utilise a specialised provider to liaise with members of any unauthorised encampments this usually results in the unauthorised encampment vacating the site within a 2 to 3 day period.

In a small number of cases the Council will need to take into consideration specific issues relating to health and welfare etc. in such cases this will result in extended stay periods.

Once the site is vacated, we will ensure that any waste material is removed as soon as possible.

Please note - private landowners are responsible for the removal of waste from land under their control.

What the Police will do:

All incidents of criminal activities should be reported directly to the Police.

The Police will only intervene in the removal of unauthorised encampments in exceptional circumstances such as issues of major public order offences.

Unauthorised encampments - frequently asked questions:

The Council recognises and accepts the rights of the GRT community and also those people on whose land unauthorised camping takes place.

Members of the GRT community are protected from discrimination by the Equality Act 2010 and the Human Rights Act 1998, together with all ethnic groups who have a particular culture, language or values.

These FAQ explain how the Council and other official agencies will work to try to balance the rights of all those involved.

Why do members of the GRT community pursue a travelling lifestyle?

There is a past history and tradition for some people to live in caravans or move around the country. However, encamping on someone's land without their consent is unlawful and in certain circumstances, it is not just a breach of civil law, but also criminal law.

Does the Council or Police have a duty to move members of the GRT community when they are camped without the landowner's permission?

No.

The powers given to local authorities and the police are discretionary and can only be used when certain conditions exist. Failure to comply with both civil and criminal procedures would render the Council and Police liable to successful challenge in the Courts.

What about trespass?

The duty of the Police is to preserve the peace and prevent crime. Trespass on land itself is not a crime - it is a civil matter. Prevention of trespass is the responsibility of the landowner, neither the Council nor the Police.

What about criminal activity associated with some authorised encampments?

Most members of the GRT community are law-abiding citizens. The Police will deal with crime committed by members of the GRT community when there is a complaint and evidence to support it, just as they would when committed by anyone else.

When can the Police move them on?

The Police may activate their powers under section 61 of the Criminal Justice and Public Order Act 1994 to require members of the GRT community to leave.

The Police are able to activate these powers where they are satisfied that two or more people are trespassing on the land, and the landowner has taken reasonable steps to make them leave (and they have failed to do so). In addition, one of the following also has to apply:

- damage has been caused to the land or property, or

- threatening / abusive / insulting behaviour has been used against the occupier, his family or agent, or
- the trespassers have six or more vehicles.

Any enforcement of section 61 requires considerable resourcing and consideration has to be given to having sufficient police officers available etc., which may in itself take some time to arrange.

When can the Council move them on?

If members of the GRT community are camped on Council land, the Council can recover possession of their land if their land is occupied without their consent.

If the members of the GRT community are on Council land and are causing problems they will be moved on as soon as is possible and reasonable. The Council will consider each case on its merits. In all cases the site is visited and every effort made to make sure that the members of the GRT community keep the site tidy and do not cause public health problems.

If they are on private land, it is usually the landowner's responsibility.

Can the Council remove members of the GRT community from their land immediately?

No, the Council must:

- show that the members of the GRT community are on the land without consent.
- make enquiries regarding the general health, welfare and children's education.
- ensure that the Human Rights Acts 1998 has been fully complied with.
- establish ownership of land.

How long will it take for the members of the GRT community to be removed?

This will depend upon the circumstances of each individual case. The Council will need to take account of the issues outlined above however in normal cases we look to serve notice within 5 days of notification and would expect them to move on within a further 24 hours.

What can I do if unauthorised encampments occur on my land?

Firstly talk to them to see if a leaving date can be agreed.

If you are not willing to tolerate the encampment any longer, you or your solicitor can go to a County Court and obtain an Order granting you possession of your land.

Do we have any authorised sites in the District?

Subject to planning, three designated travellers sites are expected to be delivered in Tiverton during 2022/23.

Who do I complain to about unauthorised encampments?

The Council's Contact Centre is the first point of contact for complaints about unauthorised encampments. Instances occurring on Council owned land will be directed to the service responsible for its management who will investigate the complaint and instigate action as appropriate.

T8

Unauthorised encampments communications strategy

Background

This document supports Mid Devon District Council's procedure for managing unauthorised encampments and sets out how communications will support the procedure.

Unauthorised encampments can be a sensitive issue in the District and can generate a high number of enquiries from elected members and members of the public, putting a strain on resources and staff. If not dealt with appropriately and swiftly they can also generate negative media coverage for the council.

It is important that all stakeholders are kept informed about what is happening and what can be expected to happen with encampments in the District.

The strategy is to take a more proactive approach to communicating with residents when the council and its partners are dealing with an unauthorised encampment.

It is important that appropriate language is used when communicating with stakeholders about any encampments.

This document shows the activity involved, along with budget details, objectives, and stakeholders.

Objectives

The objectives of this plan are to:

- Improve the way residents can report an encampment to the Council.
- Mitigate negative media coverage of the council and its partners when there is an encampment in the District.

Key messages

It has been agreed that Mid Devon District Council will use a proactive approach with external communications. The council has a new policy to act swiftly and efficiently when dealing with an unauthorised encampment.

Audiences

A members briefing session will be planned with elected Members to ensure they know the process and what to expect when there are members of the GRT in the District.

Other stakeholders who may need to be kept regularly informed:

- Residents.
- Cabinet member, Chief Executive and Directors.
- Mid Devon District Council Officers.
- Devon and Cornwall Police
- Local and regional media.
- Local businesses.
- Other partner agencies.
- Work collaboratively with other Local Authorities in Devon and Somerset.

Budget

There is no formal budget allocated for dealing with unauthorised encampments.

Activity plan

External Website

A dedicated webpage will be set up on Mid Devon District Council's website which residents can be signposted to when there is an unauthorised encampment in the District. This will not include the status of current encampments as there is the potential to draw attention to where such encampments are and with the potential risk for these to become targets for hate crime and intimidation.

There will be FAQs on the webpage and will be regularly updated with information about the latest encampment to keep residents fully informed.

There will also be information for private landowners and contact numbers if they need advice of assistance.

Internal

Elected Members:

As set out in the unauthorised encampment procedure, the Single Point of Contact for the Council (SPOC) will brief elected members for the area in which the encampment is situated in order that the members can pass information onto their constituents.

In addition, contact email addresses should be taken from any complainants in order that they can be emailed directly by the SPOC where appropriate.

Officers:

A script will be agreed for contact centre staff to follow when the Council becomes aware of an encampment so they can keep residents fully informed. This will reduce calls being put through to the planning enforcement team and improve the reputation of the council.

Internal communications protocol:

SPOC is alerted to encampment



SPOC brief elected members, Chief Executive, Deputy Chief Executive, Directors



SPOC liaises with planning enforcement



Relevant partners are informed

Planning enforcement officers are alerted to encampment and begin process



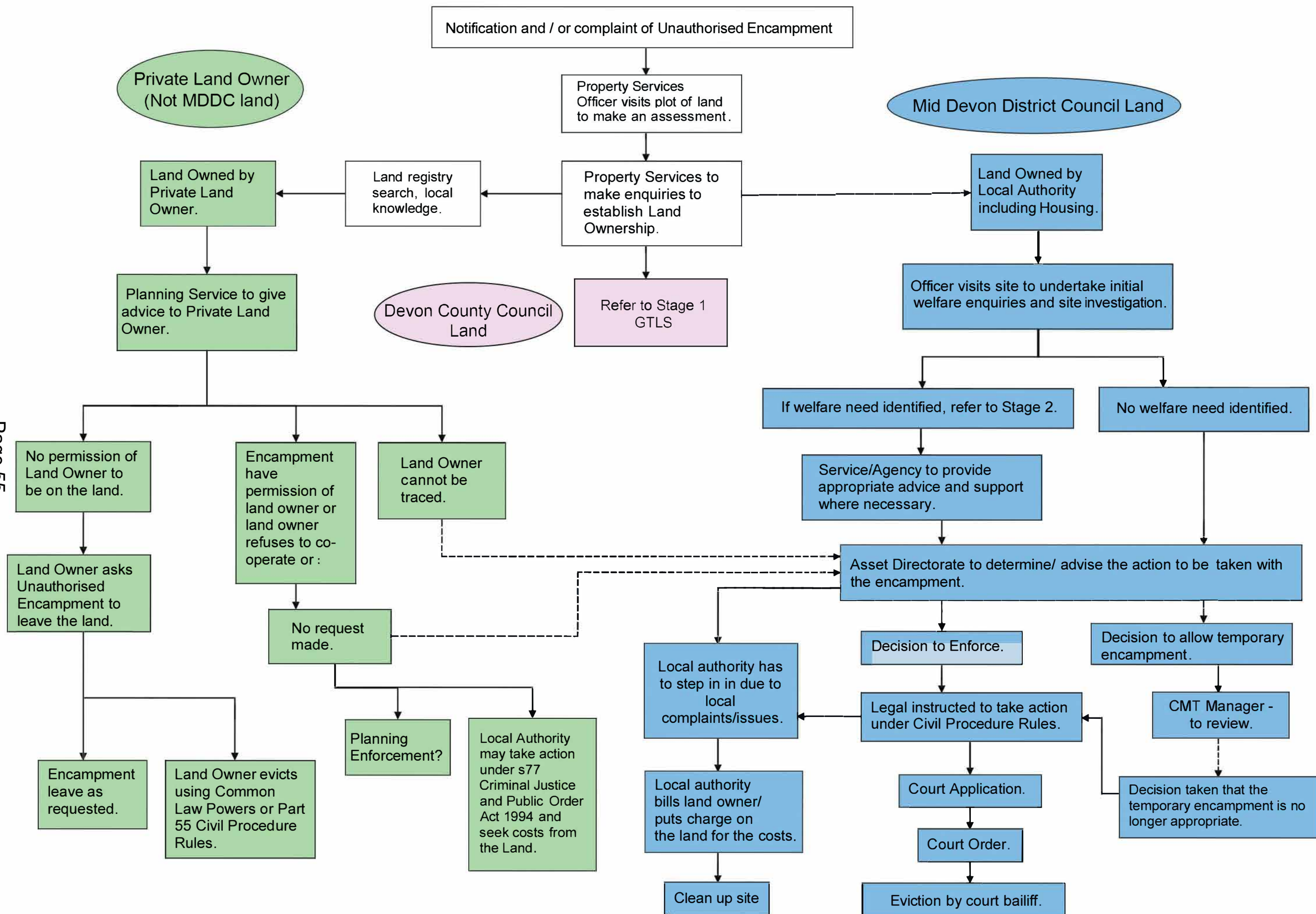
Planning enforcement alert via Communications

Monitoring and evaluation

Monitoring and evaluation systems will be put in place to ensure that each of the project's objectives is regularly checked to ensure they are on track to be met.

At the end of the project, an overall evaluation report for the project will be completed.

Objective	Monitoring method	Evaluation method
Improve the way residents can report an encampment to the Council.	Website views.	Number of calls to planning team/ feedback from officers on call.
Mitigate negative media coverage.	Media and social media coverage.	Coverage marked as positive, negative or factual.



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Five Stage Procedure

The procedure comprises of 5 stages as follows:

Stage 1 – Identification of Land Ownership

Stage 2 – Action by the Council – Welfare

Stage 3 – Action by the Council – Decision Making

Stage 4 – Action by the Council – Enforcement Stage 5 – Action by the Council – Site Clean-up

The Stages are simplified in a flowchart at Annex B.

STAGE 1 – IDENTIFICATION OF LAND OWNERSHIP

The relevant course of action will be determined depending on whether the land is privately owned land or land owned by the Council. Another factor which may need to be considered is what action should be taken where the land is owned by the GRT community themselves. The SPOC will liaise with the appropriate departments to determine Land Ownership.

Privately owned land:

The Council will not take action to evict where there is an illegal encampment on privately owned land. It will be the responsibility of the landowner to arrange for evictions, where necessary with the support of the police.

The Council will notify the landowner of the encampment where they are not already aware and will give advice on how to effectively manage the illegal encampment and the powers available to recover possession of the land. In order to formulate a consistent approach to advice a hand out to be issued to landowners is contained at Appendix T4.

If the landowner has given the encampment permission to use the land and the encampment are not causing disruption to the settled community the matter should be referred to the Local Authority's Planning Department to look at taking enforcement action for an illegal development.

Where the owner does not take action to recover the land or the land owner cannot be found and the encampment is causing serious disruption or a nuisance to the settled community action should be taken by the authorities following the procedure for if the land was Council owned land. Initially by proceeding to stage 2 of this procedure.

Land owned by GRT Community (Unauthorised Developments):

STAGE1- IDENTIFICATION OF LAND OWNERSHIP:

Where members of the GRT community (or anyone else) buy land and develop it as a caravan site without planning consent, any enforcement action must be taken through the planning system.

Enforcement in this regard will be a matter for the Council Planning Department in accordance with their enforcement policy.

Local Authority Owned Land:

Where the land is identified as land which is owned by the Council then proceed to Stage 2.

Devon County Council Land:

The County Council has overall management for the two gypsy and traveller Local Authority sites: Sowton and Broadclyst.

Sowton, which has been in existence for over 30 years, consists of 11 pitches, offering permanent residential accommodation.

Broadclyst consists of five permanent residential pitches and is slightly different in that the land is owned by The National trust.

Although there are a number of authorised private sites in Devon there is still a serious shortage of sites for members of the GRT community both here in the county and across the country as a whole. This has led to members of the GRT community camping on land that they do not own (unauthorised encampments), and also a growing tendency to buy land and develop it without planning permission (unauthorised developments). At present, approximately one in five GRT caravans in England are on unauthorised sites. 90% of planning applications that members of the GRT community submit fail, which often forces them back onto the road with no fixed abode.

When members of the GRT community camp on land that they do not own, without the permission of the owner, they are trespassing. If a negotiated solution is not possible, then private landowners, Local Authorities and the Police all have powers of enforcement to evict. However, a negotiated solution that avoids confrontation is often the most appropriate way of dealing with a situation.

Unauthorised encampments **on Devon County Land** fall into 2 main categories: those on land owned by local authorities (highways, schools, public parks and car-parks etc), and those on privately owned land.

Residents on both sites pay rent and are responsible for paying council tax and utility costs.

The County Council Gypsy Traveller Liaison Service (GTLS) is the first point of contact for responding to new unauthorised encampments (UEs) and monitoring Areas of Temporary Acceptance (ATAs) **on Devon County Council (DCC) land**. The details of any UE on DCC land should be referred to the GTLS as soon as possible.

Referrals to the GTLS are usually through:

- My Devon Customer Contact Centre

- The local County Councillor
- Devon County Council Highways department
- Another Public Sector organisation (3rd party notification).

Referrals may be made by anyone including members of the public, businesses, public service staff or Councillors.

Contact details for My Devon
Telephone 0845 155 1015.

Email customer@devon.gov.uk

SMS text 80011 (please start all messages with the word Devon)
Fax 0845 155 1003 Textphone 0845 155 1020

Write to Devon County Council, County Hall, Topsham Road Exeter EX2 4QD

STAGE 2 – ACTION BY THE COUNCIL – WELFARE

Property Services will be responsible for managing this stage of the procedure and will monitor progress and report back to the nominated officer accordingly.

As soon as it is agreed that the Council will take action a representative from the Council will attend the site to carry out an initial welfare assessment to identify relevant welfare issues. This person will also distribute refuse sacks to be used by members of the encampment in order that the duties regarding refuse under the Code of Conduct can be adhered to. This person will have regard to the Council's risk assessment. This person will then report back to the Property Services who will then contact the relevant person should any welfare issues have been identified.

If any welfare concerns are raised welfare support will be provided by the following:

<u>Potential Issue</u>	<u>Support</u>
Education	Ethnic Minority Achievement Service
Homelessness	Strategic Housing Service
Health	Public Health – Health Protection & Civil Contingencies
Animal Welfare	RSPCA RSPCA
Child Care	Safe Guarding Procedure , MASH, DCC Care Direct.
Adult Care	Safe Guarding Procedure , MASH, DCC Care Direct.

Full contact details of the above services/agencies are at Appendix T5.

Where possible welfare support should be provided within 2 working days.

STAGE 3 – ACTION BY THE COUNCIL – DECISION MAKING

A decision will be made by the Group Manager for Corporate Property and Commercial Assets on the best course of action. The decision will be recorded.

If serious or urgent welfare issues need addressing the removal of the encampment should be delayed where possible unless the site is particularly hazardous or sensitive, in which case the illegal campers should be asked to relocate to a more appropriate location in the vicinity.

Where there are serious or urgent welfare issues the Deputy Chief Executive (S151), in discussion with Elected Members will need to make a decision on whether to enforce or allow the campers to stay until the welfare issues are resolved. This decision will be based on a number of factors including, type of land, number of campers, behaviour of campers and the effect that the encampment is having on the settled community within the vicinity of the site.

Before making a decision to evict the decision maker must:-

- Consider the relevant human rights of the persons involved. Public bodies must take account of the relevant human rights when deciding whether or not to evict persons from an illegal encampment and must act proportionately.
- Consider and ensure the Council complies with other relevant public duties such as the Public Sector Equality Duty or the duty under section 11 of the Children Act 2004

Generally the following also should be considered:

The decision to evict and the full reasons for it should be recorded including considerations of human rights and the other public duties (Public Sector Equality duty and the duty under s.11 of the Children Act 2004). Such a written decision will be particularly helpful if the decision comes under judicial scrutiny.

Where an encampment cannot be allowed to remain eviction action may have to be taken:

There are various methods of enforcement action available to remove illegal campers. Although many encampments can be dealt with through negotiation there will be times when eviction is the only option. The Government believe that Local Authorities should always follow a route which requires a court order and this should be taken into consideration by the authorities when making any decisions. Different cases will require different courses of action and when making its decision the Council should take into account the factors. In the majority of cases the Council will use the services of the external service.

STAGE 4 – ACTION BY THE COUNCIL - ENFORCEMENT

Once the decision to evict has taken place the procedure taken to secure eviction will differ depending on the decided course of action.

The most likely course of action to be taken by the Council will be by private Bailiffs or through the County Court.

Step by step approach – Civil Procedure Rule 55 County Court:

NOTE: These steps will only be taken once the Council has carried out its initial welfare assessments and a member of the Leadership team has approved this course of action.

- Legal Services will draw up the relevant documentation which includes a witness statement detailing the action taken by a Member of the Property Services team.
- Legal Services will attend Court, usually accompanied by the Enforcement Officer to issue the papers and obtain a hearing date.
- The Corporate Manager for Property, Leisure and Climate Change will arrange for the service of the Notice of Hearing and accompanying documentation.
- If the illegal campers fail to leave the site Legal Services will attend Court with the Enforcement Officer to obtain an Order for possession.
- A Member of the Property Services team will serve the Order for possession and keep the necessary stakeholders informed.
- If the illegal campers fail to leave the site Legal Services will apply for a warrant for possession of land.
- A member of the Property Services Team will work with the County Court/Bailiffs who will carry out the eviction.

STAGE 5 – ACTION BY THE COUNCIL – SITE CLEANUP

Although the Council provides illegal encampments with refuse sacks and arranges collection there will still be some circumstances where cleaning up will be required.

The Street Scene service should be notified by The Enforcement Officer as soon as the illegal encampment has left the site.

The Council will then attend as soon as reasonably practicable.

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Operational Advice on Unauthorised Encampments

The National Police Chiefs Council with the College of Policing has agreed to this revised operational advice being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.

It is Official under the Government Protective Marking Scheme and any referrals for advice and rationale in relation to Freedom of Information Act disclosure should be made to the NPCC Central Referral Unit at npcc.request@foi.pnn.police.uk.

Document information

Protective marking:	Official
Author:	A/CC Janette McCormick
Force/Organisation:	Cheshire Constabulary
National Policing Coordination Committee Area:	Diversity, Equality & Inclusion
Contact details:	01606 364 559
Review date:	June 2020
Version:	Version 3

This revised operational advice has been produced and approved by the NPCC Diversity, Equality and Inclusion Coordination Committee. Operational advice produced by the NPCC should be used by chief officers to shape police responses to ensure that the general public experience consistent levels of service. The implementation of all operational advice will require operational choices to be made at local level in order to achieve the appropriate police response. The Purpose of this advice is to assist force personnel to properly manage any contact they have with candidates and to assist them in conducting themselves during the pre-election period. It will be updated and re-published as necessary.

Any queries relating to this document should be directed to either the author detailed above or the NPCC Business Support Office on 020 3276 3800.



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Introduction

1. This document is guidance covering the options to be considered in dealing with any people who trespass on land owned by another with an intention to reside.
2. The Equality Act 2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. The following of a nomadic lifestyle is lawful, indeed it is a culture that is recognised and protected through legislation. Romany Gypsies and Irish Travellers have been granted protection under the previous Race Relations Acts. The Public Sector Equality Duty applies to the police and places a duty on constabularies to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.
3. There is no legal right to trespass, however trespass is a civil rather than a criminal offence. The co-ordinated use of powers available under the Criminal Justice and Public Order Act 1994 allows for a proportionate response to encampments based on the behaviour of the trespassers.
4. The establishment of an unauthorised encampment can raise many concerns with the landowner and neighbouring members of the settled community. Some of these concerns are unfounded, and may be based on ignorance and prejudice; however there still remains a significant number of encampments that cause high levels of anti-social behaviour and disproportionate disruption to the community into which they move.
5. This document explains the framework within which our staff should act, recognising the requirement to balance the needs of a range of interested parties. The decision to use police powers remains at the discretion of the senior officer present. His / her decision, however, should be made in accordance with this guidance, and the grounds for any action / inaction fully recorded. Any decision to evict must be made in conjunction with the relevant on duty senior officer.
6. It is essential that the police response takes account of the issues of behaviour, whether criminal, anti-social or nuisance, in combination with the impact on the landowner and settled community rather than simply because encampments are present at a specific location. Police powers to evict people from unauthorised encampments do exist, as provided for by Sections 61 and 62 A-E, Criminal Justice & Public Order Act 1994. These powers will be used where behaviour or conduct is considered to be inappropriate, or where the impact of an encampment on others is deemed unacceptable. This position is consistent with all other areas of enforcement within the community. Guidelines on the exercise of police powers concerning unauthorised encampments are given later in this document.
7. Decisions to evict or not must, of course, be balanced (as directed by legislation and Government guidance), and be compliant with the terms of the Human Rights Act 1998, demonstrating legality, necessity, and proportionality, as well as principles of common humanity. The grounds for each decision must be fully recorded by the decision maker and kept for audit processes or legal challenge for seven years.

8. The scope of this guidance does not cover the situation whereby individuals purchase land and occupy it, with or without planning permission. Such an incident would be an unauthorised development and the local / borough council would lead in this situation.
9. In managing unauthorised encampments officers must be sensitive to the fact that there is a lack of pitches on authorised sites across the country, making it difficult or even impossible for people to avoid setting up unauthorised pitches.

OPERATIONAL TACTICS

1. All police decisions and actions must be made in compliance with the provisions of the Human Rights Act 1998. Any action should only be such as is necessary for public safety, the prevention of crime or disorder, the protection of health, or for the protection of the rights and freedom of others.
2. All police actions should be conducted in a manner compatible with the operational principles of safety, lawfulness, necessity, proportionality and common humanity. Actions should be completed in a manner that is the least intrusive to achieve the purpose. It is necessary to achieve a balance in the protection of the rights and freedom of all persons concerned with a specified unauthorised encampment.
3. Where appropriate, it is recommended that the police visit newly established encampments, and that a local supervisory officer be informed. Visits should, wherever possible be done together with the landowner, Local Authority, and other relevant agencies. PCSOs should only be deployed to encampments as part of the local neighbourhood policing team response, not in relation to confrontational situations with the occupants of unauthorised camps when they are being initially set up.
4. Initial contact should be made with the people on the site, and an assessment made of the impact of its location, as well as the behaviour displayed by the occupants. The occupants should be spoken to in order to establish their identities and location of last site, and to ascertain their views on desired duration of stay as well as any pressing welfare needs.
5. Officers should identify any offences disclosed or apparent e.g. criminal damage caused to gain entry to land, obstruction of any footpaths or other highways, any other anti-social behaviour.
6. Officers should discuss with those present what constitutes unacceptable conduct. They may consider it appropriate to give them a copy of the recommended Code of Conduct, attached at Appendix A.
7. Officers should assess whether the location of the encampment, behaviour of residents or needs of the landowner justifies an eviction using police powers.
8. Liaison should be maintained with the landowner, those most affected by the establishment of the encampment and our partner agencies to assess the need for Police intervention. In accordance with guidance issued by the Ministry of Housing, Communities & Local Government (MHCLG) in England (or the Welsh Assembly Government (WAG) in Wales) the Local Authority, as lead agency for unauthorised encampments, should take an active role in engaging with the site residents and will in particular take the lead with sites established on their land, which do not require immediate Police action. Periodic visits by police officers to the site can also be beneficial to get to know site residents and also to pick up on any community tensions that may give rise to more serious incidents. These visits will be enhanced if completed along with designated Local Authority staff members. The absence of such visits will not prohibit the future use of police powers, but may help in justifying the use of these powers if this proves necessary. These visits will also provide an audit trail to support decision-making.

9. It is suggested that attending officers should complete an initial site assessment. A suggested form for this is attached at Appendix B; to be used by the senior officer present to determine the potential need to evict using police powers. This will usually only be the case where criminality, anti-social behaviour, or environmental damage is present.
10. The decision whether or not to utilise police eviction powers should be periodically reviewed to establish if circumstances have changed that will require the use of a police eviction to protect the rights of others. All information concerning the site and the site occupants should be shared with all involved agencies (subject to the provisions of the Data Protection Act), to ensure that a balanced common approach is adopted in fairness to all.
11. Assessment visits should only log details of vehicles and people where there are grounds to suspect those individuals of anti-social behaviour or criminal activity.
12. Where appropriate, vehicle and / or any person details should be checked on the Police National Computer (PNC) for 'markers' (which if present should be acted upon as appropriate). Any criminal intelligence should be submitted in the normal format using intelligence systems.
13. A separate log should be created for each unauthorised encampment notified to the Police. Any calls from the public relating to the encampment, or directly attributable to its occupants, should be recorded within the log, including any complaint calls.
14. Forces should ensure that there is a clear audit trail of decision making which sets out the rationale for all decisions made. A suggested Eviction Rationale Record is attached at Appendix C. Where separate Command and Control logs are created for specific incidents, which relate to the encampment, these should be 'incident-matched' to the main log once concluded. At the conclusion of the occupation of the encampment the log should be endorsed suitably with the outcome, including any eviction powers used, and the general behaviour and conduct of the residents.
15. All officers and police staff are responsible for ensuring that all crimes they become aware of in the course of their duty are identified for crime recording. The principles of the Home Office Counting Rules and the National Crime Recording Standards should be used by officers and staff in their assessment of all potential crimes arising from unauthorised encampment situations.

COMPLAINTS

1. Police may receive complaints relating to the behaviour of occupants at unauthorised encampments, or from the occupants relating to other people. The initial police response to such calls should, of course, be the same as for any other incident, and graded on its priority. If attendance to see a complainant is appropriate, or to investigate a report, then an appropriately staffed police resource should attend to investigate.
2. The allegation of a crime or identification of an individual suspect at an encampment should not be grounds alone for consideration of a full group eviction. However, if the grounds exist that require the use of S61 or S62 of the Criminal Justice & Public Order Act 1994, there is power to evict that individual and his / her vehicles. Indeed, this approach complies fully with Human Rights legislation and underlines the aim of dealing effectively with issues of anti-social behaviour. The factors must be weighed accordingly, and a decision taken on the necessary and proportionate action required, and so action that may be considered will include the giving of advice, arrests, eviction or a combination of all.
3. Where occupants at unauthorised encampments are victims of crime or anti-social behaviour, they must be given access to services in the usual way. If there is a perception that the incident is racially motivated then the matter should be dealt with in line with Hate Crime policy.

WORKING WITH OTHER AGENCIES

1. Forces should consider working with local authorities to agree Joint Agency Protocols for the management of unauthorised encampments. Forces should also consider establishing a liaison officer to work with local authorities on the implementation of joint protocols. This should be progressed within local Community Safety Partnership (CSP) forums in England and Wales or through other relevant local strategic frameworks.
2. Following on from the above, forces and local authorities should also consider working with other major landowners in their areas to agree similar protocols for the management of unauthorised encampments. Other major landowners may include Housing Associations, the National Trust or local farmers.
3. The lead role for decision making should rest with the local authority and the use of police powers should not normally be considered as a first response.
4. On occasions other agencies may request police officers to accompany them to an encampment to assist them for a lawful purpose. Such assistance is a matter for local discretion. Officers must take care to ensure that they do not become agents for the other parties, and on such occasions maintain neutrality from the other's purpose, but to provide reassurance to all involved that the peace will be maintained.
5. Where there are no authorised sites, and the authority reaches the view that the unauthorised encampment is not causing a level of nuisance which cannot be effectively controlled, it should consider providing services, such as toilets, a refuse skip and a supply of drinking water at that site.

USE OF POLICE POWERS

1. The lead role in the management of Unauthorised Encampments will be with Local Authorities. Forces should consider becoming involved in bringing about the prompt and lawful removal of unauthorised encampments, including the use of police powers under Section 61 or 62 of the Criminal Justice & Public Order Act 1994 where:

i) Local amenities are deprived to communities or significant impact on the environment.

This could include, for example, forming an encampment on any part of a recreation ground, public park, school field, village green, or depriving the public use of car parks. The fact that other sections of the community are being deprived of the amenities must be evident before action is taken.

ii) There is local disruption to the economy.

Local disruption to the economy would include forming an encampment on a shopping centre car park, or in an industrial estate, if it disrupts workers or customers, or agricultural land, if this results in the loss of use of the land for its normal purpose.

iii) There is other significant disruption to the local community or environment.

This might include where other behaviour, which is directly related to those present at an encampment, is so significant that a prompt eviction by police becomes necessary, rather than by other means.

iv) There is a danger to life.

An example of this might be an encampment adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway.

v) There is a need to take preventative action.

This might include where a group of trespassers have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established site. This reasoning will take on greater emphasis if the land occupied is privately owned, as the landowner will be responsible for the cleansing and repair of their property.

2. The mere presence of an encampment without any aggravating factors should not normally create an expectation that police will use eviction powers. This should be communicated to the public, landowners, local authorities, and other agencies. If a decision is made to use police powers to evict then the rationale for the decision should be clearly set out and recorded. As stated above, a suggested eviction rationale record is set out at Appendix C.
3. In all cases, as stated above, relevant Human Rights processes must be applied to all decisions made i.e. that the elements of S61 are satisfied, and that it is necessary and proportionate to use the powers.
4. Section 61 Criminal Justice & Public Order Act 1994 relies upon reasonable steps being taken, by or on behalf of the landowner, to ask trespassers to leave in every case before

police powers can be used. A flow chart setting out the police powers to evict under section 61 of the Criminal Justice and Public Order Act 1994 is set out at Appendix D.

5. Section 62A of the Criminal Justice & Public Order Act 1994 creates a power for a senior police officer to direct a person to leave land and remove any vehicle or other property with him / her on that land if the senior police officer present at a scene reasonably believes that the conditions below are satisfied. The conditions are-
 - that the person and one or more others (the trespassers) are trespassing on the land;
 - that the trespassers have between them at least one vehicle on the land;
 - that the trespassers are present on the land with the common purpose of residing there for any period;
 - if it appears to the officer that the person has one or more caravans in their possession or under their control on the land, that there is a **suitable pitch** on a **relevant caravan site** for that caravan or each of those caravans;
 - that the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.
6. The conditions in this section are fewer than under Section 61 and concentrate more on the simple fact of trespassing for the purpose of residence. **The crucial section here refers to the need to prove that suitable alternative sites for caravans exist.**
7. The availability of suitable pitches at authorised sites or transit facilities will be an essential consideration before powers under Section 62 A-E can be used and liaison between police forces and their local authorities will be necessary to ascertain such availability or otherwise.
8. A flow chart setting out the police powers to evict under section 62 of the Criminal Justice and Public Order Act 1994 is set out at Appendix E.
9. The six recommendations for the Police, published in 'Common Ground' by the then Commission for Racial Equality (now the Equality and Human Rights Commission) Inquiry, a summary of which is set out below, should be incorporated into all police actions concerning Gypsies, Irish Travellers and unauthorised encampments.

"Police forces should:

- Include Gypsies and Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations.
- Target individual Gypsies and Travellers suspected of anti-social behaviour and crime on public, private and unauthorised sites, and not whole communities, and work with people from these groups and local authorities to develop preventive measures.
- Treat Gypsies and Travellers, both when they are victims and suspects, as members of the local community, and in ways that strengthen their trust and confidence in the force.
- Provide training for all relevant officers on Gypsies' and Travellers' service needs, so that officers are able to do their jobs more effectively, and promote good relations between all groups in the community they serve.
- Review formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices, and ensure that the procedures promote race equality and good race relations.

- Review the way guidance is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised, and training needs are identified.”

Appendix A

Unauthorised Encampments

Code of Conduct

To ensure those members of both the settled and travelling communities can live together in a peaceful and unprejudiced way we expect you to comply with this Code of Conduct. We expect you to treat the land you have occupied with respect, and that you respect the rights and freedoms of other people who also wish to use the area.

Behaviour that may result in your eviction from a site includes the following:

- Camping upon any land designated as a public amenity, such as parks, recreation areas, school fields and similar locations (not an exhaustive list).
- Interfering with the rights and freedoms of other members of the public, including interrupting the operation of legitimate businesses.
- Forcing entry to land, by causing damage to any fixtures, fittings or landscaping (including planted areas). This includes digging away of earthwork defences, which have been placed at landowner's expense to prevent trespass.
- Causing any other damage to the land itself, or property on it. Particular care should be taken not to cause damage to those features provided as public amenities.
- Driving vehicles along any footpath, or other highway not specifically designed for road vehicles. This practice is not only unlawful but is also highly dangerous.
- Parking vehicles or caravans on any road, footpath or other highway that causes an obstruction to other people wanting to pass by. This includes parking immediately next to footpaths.
- Dumping or tipping rubbish, waste materials or trade waste such as tree cuttings, rubble, etc. It is your responsibility to keep the site clean and tidy. Council Traveller Liaison Officers can direct you to Civic Amenity Sites (Council tips) where you will be able to pay to dispose of trade waste.
- Use of the area as a toilet. You must not deposit or leave human waste openly in public areas.
- Abuse, intimidation or harassment of any person who is lawfully using the area.
- Excessive noise or other forms of anti-social behaviour.
- Animals that are not kept under control or that attack persons lawfully on the land, or nearby.
- Interference with electrical, water or gas supplies. Any person(s) found abstracting electricity, or wasting quantities of water may be subject of criminal proceedings.

These codes are the same standards of behaviour that are expected of the settled community. The police are committed to ensuring that all policing issues that affect you are balanced; however behaviour that is deemed unacceptable within society will not be tolerated.

Forces should consider how best to deliver the above information and ensure that those people to whom it is given fully understand the content.

Appendix B**INITIAL SITE ASSESSMENT FORM**

DATE:		TIME:	
SITE NUMBER: LOCATION: URN: (BCU ID/	(BCU ID / No. / Year) (This should include numbers of vehicles and people without individual detail)		
LANDOWNER:			
WELFARE ISSUES:	Any welfare issues that require reporting to relevant agencies.		
	(Are there any issues that would prevent eviction of all or some of the occupants? Were these issues present before this site was occupied?)		
TRAVELLERS SPOKEN TO:	<div> <input type="checkbox"/> YES <input type="checkbox"/> NO </div> <div> CODE OF CONDUCT ISSUED </div> <div> <input type="checkbox"/> YES <input type="checkbox"/> NO </div>		
ETHNIC STATUS:	Romany Gypsy / Irish Traveller New Age Traveller / Non-Traveller		
ANY DAMAGE PRESENT:	(Damage to gain entry & that caused whilst in situ. Also damage that had occurred prior to occupation)		
LITTER or WASTE PRESENT:			

ANIMALS PRESENT:	(Numbers tied-up/untied. Have group been advised to tie up animals? What is the risk to the public?)
WHAT IS THE IMPACT TO THE PUBLIC / LANDOWNER?	Unacceptable / Significant / Minimal (<i>Give reasons</i>)
ANY OTHER INFORMATION	

OFFICER NAME:

.....

Appendix C

EVICTON RATIONALE RECORD

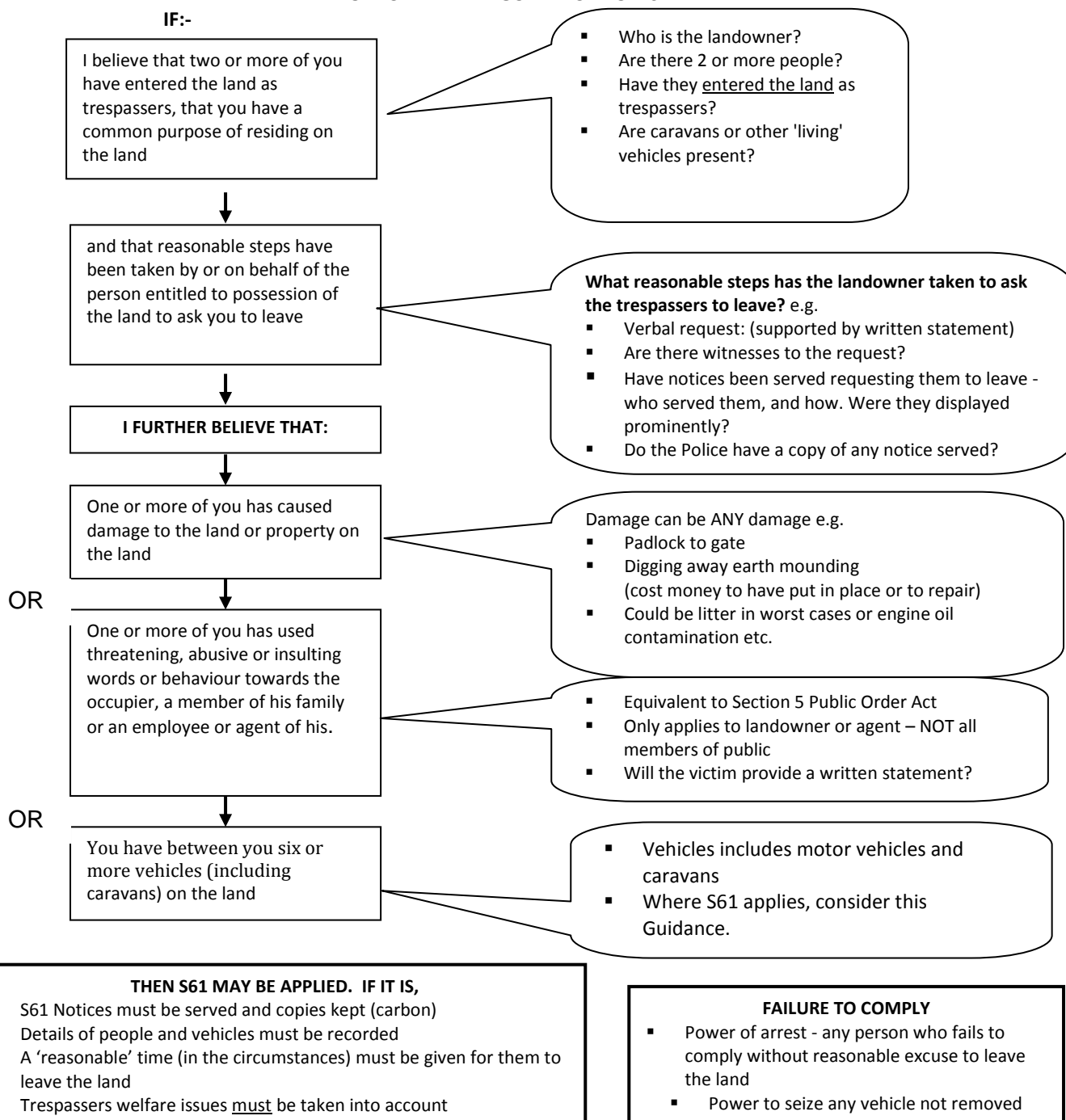
1. Location: Date first to notice of Police: Land Owner: Encampment Reference No:	
2. General Information / Summary:	
<i>Where/what/when/why/how was the encampment established, who owns the land, how are they and others affected? Any previous history of the site and / or occupants?</i>	
3. Factors relating to the unauthorised encampment:	
<i>Record the number of caravans and vehicles present here, together with the factors that have been taken into account regarding the need to evict, such as anti-social behaviour and impact on other communities.</i>	

4. Mitigating Factors relating to the camp (including welfare issues):	
Have welfare enquiries been carried out? Y / N (if Y attach welfare enquiry record)	
<p><i>If possible, the Local Authority Traveller Liaison Officer or local Health Visitor should attend to complete health and welfare assessments. Although the s61 legislation does not prevent eviction action by the Police where no formal welfare enquires have been completed, such enquiries should be made wherever practicable. In any event, police should complete welfare enquiries at the time of service of the s61 eviction order, with any issues noted on the eviction form.</i></p>	
5 Eviction decision:	
POLICE POWERS USED:	
OBSTRUCTION OF THE HIGHWAY	<input type="checkbox"/>
SECTION 61 CJPOA 1994	<input type="checkbox"/>
DAMAGE	<input type="checkbox"/>
THREATS ETC	<input type="checkbox"/>
6 VEHICLES OR MORE	<input type="checkbox"/>
<p><i>A record of the grounds for the decision, including any action taken to resolve either aggravating factors or welfare issues that may have arisen. A summary of the impact on the human rights of all parties involved should be included, highlighting the legitimacy, proportionality and necessity of the eviction action.</i></p>	
What date are notices to be served?:	
When should the Travellers leave by: Time:	Date:
Signed:	PRINT RANK/NO./SURNAME
Date:	

Appendix D

POLICE EVICTION POWERS

SECTION 61 CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994 FLOW CHART AND GUIDANCE NOTES



HUMAN RIGHTS TESTS

Is the eviction proposed:

- Legal - are the elements of Section 61 present?
- Necessary - is it necessary to evict the group?
 - Would other policing methods suffice e.g. high profile patrols, or individual arrests for other offences?
- Proportionate - is the decision balanced?
 - Have the needs of the landowner or settled community been balanced with the needs of the trespassers?
 - Do all the trespassers need to be evicted or can specific individuals be identified?
- Accountable - is the rationale behind the decision recorded and available?

DECISION MAKING GUIDANCE

- It is recommended that decisions to evict be made by an Officer not below the rank of Inspector.
- All decisions, whether to evict or not to evict, will be recorded, including with rationale.

Appendix E

POLICE EVICTION POWERS SECTION 62 CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994 FLOW CHART AND GUIDANCE NOTES

Encampment Arrives

- Incident created
- Council contacted to arrange joint visit with Police
- Initial assessment (check list)
 - ✓ Welfare
 - ✓ Family names
 - ✓ Vehicles
- Group informed about available Transit Site and s62a-e

VACANT PITCHES

The group are asked to vacate and move to the transit site where they will sign up to a licence agreement and pay rent as well as being linked into appropriate services by the local authority, e.g. health and education

- Group refuse to go to the transit site
 - Police initiate s62a-e and 'direct' the group to a 'suitable' pitch
- OR**
- to leave the borough and not return for 3 months

This is a question of available police resources and there may be times when the encampment will remain until suitable resources are available.

NO VACANT PITCHES

The encampment will be dealt with as any other encampment

CABINET
28 JUNE 2022

LGA PEER CHALLENGE REVIEW REPORT

Cabinet Member(s): Councillor Bob Deed - Leader
Responsible Officer: Stephen Walford – Chief Executive

Reason for Report: To receive the report from the Local Government Association (LGA) as part of their peer challenge sector-led improvement programme and to consider the action plan proposed by means of addressing the recommendations from the peer team.

Recommendations:

- 1. That cabinet notes the LGA report at Appendix A, including the nine specific recommendations contained therein, which was produced as a result of the recent peer challenge process.**
- 2. That cabinet approves the action plan at Appendix B and requests a further update in six months to review the implementation and/or progress of these actions.**

Financial Implications: None arising from this report.

Budget and Policy Framework: The peer challenge process is part of the LGA's sector-led improvement process and looks at the performance of the council and the way it is meeting its objectives and planned outcomes. It does not intend to advise the council on its ambitions as expressed through its various budgetary and policy decisions, but it does seek to reflect back on areas for improvement in core areas of local government work. See report body text for more details.

Legal Implications: None.

Risk Assessment: The LGA peer challenge process aims to foster continued improvement in the sector, therefore while its recommendations are not binding on the council they do, in the considered opinion of the team visiting, represent a suite of opportunities that would help the council deliver better outcomes if they were followed up. Therefore the risks inherent in this report revolve around any inability or lack of desire to adopt such recommendations for improvement, particularly bearing in mind the challenging landscape for council service provision and resultant community outcomes.

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

Relationship to Corporate Plan: The views of our colleagues, partners and peers are critical to helping us deliver the council's corporate plan ambitions.

Impact on Climate Change: Several conversations as part of the peer challenge process incorporated discussion relating to our activity, approach and delivery with regard to climate change priorities.

1.0 Introduction/Background

- 1.1 The peer challenge process, as administered through the Local Government Association, is part of a sector-led process that seeks to ensure councils across the country continue to challenge themselves to improve outcomes.
- 1.2 The process is independent and involves a team of experienced elected member and officer peers from other councils reviewing Mid Devon in order to help provide focus on areas for potential improvement, drawing on the team's experience and knowledge of local government.
- 1.3 The process is not an inspection. By reviewing a significant amount of documentation and material beforehand and speaking with over 60 people over the 2 days they were on site (including members, officers, and a range of external partners), they seek to build an accurate picture in order to help identify recommendations that will aid the council's continued improvement.

2.0 Outcomes

- 2.1 The peer review report is included in its entirety at Appendix A.
- 2.2 The report includes a mix of aspects, approaches or projects that have been a success, alongside the highlighting of those areas that have either proved challenging in recent times, or are likely to benefit the council if it can find ways to address them in future. Some of these recommendations may potentially have resource implications in terms of prioritisation, but at this point the acceptance of the report does not create any specific new financial pressures.
- 2.3 One of the beneficial aspects of this peer review was the participation of team members who had visited the council during its last peer challenge back in 2017. This created an opportunity not just to consider Mid Devon in isolation, but also in some ways to reflect on the progress made since 2017. The report contains lots of information, but the opening remarks are worth highlighting:

'Mid Devon District Council (MDDC) is a good council. It has shown real leadership of place and should be proud of the way it has supported residents and businesses throughout the last two years in responding to the pandemic.'

- 2.4 Many of the recommendations highlight priorities that are (reassuringly) already known to the council and, as such, the draft action plan at Appendix B contains references to workstreams previously initiated and processes already in hand. However, there are also a few areas where increased priority is recommended to ensure the council is best placed to handle the upcoming challenges relevant to Mid Devon both as a place and as an organisation. Not least around making sure that individual projects or successes are recognised within the context of the council's overarching ambition; quite a few areas relate to better or more effective communication of the council's plan, delivery and/or achievement.

Contact for more Information:

Stephen Walford, Chief Executive or Sally Gabriel, Member Services Manager

Circulation of the Report:

Councillor Bob Deed, Cabinet Members and Leadership Team
Appendix A – LGA Peer Challenge Report
(see separate pdf file)

Appendix B – Action Plan

	Recommendation	Response	Timeframe
1	Develop a stronger narrative for the place that encapsulates the wide range of projects and ambitions that you have for your place so that partners, stakeholders, and residents understand the council's vision – and the role they can play in delivering it.	Consider how to publicise and reframe the revised corporate plan to tell a better story about council projects and delivery so that they all become achievements in the journey rather than a series of one-off success. Consider the resident survey feedback as context in order to prioritise and strengthen the messaging – where does feedback not correlate? How can we do a better job not just talking about successes, but joining the dots between the corporate plan and delivery of better outcomes. Corporate plan review timetable (see below). Communications and engagement strategy; to be implemented before Christmas.	Oct '22.
2	Use the mid-term re-set of the corporate plan as an opportunity to review priorities in light of capacity constraints and ensure member/political ownership of both the process and the outcomes.	Corporate Plan mid point review went to cabinet in April (05/04/22), with a requirement to be considered by all four PDGs for their views prior to it coming back to cabinet inclusive of any recommendations for change/re-prioritisation. This is in hand and will be coming back to cabinet once the PDG cycle has been completed. (NB. If any changes are proposed, this will require onward recommendations to full council.)	July or August Cabinet. Onward to full council as required.
3	Proactively seek to engage your residents/communities in the re-set process, using the different communications channels you have begun to embed.	As per recommendation 1 above. Need to do a better job raising awareness of the corporate plan and utilising effective communication channels to increase engagement. We could consider revisions to our resident engagement approach when we come to revisit the survey towards the end of the year (this data has also just been put to the PDGs as part of their ongoing work programme considerations). The annual discussions with the business community could be better utilised to brief and help further awareness of what the Council is doing. This could also be linked to better/regular briefings of all members and help with parish liaison so when they attend their respective town and parish councils or other meetings they have an overview list of all the good things we have done, are doing, and will be	Oct '22. Nov '22 Jan '23 July '22

	Recommendation	Response	Timeframe
		<p>doing over the next few month.</p> <p>The role of the Community PDG in terms of community engagement has been highlighted in terms of policy development and in other PDGs in terms of involvement of stakeholders.</p>	
4	Seek external support/advice to ensure a culture of respect between officers and members and between members so that you can realise your potential.	<p>This is an area of quite focused concern – although the peer review suggests that this is now ‘permeating through the council’ as other members voice their concern about it, so it is something that needs to be tackled. In a small number of cases, officers are increasingly finding themselves in a ‘debating’ space with members as opposed to an advisory one. This is inappropriate and is something that needs to be addressed swiftly for two reasons. Firstly, one of protocol – officers are not there to debate with members and it is perfectly normal for there to be times when members don’t like or agree with the advice given. Secondly, officers do not have the time or capacity to engage in extended debates with some members when they might disagree with either the advice or the outcome of a council decision.</p> <p>The concept of being subject to continued challenge from elected members on matters of professional advice and opinion is largely alien to the professional roles of officers. However, the fact that this challenge is often accusatory in nature and seeks to apply pressure from elected members (politicians) to officers (employees) is leading to distress amongst a variety of staff – and, it should be noted, is causing concern amongst many members. It has also been the cause of officers choosing to leave the council and staff making complaints about their treatment as employees.</p> <p>There are two specific factors that need addressing:</p> <p>Reinstating or clarifying the roles of officers (to advise) and members (to consider, to debate with member colleagues, then to decide – not always to agree). This report marks the start of that process in order to restore the boundaries of acceptable behaviour and provide a reset point.</p> <p>Seeking external support from the LGA to help reset the culture in some quarters where necessary. To be explored and put in place at a time to suit all participants.</p>	<p>July ‘22.</p> <p>Conversations initiated with LGA. To be scoped out further after approval of</p>

	Recommendation	Response	Timeframe action plan.
5	Provide training and development to all members so that they make best use of existing democratic structures e.g., Scrutiny and Policy Development Groups to provide effective oversight of organisational performance AND positively influence policy and decision making – ensuring the best possible outcomes are delivered for residents.	<p>To be picked up and embedded in the member development programme in terms of the understanding of roles and remits.</p> <p>The council will shortly be advertising for a new Corporate Performance & Improvement Manager to help manage corporate performance within and across the performance management framework. This will include reporting on the Corporate Plan as well as operational and service metrics, drawing on best practice and innovation from across the sector and outside it, and to assist in the effective management of performance across the full range of council services.</p> <p>The council is also looking at overhauling its performance tools to better help the (officer) leadership team and elected members better shape and influence outcomes by understanding the various inputs and policy levers available to them.</p> <p>There is the potential to involve members in co-designing an improved performance/risk reporting suite/system for the PDGs, cabinet etc. To be facilitated after the appointment of our new Corporate Performance & Improvement Manager.</p>	<p>As soon as possible.</p> <p>Advert due to go live in June</p> <p>To be advised on options for timeline.</p> <p>To be advised on options for timeline</p> <p>Draft Member Development Programme has been produced for 2022/23 as a pilot sample for 2023/4 – 2027/8.</p>
6	Provide clarity as a priority to officers and members around your	This work is already ongoing and it is worth remembering that two thirds of the organisation is operating in exactly the same way for our customers in terms of working	

	Recommendation	Response	Timeframe
	plans for hybrid working going forward – building on the successful approaches you have developed during the pandemic and reflecting the needs of all stakeholders in the ‘new normal’.	<p>practices and access to services as they were before the pandemic.</p> <p>The other third are largely the office-based roles and the new telephony system (implemented after the peer challenge had taken place) now enables any officer to make/take calls via their laptop and internet connection, thus alleviating one of the main causes of frustration about any inability to connect external phone calls given the limitations of the internal skype-based channel (not all office-based staff had work mobiles).</p> <p>Discussions with staff and union groups are focusing on how their working patterns can be managed and facilitated as we move to a more normalised set of hybrid arrangements (for those staff whose roles suit this), as well as how flexibility can be balanced with need for non-work time. One of the biggest challenges is ensuring that one person’s flexibility isn’t another’s out of hours pressure.</p> <p>Nevertheless, the council’s physical opening hours are amongst the widest and least restrictive in Devon and we moved rapidly to normalise the balance between on and off-site working, when others remained largely remote in their provisioning. Getting this balance right remains a challenge at workplaces across the country and represents a very real service delivery, recruitment and retention risk if not handled appropriately.</p>	<p>Bandwidth upgrade in March ’22.</p> <p>Telephony rollout in April ’22.</p> <p>Discussions with union and employee rep groups ongoing.</p>
7	Continue to play a visible and positive role in key regional and sub-regional partnerships – particularly Team Devon and the emerging County Deal.	Will do. 2022 is Mid Devon’s chairmanship of the district forum, which has meant the leader and chief executive playing wider district representative roles this year. Thematic leadership and wider relationships will continue beyond this chairmanship, with roles across housing and social care in addition to the lead roles taken during the emerging county deal negotiations with government, representing all districts’ interests.	Ongoing.
8	Consider developing a MDDC Climate Change Action Plan to reflect the district’s circumstances, to sit under the county umbrella	The peer challenge process highlighted that while internal and external stakeholders were able to confidently talk about the Devon climate action plan, there was more to do to publicise and increase awareness of what the council was doing firstly to meet its own objectives on carbon reduction, but secondly to ‘join the dots’ on linking our own	

	Recommendation	Response	Timeframe
	plan.	<p>efforts with community action that will help achieve the wider Devon goals.</p> <p>A successful state of the district debate was held in April (after the peer challenge) and provided a good start to involving the wider community on how we can collaboratively deal with the climate agenda. Lots of good networking and new contacts were made.</p> <p>A full update on the Mid Devon climate action plan and progress towards its various measures was presented to the Environment PDG on 24/05/22. As well as doing a more effective job communicating this, there is a need to consider how we help the community join the dots between what we are doing as a council (in terms of our own operational activity) and the strategic intent captured within the Devon Plan.</p> <p>Climate action strategic communications plan needed.</p>	<p>April '22</p> <p>Enhanced comms messaging throughout 2022.</p>
9	Communicate the Action Plan you have developed to address the issues identified through the recent staff survey.	It is proposed that the implementation of this action plan be brought back to cabinet by way of an update / progress report in 6 months.	To be brought back to Cabinet before Dec '22.


LGA Corporate Peer Challenge

Mid Devon District Council

1st – 3rd March 2022

Feedback report





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1. Executive summary

Mid Devon District Council (MDDC) is a good council. It has shown real leadership of place and should be proud of the way it has supported residents and businesses throughout the last two years in responding to the pandemic. The council is well aware of the set of new challenges it faces as we learn to live with covid, challenges such as workforce availability, material supply, inflationary pressures, and an unequal recovery across sectors and is actively looking for solutions. The council is also clear that there will be no going back to the pre pandemic normal – even if this was something to be desired, and that its plans and priorities need to be reset to reflect this.

The council's achievement in delivering operational efficiencies to date continues to see it well-placed corporately as government funding reductions continue. Owing largely to sound financial stewardship over recent years, the council is in a relatively good financial position, and this should enable it to deliver a refined set of priorities over the next 12-18 months.

The council's Corporate Plan was adopted in January 2020 – just as the pandemic struck. It has wisely scheduled a 'Mid Term Review' of this in May this year, and we would urge officers, and particularly members, to use this opportunity to reflect on what matters most now to the residents and businesses of Mid Devon and draw up a list of priorities which are deliverable within the resources available.

MDDC's commitment to place shaping is impressive – and remains undiminished by the pandemic. The successful bid to create a train station in Cullompton is an impressive achievement and is testament to the council's successful approach to exerting influence and achieving improved outcomes through partnership working. This is again evident in the Team Devon approach the council, along with all the other local authorities in Devon (including Plymouth and Torbay Councils) took to addressing the pandemic. This legacy is paying further dividends as MDDC plays its role in the emerging County Deal pilot, with MDDC senior officers and members playing leading roles in key areas such as housing.

We heard from some partners that they would welcome a stronger narrative of place emanating from MDDC – something which encapsulates the array of activities the

council is already undertaking, clearly setting out the council's vision for Mid Devon, and how partners can engage, influence and co-deliver.

The workforce is passionate about Mid Devon the place and MDDC – they are committed to doing their best for the community and are rightly proud of how they worked together in responding to the pandemic. The council is facing real and immediate issues with recruitment, not only in the areas where this has historically been a problem (such as Planning and Environmental Health), but across the piece. There are some national and sectoral factors at play, which may be beyond the council's immediate control, but there are other more localised factors such as organisational culture and post-pandemic working practices, that can be readily addressed, and we would encourage the council to do so.

The council is part of a Devon wide approach to addressing Climate Change, having signed the Devon Climate Emergency Pledge in 2019. In addition to this, MDDC members set their own local target of aiming for the council to become carbon neutral by a more ambitious date of 2030. To support the delivering of these ambitious plans, a MDDC specific Action Plan (as opposed to the County Wide Action Plan which is already in existence) would be help MDDC officers and members to prioritise actions and more effectively map resource allocation.

Some Member/Officer and some Member/Member relations have been challenging – and the impact of this is permeating throughout the council. Some behaviours remain challenging, and whilst the issues are recognised by officers and senior members, seeking a positive, externally supported resolution involving all members will be an important next step in rebuilding a culture of respect and trust and allowing the council to reach its full potential.

2. Key recommendations

There are a number of observations and suggestions within the main section of the report. The following are the peer team's key recommendations to the council:

- Develop a stronger narrative for the place that encapsulates the wide range of projects and ambitions that you have for your place so that partners, stakeholders, and residents understand the council's vision –

and the role they can play in delivering it.

- Use the mid-term re-set of the corporate plan as an opportunity to review priorities in light of capacity constraints and ensure member/political ownership of both the process and the outcomes.
- Proactively seek to engage your residents/communities in the re-set process, using the different communications channels you have begun to embed.
- Seek external support/advice to ensure a culture of respect between officers and members and between members so that you can realise your potential.
- Provide training and development to all members so that they make best use of existing democratic structures e.g., Scrutiny and Policy Development Groups to provide effective oversight of organisational performance AND positively influence policy and decision making – ensuring the best possible outcomes are delivered for residents.
- Provide clarity as a priority to officers and members around your plans for hybrid working going forward – building on the successful approaches you have developed during the pandemic and reflecting the needs of all stakeholders in the ‘new normal’.
- Continue to play a visible and positive role in key regional and sub-regional partnerships – particularly Team Devon and the emerging County Deal.
- Consider developing a MDDC Climate Change Action Plan to reflect the district’s circumstances, to sit under the county umbrella plan.
- Communicate the Action Plan you have developed to address the issues identified through the recent staff survey.

3. Summary of the peer challenge approach

3.1. The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected on the basis of their relevant expertise. The peers were:

Councillor Sarah Rouse	–	Leader, Malvern Hills District Council – IND
Councillor Sam Chapman-Allen	–	Leader, Breckland District Council - CONS
Vic Allison		Chief Executive of Malvern Hills and Wychavon District Councils
Katherine Steel	–	Assistant Director of Resources and s151 – Babergh and Mid Suffolk District Councils
Karl Roberts	–	Director of Place, Arun District Council
Emily McGuinness	–	LGA Peer Challenge Manager
Kathryn Trant	–	LGA Advisor

3.2. Scope and focus

The peer team considered the following five themes which form the core components of all Corporate Peer Challenges. These areas are critical to councils' performance and improvement.

1. **Local priorities and outcomes** - Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
2. **Organisational and place leadership** - Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture** - Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
4. **Financial planning and management** - Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
5. **Capacity for improvement** - Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

In addition to these questions, the council asked the peer team to provide feedback on organisational performance management and their plans to deliver an ambitious growth programme alongside recovery. The team have reflected on these additional areas of focus **within** the 5 core areas reflected above.

3.3. The peer challenge process

Peer challenges are improvement focused; it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared by reviewing a range of documents and information in order to ensure they were familiar with the council and the challenges it is facing. Over the course of 2 days, the team:

- Engaged with over 60 councillors, officers, and partners across 2 days of interviews in addition to further research and reading.
- Collectively spent over 190 hours to arrive at our findings, the equivalent of one person spending over 5 weeks in MDDC.

This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government officers and members.

4. Feedback

4.1. Local priorities and outcomes

MDDC led an impressive response to the Covid pandemic – working in partnership to support all communities and quickly redeploying staff to meet the constantly changing demands of a dynamic response. The effort taken to deliver such an effective response, which included setting up and maintaining a Shielding Hub to co-ordinate food deliveries etc for vulnerable residents, as well as running testing centres and administering over £35 million of various Covid Support grants, should not be underestimated. The residents and partners we spoke to really valued the

leadership shown by the council during these difficult times and members and officers should reflect with pride on their achievements.

Similarly, officers have supported over 75 refugees who have been placed in the district through various resettlement schemes – often going beyond minimum requirements to ensure as positive an experience as possible for the refugees. Whilst the support from officers is valued by the agencies supporting these initiatives, we heard that in this area opportunities exist for the members of MDDC to have a more visible role, and that many organisations would actively support them in achieving this, thus supporting an improved community leadership role for members.

Whilst the past 2 years have been challenging in so many ways, there have been some positive outcomes for the council – for example, staff have valued the opportunity to be part of a genuine ‘team effort’ and are collectively proud of what the council has achieved. Relationships have been established and improved with residents and partner agencies, and the council is viewed positively amongst most stakeholders we spoke with. Maintaining and enhancing these channels of communication will help ensure the views of all stakeholders more consistently inform the work of the council.

It is positive to note that the council now has a Corporate Plan in place that was approved in January 2020 – just before the first lockdown. The Corporate Plan is comprehensive and references a wide range of key ambitions, plans and projects with a strong emphasis on growth and sustainability. As explored later in this report, the planned mid-term review of this plan will be an important opportunity to reflect on the changed context within the council as well as in the wider community and sector as a whole. Given that the Plan was introduced prior to the pandemic response period, it is perhaps understandable that not every part of the organisation is fully conversant with all its contents. Staff are generally aware of the key priority areas of Homes, Environment, Community and Economy. The planned review will help develop a shared understanding as to how their activities in the post pandemic ‘new normal’ will align with these priorities with particular reference to organisation capacity to deliver which is currently causing some concern amongst staff. See also later section on capacity for improvement.

There is more to do to ensure effective ownership of the Corporate Plan at a member level, so that they are able to provide cohesive and strategic leadership to the organisation around key priority areas – and equally important for them to provide clarity around areas which are of less importance in the short term. This will help organisational resources to be deployed to maximum effect. We heard from members who are passionate about particular issues – which is of course positive and to be commended. However, a recognition that delivery of the whole Corporate Plan is a shared objective would help in setting a clear direction for the council over the next 18 months as officers and members navigate a recovery phase alongside renewed activity to deliver key projects, such as Culm Valley and at Junction 27 of the M5.

The relatively positive financial position of the council should allow for delivery of these key projects if they are effectively prioritised through the reset of the Corporate Plan.

There are some very impressive projects being delivered across the district, for example the planned new railway station in Cullompton (with construction due to start in 2024), the Heritage Action Zone in Cullompton and innovative development solutions through the council's wholly-owned development company. Pulling all these plans and projects, and the many others we heard of, together into a stronger overall vision will help MDDC develop a more cohesive narrative of place that would be welcomed by external stakeholders, as well as clarity as to how and when they can contribute to creating and delivering shared outcomes.

The council has taken many positive steps to address Climate Change. In 2019, MDDC signed the Devon Climate Change Pledge for the County to be Carbon Neutral by 2050. In addition to this, MDDC members have set their own local target where the council is aiming to become carbon neutral by a more ambitious date of 2030. The council has taken positive steps to achieve these ambitious targets, such as appointing a Climate & Sustainability Officer, setting up a Net Zero Working Group and including Climate Change in a Cabinet Member Portfolio. They have also commissioned Exeter University to baseline the council's carbon footprint in order to have a benchmark to help prioritise actions and measure progress against. The Council has recently secured in excess of £300k of Government funding towards decarbonising the three leisure centres and have recently heard that they are likely to

be successful in obtaining £2.8m from the Salix fund to make further investment in the leisure centres.

Whilst officers, members and partners were able to confidently refer to the Countywide Climate Action Plan, we didn't hear of a specific MDDC Action Plan that provides strategic oversight of these positive climate agenda actions within the council and would suggest that producing one would help raise the profile of this important work and ensure all activities (and associated resources) are accurately mapped, reviewed, and monitored.

4.2. Organisational and place leadership

The peer team spoke with a wide range of local, regional, and sub-regional partners; from this we found that MDDC is well regarded by all and is seen to positively contribute to the delivery of shared outcomes. This is particularly well demonstrated by the 'Team Devon' approach which was initially developed as a mechanism to co-ordinate the Covid response across all tiers of local government in Devon and has continued as a meaningful forum for collaboration on a county footprint. Both the council's Leader and the Chief Executive play active roles in these arrangements and lead on priority issues such as addressing the housing crisis in Devon. Positive engagement in these emerging local structures will greatly enhance the council's ability to address some of the big issues they are facing (housing, recovery etc). As discussions and plans progress around the Devon County Deal, ensuring that the potential benefits for MDDC are understood and articulated at all levels of the organisation will be important so that members and officers are sighted on, and can maximise, all opportunities.

Partners are ready and waiting to work more extensively with MDDC and are keen to continue to work with the council to shape the post pandemic 'new normal'. Some partners stated that they would welcome a more proactive approach to engagement e.g., through regular Town and Parish Council Liaison and Business Forums. There is a perception amongst some partner organisations that MDDC can sometimes take a reactive, rather than proactive, approach to engagement. We understand that engagement arrangements, particularly with the Business Sector, are being reset following the pandemic, this is positive and will inevitably help ensure the voices of all

stakeholders are heard in the planned review of the Corporate Plan. Building on existing positive relationships to create community capacity will support the delivery priority outcomes.

As previously referenced, there is a significant growth agenda in Mid Devon, with some key projects moving towards delivery – not least the construction of a new train station in Cullompton. In taking a leadership role in helping to bring this project to fruition, the council has demonstrated an impressive ability to use its position to influence major development and should now confidently build on this experience to bring forward other key development projects forward at pace.

The council recognises the need to improve the level of engagement with residents. A recent Residents survey indicates that residents are generally positive about their local area as a place. However, the Council scored less on the perception of value for money or acting on concerns of residents. How the council chooses to use this information to inform priority setting going forward will be important in addressing these concerns and maintaining trust and credibility with residents.

There is a need to improve the digital infrastructure across the district to support the wider economy and corporate ambitions. A high level strategy on broadband coverage for the district would help to demonstrate a commitment to engagement with residents and help to secure decent digital connectivity to support economic opportunities in rural areas.

We heard that there has been no large scale transformational ICT activity in recent times and that there have been significant staff shortages – this has undoubtedly impacted on the council's ability to deliver large scale digital change. However, whilst the last two years have presented challenges to the ICT function of the council, opportunities have been embraced e.g., supporting staff to work from home. The council has committed to learning from how these issues were addressed and factor this in to future projects, such as the development of a digital platform to allow improved customer engagement and service delivery – a project that should continue to be progressed at pace.

4.3. Governance and culture

Staff feel that they were communicated with well during the pandemic and there was an increase in the number who felt they had the freedom to 'get on with their job'. This is borne out by the recent staff survey which additionally reported that 84% of staff feel managers treat them with respect. Given the challenges presented by the pandemic, this is a positive reflection from staff on organisational culture from their perspective and provides a good basis for continuous improvement.

The staff we spoke with expressed a wish for a clear and cohesive plan in respect of returning to the council offices/workplaces following the pandemic. As stated above, after some initial challenges with ICT capacity, the council successfully enabled staff to work remotely during the pandemic. Planning for a return to office based working is an opportunity for the council to build on this success and to investigate the potential to use new ways of working to help address recruitment and retention issues e.g., being able to recruit staff from outside the normal travel to work area and maximising agile working practices. Clarity on these plans at the soonest opportunity will be welcomed by staff, members and customers and will provide clarity around access to staff - managing the expectations of all stakeholders in this process will be critical to avoid an exacerbation of current recruitment and retention issues whilst balancing the needs of residents and members.

Inevitably, the pandemic has created some perceived inequities between teams – and this is not unique to MDDC. The roles of some staff – predominantly those working in the satellite sites at Carlu Close and the Old Road Depot – remained largely unchanged by the pandemic, whilst others may have been redeployed or furloughed. We heard that whilst internal communications is seen as strong by staff working at the corporate centre, those working in satellite locations would value a more inclusive approach – and cited the use of new communications channels used in Housing Services to produce videos as a particularly strong example. A post-pandemic review of working practices is a good opportunity to address concerns around parity and build on a 'one council' ethos.

Alongside the positive feedback from the staff survey, a number of issues were also identified, including:

- communications between teams,
- a belief that not everyone is treated equally and fairly; and
- that only 31% of staff felt that senior leaders make an effort to listen to them.

The council is well sighted on the responses to the survey and is committed to addressing the concerns raised. Consideration should be given to development of an action plan which can be clearly communicated to all staff and against which progress can be measured – this will not only ensure the issues raised are purposefully resolved, but that staff will see their concerns being actively listened to by the organisation.

Only 21% of staff feel that they have a good working relationship with members. The last council election in 2019 returned a change in political control for the council – of the 42 members 20 are Conservative, 11 are Liberal Democrat, 6 are Non-aligned Independent, 3 are New Independent Group and 2 are Green Party. The Cabinet consists of 5 Conservative members and 3 Independent, the Leader is Independent, and the Deputy Leader is from the Conservative Group – there is no formal or informal coalition. Given this complex political context, the period since 2019 has not been without its challenges, which have been managed well by the Chief Executive, and relations amongst Cabinet members and between senior members and officers now seem to be stable. These positive working relationships now need to be developed with senior officers and senior members working as a more effective ‘Top Team’, meeting together and working through a shared agenda that reflects the context the council is operating within and agree a set of deliverable priorities, with members being seen to think and act strategically rather than perhaps spending a disproportionate amount of time involved in operational matters. In doing so, they will be better able to provide sound political and organisational strategic leadership and one would hope improve staff perceptions.

Whilst stating the above, it is evident that some member to officer and some member to member relations have become strained and are effecting the council’s capacity to deliver due to the impact this is having on both councillor and officer time and resources. There is widespread recognition of the issues in most quarters and a belief that they need to be proactively addressed. The Council may benefit from

external support, mediation, and guidance so that issues are resolved and the council, both members and officers, can focus on the delivery of priorities, allowing a culture of respect to be reset and rebuilt.

Structures for non-executive members to positively engage with and influence both decision and policy making exist through the Policy Development Groups and Scrutiny. However, there is a need for all members to fully understand their roles and responsibilities, and engage positively with these structures, so that the best outcomes for the residents of Mid Devon can be achieved.

Senior Officers and members may benefit from spending some time collectively reflecting on what 'good' looks like for governance at MDDC and what are the roles and responsibilities of members and officers to ensure this is realised – we met with officers and members who are passionate about their place and have huge ambition to deliver for their communities. It is important for officers and members to recognise that there is much that the council has done, and is doing, well.

MDDC collects and analyses a significant amount of organisational performance data, which is used by officers to inform service and resource planning to a certain extent. However, the peer team felt that Members do not appear to make best use of the performance data that is available to them – either in their Executive roles, or through regular reporting to Overview and Scrutiny. The council would benefit from a more robust and rigorous performance management framework that clearly sets out the roles and responsibilities of members in relation to this and supports a culture where performance and financial data are more routinely considered as part of strategic management discussions.

Finally, in this section the team felt it important to note that all 33 recommendations made by external reviews of 3Rivers Development Ltd (a MDDC wholly owned company) have now been delivered. This has been a significant undertaking and should provide the necessary levels of assurance and reassurance going forward.

4.4. Financial planning and management

Within the challenging national financial context and given the significant uncertainty facing the sector, MDDC is in a reasonably good financial position, owing largely to a

history of sound financial management and a successful track record in delivering savings by reducing headcount, moving more service provision on-line, working with partners to share costs, examining all fees/charges (including the introduction of fees for discretionary services that were previously provided for free), as well as looking to more commercial ventures. Such ventures include major leisure centre investment targeted to help reduce the level of council tax subsidy, investment with the CCLA and a loan to NHS Hub and renting out a large part of Phoenix House to the Department of Work and Pensions and co-located services for customers. Furthermore, the council set up its own property development company in March 2017, benefitting the council by over £500k in 2022/23.

These measures have resulted in a Medium Term Financial Plan which shows current reserves standing at circa £2.2m in the General Fund and £2.0m in the HRA, with a significant amount of earmarked reserves set aside to cover future known/estimated cost pressures or agreed funding commitments. In previous years the council has refrained from using significant amounts of New Homes Bonus (NHB) to underpin revenue budgets due to the fact that this funding source was never guaranteed over the longer term. The 2022/23 General Fund Budget does include a contribution of £0.5m from NHB but is predominantly used to fund one-off revenue items and a small contribution towards the capital programme.

This medium-term financial position is based on prudent assumptions - and in some cases worst case assumptions - with realistic assessments of when initiatives will be delivered, and options are already being developed and were shared with Cabinet in October 2021 to address the financial challenge for 2023/24 and beyond, demonstrating a mature approach to financial planning and managing challenges.

There is a strong and supportive working relationship between the Section 151 Officer and the Cabinet Member for Finance, allowing for regular discussion and formulation of budget proposals throughout the year. It is also clear that the wider membership has confidence in the Cabinet Member for Finance and the Section 151 Officer but a greater understanding of the council's financial position amongst leading members needs to be developed as the council looks to review the Corporate Plan and prioritise activities in line with financial resources. Establishing shared ownership of the council's financial position across the Cabinet is an important next step as in the medium-term more difficult budget decisions may need to be taken, and

members will need to recognise the need to support this.

The council has some shared service arrangements with neighbouring authorities in services such as Building Control, Spatial Planning/Economic Development and Procurement, but consideration should be given to exploring further options to achieve greater efficiency savings e.g., ICT and Legal Services and thereby protecting frontline services.

MDDC has a number of well established Policy Development Groups (PDGs) which were intended to provide a forum for non-executive members to purposefully engage with policy development and review. There is an opportunity to work with the Policy Development Groups around the budget setting process to enable them to take full ownership of their budget areas and contribute to assessing options with Cabinet.

There is open and transparent reporting around the wide range of earmarked reserves as part of the budget monitoring, but consideration should be given as to the extent to which these reporting mechanisms aid understanding of the council's overall financial position amongst the wider membership of the council.

As is the case in many local authorities, over recent years there has been significant slippage in the capital programme at MDDC. A review could be undertaken, possibly alongside the mid-term review of the Corporate Plan, to establish the reasons for this and ensure resources are appropriately (and realistically) allocated to support the delivery of a set of refocused priorities.

4.5. Capacity

The way in which MDDC responded to the pandemic shows that the council has the ability to learn and adapt to new ways of working at short notice – and the subsequent investment the council has made in ICT has helped build on this and provide greater organisational resilience, improved bandwidth and helped to mitigate cyber risks.

The peer team met with positive and motivated staff who have a clear passion for Mid Devon and demonstrate an impressive commitment and enthusiasm for the council. It is worth noting that the flexible and agile way staff responded to the pandemic is appreciated by members and partners and has created significant

‘community capital’ for the council and MDDC should seek to ensure this is retained as ‘new normal’ working practices are devised and implemented.

The council is currently facing significant recruitment and retention issues beyond the more traditional ‘hard to recruit’ professions such as Planning and Environmental Health. The council is fully aware of the extent of the issue – and the significant impact on the organisation both now and in the future. There are some sectoral factors which are beyond your immediate control (e.g., skills shortages generally, and the cost of living in the South West etc), but there are others which are in your gift to address such as organisational culture and setting out your approach to working practices. Addressing these issues in particular will ensure that the council is as well placed as possible to resolve these issues. We heard that the councils’ HR Team are actively reviewing staff benefits and recruitment practices and this is a positive step. We would also encourage the council to establish clarity on new ways of post pandemic working arrangements as a priority, setting out how the expectations of members, customers and staff will be met and providing reassurance that there will be appropriate technology to support this. Staff are keen to embrace hybrid working and developing a sustainable approach to this could help with some elements of recruitment and retention.

Opportunities may exist for the council to explore further joint working with other councils e.g., IT and Legal Services as part of the Team Devon approach. Looking to pool resources in key, but hard to recruit to service areas, could help improve resilience as well address recruitment and retention issues by giving staff a wider breadth of experience. Alongside this there is also the potential to generate efficiency savings.

The Council’s Corporate Plan is rightly ambitious for Mid Devon, but given the extent to which the world has changed since the plan was adopted in 2020, the planned ‘Mid-Term Review’ will be an important opportunity for members and officers to reflect on what has been achieved (both in terms of planned activities to deliver the aims of the Corporate Plan but also the huge amount of unplanned work to support the pandemic response), to comprehensively appraise the capacity of the organisation moving forward, and consider what the new post-pandemic normal will look and feel like in Mid Devon, as the country learns to live with Covid. This review process should look to achieve a set of priorities and activities which are realistically

deliverable (whilst retaining the ambition for place which is so clearly evident within the council and amongst stakeholders) taking into account the workforce and financial constraints facing the council.

A more clearly defined set of corporate priorities resulting from the 'Mid Term Review' will help the 'Top Team' of senior members and officers to re-deploy resources to deliver maximum impact in key areas. In order to achieve this, it will be crucial for elected members to acknowledge that activities will need to be prioritised to align with organisational capacity. A more focused and targeted approach over the next 12 -18 months, will allow the council to reap the benefits of a relatively strong financial position - as well as a strong track record in securing external grant funding - and deliver tangible outcomes for the residents and businesses of Mid Devon.

ICT investment has been behind the curve in recent years but is now moving forward with the importance of this now widely recognised e.g., the impending roll out of the new telephony programme and enhanced broadband bandwidth. It is important that this investment continues in ICT to support the transformational ambitions of the council, a key component of which is to deliver more effective channels for digital engagement with residents. The Council now needs to ensure that staff and members are fully able to use the technology now in place and that this technology also creates further channels for residents to inform and influence the work of the council.

5. Next steps

It is recognised that senior political and managerial leadership will want to consider, discuss, and reflect on these findings.

Both the peer team and LGA are keen to build on the relationships formed through the peer challenge. The CPC process includes a six-month check-in meeting. This will be a short, facilitated session which creates space for the council's senior leadership to update peers on its progress against the action plan and discuss next steps.

In the meantime, Paul Clarke, Principal Adviser for South West, is the main contact between your authority and the Local Government Association. Paul is available to



discuss any further support the council requires. paul.clarke@local.gov.uk

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CABINET
28 JUNE 2022

REPORT OF THE DIRECTOR OF PLACE

LEVELLING UP FUND - SECOND ROUND

Cabinet Member(s): Councillor Richard Chesterton, Cabinet Member for Planning and Regeneration

Responsible Officer: Richard Marsh, Director of Place

Reason for Report:

1. To inform Members about the second round of the Levelling Up Fund (LUF)
2. To seek Members endorsement of resubmitting a bid for the Cullompton Town Centre Relief Road (including associated pedestrian and cycling improvements to the proposed new station site). The bid being updated to include key information and addressing issues raised through bid evaluation.

RECOMMENDATIONS: That Cabinet agree to submit a bid to the second round of the Levelling Up Fund in respect of the gap funding required to deliver the Cullompton Town Centre Relief Road.

Financial Implications:

Local areas can bid for up to £20 million capital funding for a range of local infrastructure projects. Although projects can be fully funded, bidding authorities are 'encouraged' to include local match funding amounting to 10% of total project costs – this could be in the form of developers contributions, or private sector match. For the Cullompton relief road, there is already a close connection with development financial contributions through Housing Infrastructure Fund recovery requirements and Devon County Council is acting as delivery partner. Devon County Council has pledged £1.5 million towards the scheme costs.

Budget and Policy Framework:

The Levelling Up Fund (LUF) is a vehicle for the Government's "levelling up" agenda. Projects put forward as part of a bid will need to demonstrate a strong strategic fit against national, regional and local priorities for growth as set out in the prospectus. This report is not considered to raise policy framework implications.

A funding package is already in place for the Cullompton relief road scheme incorporating Housing Infrastructure Fund monies and future developer contributions. The LUF bid is to provide gap funding to supplement those funding sources already identified. At the time of writing the cost of scheme is currently estimated at £28m. This figure is being refined as part of the bid preparation. This estimate is a higher figure than last year's costings as it reflects increasing costs in the construction sector.

Legal Implications: Should bids be agreed and terms accepted, a grant-funding agreement will be entered into by the Council and Homes England.

Risk Assessment:

LUF: Mid Devon is identified as a medium priority category 2 area for the LUF. Considerable time and effort will need to be invested in resubmitting a bid within a very

short time-frame. There is no guarantee of success, however failure to develop and submit projects under this fund would represent a missed opportunity.

Wider risk: The Cullompton Town Centre Relief Road is considered to be a major strategic growth project. Its delivery will unlock environmental and air quality improvements within Cullompton town centre and Historic England has made it clear that the award of the Heritage Action Zone monies in Cullompton is predicated by a clear expectation of its delivery. The relief road will also unlock early capacity at J28 M5 in advance of more significant junction intervention, allowing for planned growth within the adopted Local Plan to come forward. This planned growth is considered vital to sustain the pipeline of housing delivery in order to meet future Housing Delivery Test requirements and as such is also significant to the delivery of the recently adopted Local Plan. Failure to deliver homes within the required timeframe will significantly increase risk, with the prospect of unplanned development coming forward in other locations within the District.

There are critical next key steps for the relief road project such as land assembly. The project will need to be delivered in a timely manner to ensure that it fits with the requirements of each of the funding streams.

Equality Impact Assessment: Projects put forward as part of a submission will need to demonstrate how they will reduce economic and social inequalities, or promote wider growth and economic / job creation opportunities particularly as they impact the most vulnerable residents or hardest hit communities.

Relationship to Corporate Plan: The LUF provides an opportunity to contribute towards all four corporate priorities of economy, homes, community and environment and assist in the delivery of many of aims identified within the Corporate Plan.

Impact on Climate Change: Any project submitted as part of the LUF will need to demonstrate its contributions to carbon reduction targets as part of the assessment criteria. In particular, they expect transport investment projects to show how they will reduce carbon emissions, improve air quality, and cut congestion.

1 BACKGROUND

- 1.1 The Government announced the creation of a Levelling Up Fund (LUF) at the Autumn Spending Review 2020. The fund included the opportunity for Local Authorities to seek up to £20 million of capital funding for high-priority infrastructure projects. Bidding authorities were 'encouraged' to include local match funding amounting to 10% of total project costs. Every local authority can submit at least one bid. In addition, County Councils can submit an additional transport bid. The Fund will now run until 2024/25.

- 1.2 Although this is a competitive funding programme open to all top tier and second tier local authorities, certain areas have been prioritised for investment under the Levelling Up agenda based on an index of economic and deprivation indicators. Priority areas, representing places with the highest levels of identified need, will receive capacity funding to develop high quality bids. Mid Devon has been categorised under category 2 (2 out of 3 categories) and therefore not in the highest priority category. It should also be noted that, distinct from normal bid-based processes, the LUF mandates a parliamentary constituency geographic approach in the consideration of bids.
- 1.3 A first round of bidding was invited in 2021. This Council submitted a first round bid to the fund seeking gap funding for the Cullompton Town Centre Relief Road as agreed by Cabinet at its May 2021 meeting. Unfortunately this bid was unsuccessful. In response to our round one bid we received favourable feedback from government officials who considered it a strong bid. Indications were also given as to where the bid might be strengthened. Importantly of the £4.8 billion LUF investment package pledged from the Government only £1.7 billion was allocated in round one.

2 SECOND ROUND BID SUBMISSION

- 2.1 The Levelling Up Fund Round 2: Prospectus was published at the end of March this year. The second round will again focus on the following investment themes: Transport, Regeneration and Town Centre and Cultural. Bids will be assessed against the following criteria: Characteristics of the place, Deliverability, Strategic fit with local and fund priorities and value for money.
- 2.2 The deadline for the second round of the fund is 6th July 2022. It will only fund projects that can ensure some LUF spend in the current financial year 2022-23. Funds would need to be spent by March 2025.
- 2.3 Full details can be found in the Levelling Up Fund Round 2: Prospectus, which is available on the Government website at:
<https://www.gov.uk/government/publications/levelling-up-fund-round-2-prospectus>
- 2.4 This second round provides an opportunity to apply for funding to fill the funding gap in the Council's well established Corporate Objective to deliver the Cullompton Town Centre Relief Road.
- 2.5 The Cullompton Town Centre Relief Road has planning permission, is already supported by Housing Infrastructure Funding with associated expectations of delivery and is of strategic significance to Mid Devon. The Cullompton Town Centre Relief Road is considered to be a major strategic growth project. As identified in the risk section of this report:
- Its delivery will unlock environmental and air quality improvements within Cullompton town centre;
 - Historic England has made it clear that the award of the Heritage Action Zone monies in Cullompton is predicated by a clear expectation of its delivery;

- It will unlock early capacity at J28 M5 in advance of more significant junction intervention, allowing for planned growth within the adopted Local Plan to come forward. This planned growth is considered vital to sustain the pipeline of housing delivery in order to meet future Housing Delivery Test requirements and as such is also significant to the delivery of the adopted Local Plan; and
- Failure to deliver homes within the required timeframe will significantly increase risk, with the prospect of unplanned development coming forward in other locations within the District.

- 2.6 The relief road scheme also includes associated works with regard to enhanced vehicular access, pedestrian and cycle provision in the Station Road corridor at the northern end of the relief road's connection with the existing road network. Inclusion of these aspects has an associated benefit to the realisation of connections along Station Road between the town centre, northern end of the relief road and proposed railway station site.
- 2.7 Importantly the Relief Road project is able to start spend of LUF funds (if successful) within 22/23. Devon County Council supports the project, has pledged £1.5m towards its delivery and is acting as the delivery partner.
- 2.8 The Cullompton Town Centre Relief Road is a suitable scheme for submission given its close alignment with the exacting requirements as set out in the LUF prospectus, is of a significant scale to take greatest advantage of the opportunity, is well placed for delivery within the required timescale and given the favourable feedback received with regard to the last submission.
- 2.9 This second round fund provides an ideal opportunity for funding, but it is important to note that this report refers only to an application. If the application is successful, Cabinet will be advised of the relevant terms and conditions and its approval sought to proceed in due course.

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

Circulation of the Report: Cabinet Member Cabinet, Leadership Team

List of Background Papers:

13 May 2021 Cabinet Report

<https://democracy.middevon.gov.uk/documents/s21841/Levelling%20Up%20Fund%20-Cabinet%20Report%20v4%20210422.pdf>

Levelling Up Fund Round 2: Prospectus

<https://www.gov.uk/government/publications/levelling-up-fund-round-2-prospectus>

CABINET
28TH JUNE 2022

PUBLIC SPACES PROTECTION ORDER – DOGS

Cabinet Member(s): Cllr Colin Slade, Cabinet Member for the Environment and Climate Change

Responsible Officer: Darren Beer, Operations Manager - Street Scene and Open Spaces

Reason for Report and Recommendations: To consider whether to make a proposed variation to the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (the “PSPO”) by adding two locations to the list of areas in the PSPO where dogs are only allowed if on a lead; add one location to the list of areas in the PSPO where dogs are excluded; and correct a plan within the existing PSPO which shows the wrong area of land.

RECOMMENDATION FOR CABINET:

1. On being satisfied that the statutory grounds for varying the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 are met as detailed in the Report, **to grant delegated authority to the Operations Manager for Legal and Monitoring to make the Variation Order (subject to any minor variations as he/she considers appropriate) which will:**

(a) designate the Locations in Hemyock, as shown on the plans attached to this report at Appendix B and Appendix C, as areas where dogs are only allowed if on leads,

(b) designate the Location in Kentisbeare, as shown on the plan attached to this report at Appendix D, as an area where dogs are excluded, and

(c) amend Plan 82 of the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 to show the play area at Siskin Chase, Cullompton attached to this report at Appendix E.

Financial Implications: Whilst a consequence of enforcement may be an increase in Fixed Penalty Notices (FPN), income generation is not the reason for introducing a variation of the PSPO. New signage has already been procured.

Budget and Policy Framework: Mid Devon District Council (the ‘Council’) has a PSPO already in place, which deals with anti-social behaviour caused by dog owners. The Locations to be designated as dogs on lead and dogs excluded are unlikely to significantly increase costs

Legal Implications: The PSPO is designed to curb anti-social behaviour arising from dog fouling and other matters, which are set out in the PSPO. The PSPO is in force for a period of 3 years from 7 October 2021. Any variation of the PSPO must be carried out in accordance with the statutory requirements in the Anti-social Behaviour, Crime and Policing Act 2014.

Risk Assessment: The Locations that have been identified by Hemyock Parish Council and Kentisbeare Parish Council are areas, which currently have dog-related anti-social behaviour, failure to add these areas to the PSPO will have a negative impact on the individuals within those parishes. Not amending Plan 82 to show the correct area at Siskin Chase, Cullompton would prevent the Council from enforcing the provisions of the PSPO in relation to that area.

Equality Impact Assessment: An equality impact assessment is not needed. This has been confirmed by an EIA initial screening. It should be noted the PSPO already allows for exemptions relating to assistance dogs in Article 10.

Relationship to Corporate Plan: The Street Scene Enforcement Service is a frontline service, which works throughout the District ensuring cleanliness and attractiveness of our public realm through both education and enforcement.

Impact on Climate Change: A Public Spaces Protection Order requires or prohibits certain activities from taking place in certain places (restricted areas) in order to prevent or reduce any detrimental effect caused by those activities to local surroundings and people. Further, reduced levels of dog-related anti-social behaviour improve the desirability of our open spaces.

1.0 INTRODUCTION/BACKGROUND

- 1.1 Article 6.2 of the PSPO provides that dogs must be on leads in those public parks, which are listed in Schedule C to the PSPO. Article 7 of the PSPO provides that dogs should be excluded from the enclosed play areas listed in Schedule D to the PSPO.
- 1.2 Both Hemyock and Kentisbeare Parish Councils asked, prior to the making of the PSPO, that the Locations be included in the PSPO. Unfortunately, the requests were overlooked when the draft of the PSPO went out for statutory consultation. This report gives consideration as to whether the PSPO should be varied to include the Locations.
- 1.3 A PSPO may be varied by including a new area of public space to which it previously did not apply only if certain conditions are met as regards activities in that new area.
- 1.4 The first condition is that—
 - (a) activities carried on in the new area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in the new area and that they will have such an effect.
- 1.5 The second condition is that the effect, or likely effect, of the activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.

- 1.6 The Council should only vary the PSPO by including the Locations in the PSPO if it is satisfied that the above conditions are met.
- 1.7 Between 1 April 2021 and 31 March 2022 the Council received 82 correctly completed reports of antisocial behaviour relating to dogs:
- 30 dog fouling reports
 - 52 dog on dog/person reports
- 1.8 Responsible dog ownership enforcement via the PSPO aids the reduction of risk to the general public of diseases such as toxocariasis from dog faeces; freedom from potential animal attacks and safeguarding the public and wildlife via the 'dogs on a lead' element.
- 1.9 Any requirements or prohibitions that are to be imposed must be both reasonable to impose and aimed at preventing or reducing the risk of the detrimental effect from continuing, occurring or recurring.
- 1.10 In relation to changing Plan 82 to show the correct area in Siskin Chase, Cullompton, it is submitted that the conditions had been considered met when the Cabinet authorised the making of the PSPO in August 2021. Amending the Plan to show the correct area is to ensure that the Council can properly enforce the PSPO in that area.
- 1.11 One of the advantages to having a Public Spaces Protection Order in place is that if there is an offence of failing to comply with a requirement or prohibition then the offender may be given a FPN; if the FPN is not paid then the offender may be prosecuted.
- 1.12 It should be noted at present the number of public park areas in the District subject to the requirement of dogs on leads in the PSPO is only 14. It should also be noted however that dogs are excluded by the PSPO from a number of children's play areas in the District.
- 1.13 There are many localities available in the District for dogs to be exercised freely. These areas do not exclude dogs and do not require dogs to be on leads.
- 1.14 The problem the variation order seeks to address is that of dogs, not under the control of their owners, interfering with members of the public using the Locations. It is a fact of life that a small minority of dog owners do not have control of their dogs when off the lead causing problems to other members of the public. Small children when running and playing freely are at risk from such dogs.
- 1.15 The Council has to strike a balance when considering which areas should be subject to the restriction of dogs on leads. The balance is between ensuring that there are areas available where dogs can run off their lead and areas where members of the public can use the open space such as playing football without interference from dogs.

- 1.16 In relation to considering which areas should be subject to the restriction that dogs must be excluded, the Council has to balance similar considerations and in addition, the risk to health of the public, especially children, in enclosed play areas from disease as a result of irresponsible dog fouling.
- 1.17 It is considered that including the two Hemyock Locations as part of the areas subject to the PSPO restriction of dogs on leads is acceptable given the reasons set out below and considering that there are other acceptable areas available where dogs can exercised off lead.
- 1.18 Both Hemyock Locations have unenclosed playing pitches. The Longmead Location has an unenclosed BMX track and some football goal posts. It is considered that some dogs if they are off lead will not be under sufficient control of their owners and could interfere with users of the playing pitches and BMX track. Hemyock Parish Council have reported that they have erected signs in both Locations requesting that dogs should be kept off the playing pitches but these signs are being ignored and there is a problem of dog mess being left on the pitches. It is considered that this is unacceptable and supports the need for a variation to the PSPO to include the Locations.
- 1.19 It is considered that including the Kentisbeare enclosed play area as part of the areas subject to the PSPO restriction of excluding dogs is also acceptable given the reasons below and considering that there are other acceptable areas available where dogs can exercised off lead.
- 1.20 The Kentisbeare play area is enclosed with play equipment, a concrete baseball pad and a football goal to one side. Further, Kentisbeare Parish Council have applied for planning permission to include a cycle track within the enclosed area. It is considered that users of the play area, including children, are exposed to toxocariarsis from dog faeces left in the area and from dogs that are not kept under control in the area.

2.0 CONSULTATION

- 2.1 The proposed variation of the PSPO went out to consultation from 28 January 2022 to 25 February 2022.
- 2.2 The following stakeholders were consulted:
- Hemyock Parish Council
 - Kentisbeare Parish Council
 - Chief Constable of Devon & Cornwall Police
 - The Police & Crime Commissioner
 - Animal Welfare Groups
 - The Kennel Club
 - All Councillors
 - Members of the public
 - The Owners and occupiers of the Locations.
- 2.3 The consultees could respond to the consultee, via:

- Letter
- Email
- Mid Devon District Council's website

For those who could not access the internet, other options were advertised, such as the option to send a letter. Officers also undertook direct consultation in the Locations during the consultation period to ensure views from users were captured by providing a QR code to enable direct access to the consultation page on the Council website and a phone number for the customer services call centre.

2.4 The responses to the Consultation are set out in a table, which can be found at Appendix F

2.5 Consultation results

2.5.1 Question 1 - Results

QUESTION 1 - DO YOU AGREE THAT DOGS SHOULD BE KEPT ON LEADS WITHIN THE RECREATION GROUND SITUATED AT LONGMEAD HEMYOCK (VARIATION A)?		
YES/NO	NUMBER	PERCENTAGE
YES	4	17%
NO	18	82%

There were 17 local residents who were opposed to dogs on leads in the recreation ground at Longmead. Therefore, officers went back to Hemyock Parish Council in light of the result to this question. The Parish Council have confirmed that it is *“fully behind its proposal to have 'dogs on leads' at Longmead”*. Further, the Parish Council indicated that *“It has committed to provide a dog friendly 'off leads' area on the new community land which should come on board next year.”*

2.5.2 Question 2 - Results

QUESTION 2 - DO YOU AGREE THAT DOGS SHOULD BE KEPT ON LEADS WITHIN THE OPEN SPACE LAND SITUATED AT MILLHAYES HEMYOCK (VARIATION B)?		
YES/NO	NUMBER	PERCENTAGE
YES	4	80%
NO	1	20%

2.5.3 Question 3 – Results

QUESTION 3 - DO YOU AGREE THAT DOGS SHOULD BE EXCLUDED FROM THE PLAY AREA AT KENTISBEARE (VARIATION C)?		
YES/NO	NUMBER	PERCENTAGE
YES	6	100%
NO	0	0%

2.5.4 Question 4 – Results

QUESTION 4 - DO YOU AGREE THAT THE DOGS SHOULD BE EXCLUDED FROM THE PLAY AREA AT SISKIN CHASE CULLOMPTON (VARIATION D)?		
YES/NO	NUMBER	PERCENTAGE
YES	5	100%
NO	0	0%

3.0 HUMAN RIGHTS

- 3.1 In deciding whether to make a variation to the PSPO, the Anti-social Behaviour, Crime and Policing Act 2014 says councils must have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights. The need to “have particular regard” to Articles 10 and 11 suggests that Parliament, in passing the Act, has sought to give these rights an elevated status in relation to deciding whether to make a Public Spaces Protection Order.
- 3.2 Public Spaces Protection Orders are a powerful remedy because they affect the behaviour of every person within a specified area rather than being targeted at individuals. For this reason, the Council will need to take care to ensure that they balance the need to tackle anti-social behaviour, crime and disorder against the desire and entitlement of the public to use a public space.

Article 10: freedom of expression

- 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*
- 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary*

Article 11: freedom of assembly and association

- 1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.*

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State

3.3 Officers submit that making the variation to the PSPO will not unnecessarily interfere with what would otherwise be legitimate and lawful activity and that the varied PSPO does balance the need to tackle anti-social behaviour associated with dogs against the desire and entitlement of the public to use a public space.

4.0 CONCLUSION

4.1 If the variation to the PSPO is made, it will introduce a range of reasonable and proportionate prohibitions and requirements on the use of the publicly accessible land in the Locations that would better control the activities of irresponsible dog owners whilst enabling responsible dog owners to continue to exercise their dogs without undue restrictions.

4.2 Further, it would allow the Council to properly enforce the PSPO in the enclosed play area at Siskin Chase, Cullompton.

Contact for more Information: Darren Beer, Operations Manager – Street Scene and Open Spaces (01884 244635; dbeer@middevon.gov.uk)

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

Appendix A – The draft Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (Variation 1)

Appendix B – Plan of Open space at Millhayes, Hemyock

Appendix C – Plan of Recreation Ground Longmead, Hemyock

Appendix D – Plan of the Enclosed Play Area at Kentisbeare

Appendix E – Plan of the Enclosed Play Area at Siskin Chase, Cullompton

Appendix F – Table of Consultation Responses

List of relevant documents:

Anti-social Behaviour, Crime and Policing Act 2014

<https://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014

<https://www.legislation.gov.uk/uksi/2014/2591/contents/made>

NHS information on Toxocariasis

<https://www.nhs.uk/conditions/toxocariasis/>

Keep Britain Tidy information on Dog Fouling Issues

https://www.keepbritaintidy.org/sites/default/files/resource/Keep%20Britain%20Tidy%20Policy%20Position_Dog%20Fouling.pdf

Local Government Association - Public Spaces Protection Orders – Guidance for Councils

https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf

DEFRA Dealing with irresponsible dog ownership Practitioner's manual (Oct 2014)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf

**The Mid Devon (Public Spaces Protection)
(Dog Control) Order 2021 (Variation 1)**

**Section 61 of the Anti-Social Behaviour, Crime
and Policing Act 2014**

Introduction

Mid Devon District Council (in this Order called “the Council”), in exercise of its powers under Section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers, after consultation carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking at the following public spaces

- A recreation ground situated at Longmead Hemyock,
- An area of open space situated at Millhayes Hemyock,
- An enclosed play area situated at Kentisbeare, and
- An enclosed play area situated at Siskin Chase Cullompton

has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby makes the following Order.

1. Definitions and Interpretation

- 1.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

“2021 Order” means the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021

“Hemyock Plans” means the two plans attached to this Order marked “Plan 36A” and “Plan 36B” respectively

“Kentisbeare Plan” means the plan attached to this Order marked “Plan 138”

“Siskin Chase Plan” means the plan attached to this Order marked “Plan 82”

“Plan 36” means the plan marked “Plan 36” attached to the 2021 Order

“Plan 82” means the plan marked “Plan 82” attached to the 2021 Order.

“Plan 137” means the plan marked “Plan 137” attached to the 2021 Order.

- 1.2 Except when the context otherwise requires, the singular includes the plural and vice-versa; and the masculine includes the feminine and vice-versa.
- 1.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

2. Scope

This Order varies the 2021 Order.

3. Duration

This Order shall come into effect on [] 2022

4. Title

This Order may be cited as “The Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (Variation 1)”

5. Variation

5.1 The 2021 Order shall be amended as follows:-

a) by attaching to the 2021 Order the Hemyock Plans which shall be inserted immediately after Plan 36

b) by adding to Schedule C to the 2021 Order starting on a new line after the words “Plan 36 - Victoria Close Willand” the following words:-

“Plan 36A - Recreation Ground Longmead Hemyock

Plan 36B - Open Space at Millhayes Hemyock”

c) by removing Plan 82 and replacing with it with the Siskin Chase Plan

d) by adding to Schedule D to the 2021 Order starting on a new line after the words “Plan 137 - Play Area Worcester Crescent, Willand” the following words:-

“Plan 138 – Play Area Kentisbeare”

e) by attaching to the 2021 Order the Kentisbeare Plan which shall be inserted immediately after Plan 137

5.2 In all other respects the 2021 Order (as varied by this Order) shall remain in full force and effect.

11. Appeal

Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area) may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of this Order.

12. Validity (Severance)

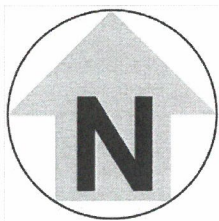
If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of this Order shall continue in full force and effect as if this Order had been executed with the invalid, illegal or unenforceable provision eliminated.

THE COMMON SEAL OF Mid Devon District Council

was hereunto affixed

in the presence of:-

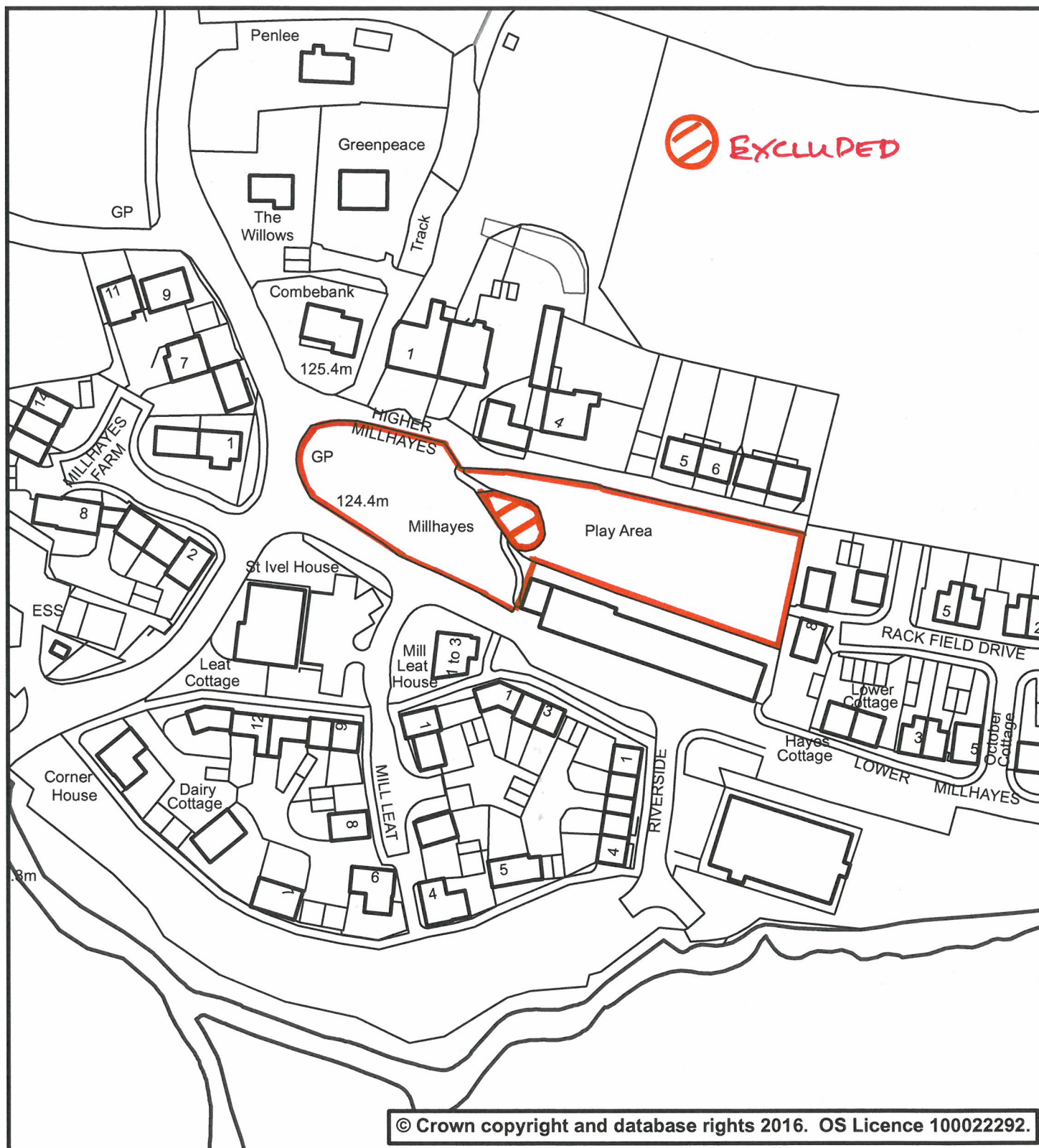
Authorised Signatory



Appendix B

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



Open Space - Millhayes Hemyock

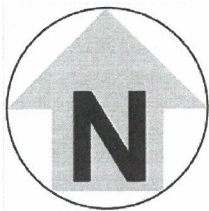
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Date: 26/02/2021

Drg. No: Not Set

Page 125 of 125
Name: sdensham

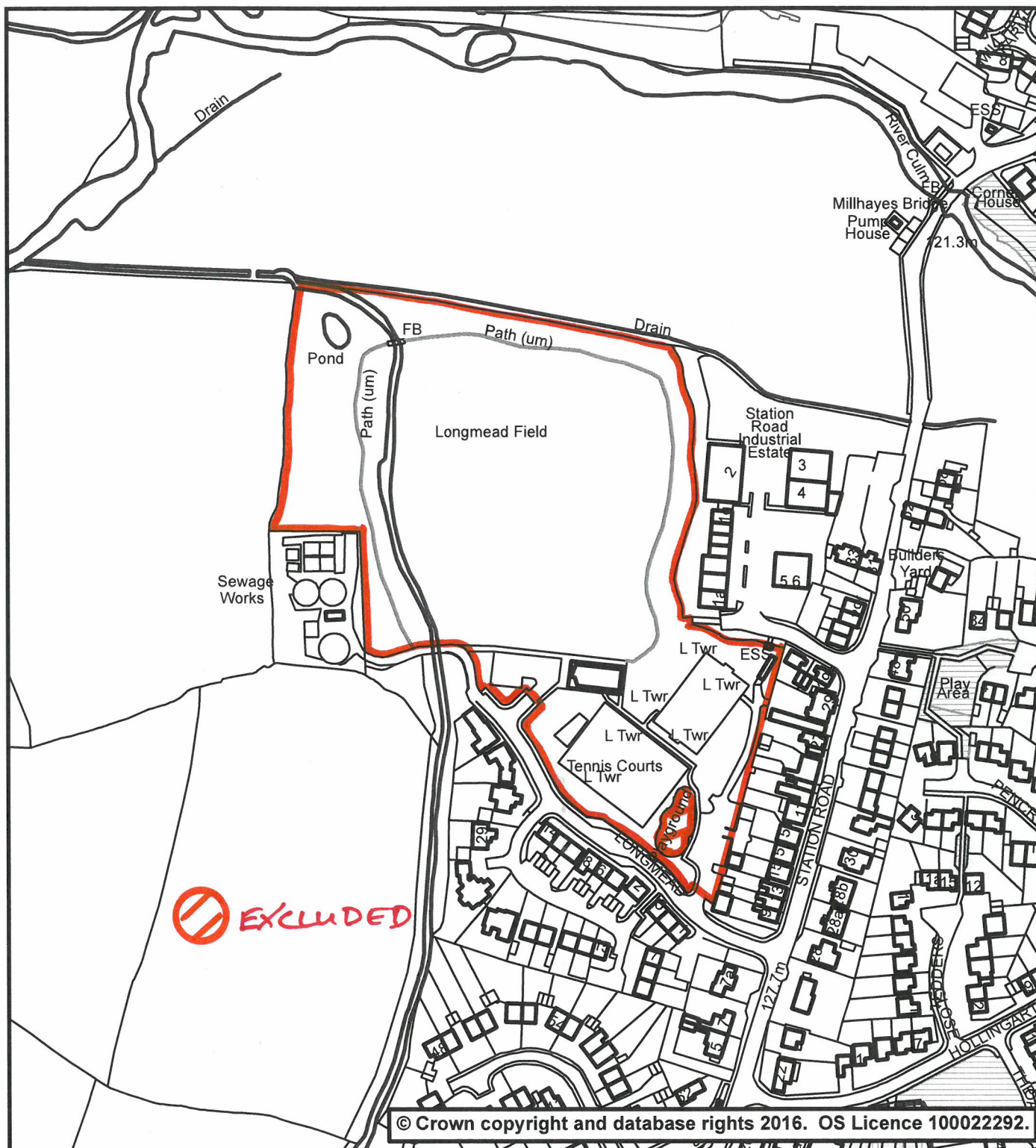
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Appendix C

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



Recreation Ground - Longmead Hemyock

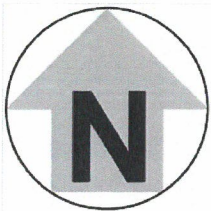
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Date: 11/02/2021

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User Name: sdenham

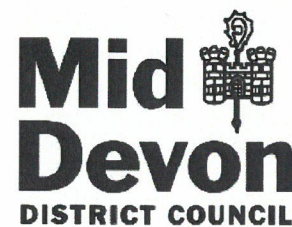
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Appendix D

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



Play Area - Kentisbeare

Scale: 1:1,250

Date: 18/01/2021

Drg. No: Not Set

User Name: sdenham

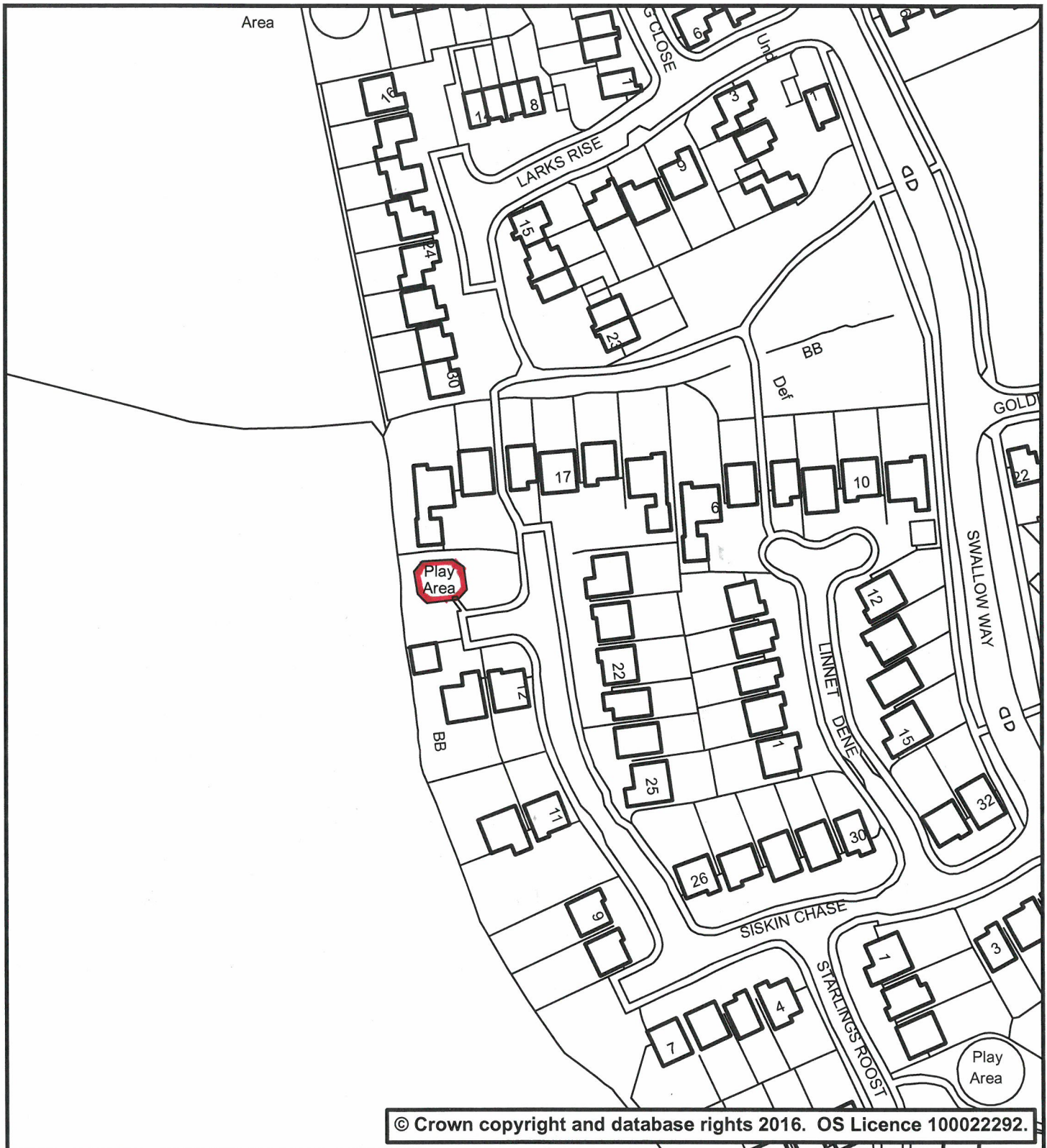
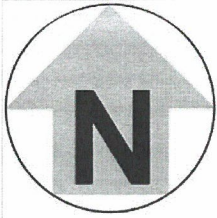
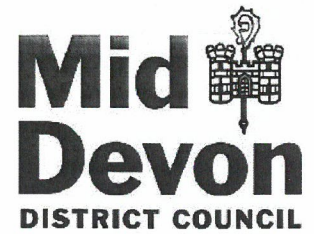
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Appendix E

Plan 82

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



Play Area - Siskin Chase Cullompton

Scale: 1:1,250

Date: 04/11/2021

Drg. No: Not Set

Page 131 User Name: sdensham

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Appendix F – Consultation Responses

Recreation ground situated at Longmead Hemyock

ID	Q1: Do you agree that dogs should be kept on leads within the recreation ground situated at Longmead Hemyock (Variation A)?
16 Hemyock Residents	<p>Answer: No</p> <p>Reasons: Dogs need somewhere to run with friends and have proper exercise. The largest majority of people are responsible people who always pick up the poo which can be verified by the doggy bins always being full. Dogs kept on leads will not stop the people from leaving the dog poo if they do not feel they have to clean up. We have people in the village who train their dogs for agility, how can they do that if they are kept on a lead? Dog training from an early age is vital, to have a dog you can trust to hear your call and command is very much part of owning a dog. Just fence the football pitch!</p>
A Hemyock Resident	<p>Answer : No</p> <p>Reasons: The vast majority of dog owners are responsible and clean up after their animals (and sometimes litter pick). Irresponsible dog owners will still not pick up their dogs' faeces. Punishing the majority for the faults of the minority is not fair. There are powers already in place to fine people who allow their dogs to foul in public spaces. This should be enforced; a few fines would be a huge deterrent. CCTV has been suggested and could also be used to monitor dog-walkers who do not pick up after their dogs. This is the only area within the village where dogs where dogs may run freely and dogs socialise better when they are allowed off a lead. Many older people are unable to walk their dogs on local footpaths, due to their infirmity. They rely on Longmead and the now enhanced concrete path that forms a circuit of the recreation and environmental areas. The majority of people who use the area on a daily basis are dog-walkers and the periphery of the area is almost exclusively used by dog-walkers. The thousands recently spent on the new path and bridge will therefore not be good value. In the middle of a climate crisis, we should not be encouraging people to get into their cars and drive to an area to walk their dogs elsewhere. Facilities should be made available in the village. Longmead should be for the benefit of all the residents of the village. Areas like this play an important role in social wellbeing (especially of older residents).</p>
The Kennel Club	<p>Answer: No</p> <p>We will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including “regular opportunities to walk and run”, which in most cases will be off lead while still under control. Their ability to meet this requirement is greatly affected by the amount of publicly accessible parks and other public places in their area where dogs can exercise without restrictions. This section of the Animal Welfare Act was included in the statutory guidance produced for</p>

ID	Q1: Do you agree that dogs should be kept on leads within the recreation ground situated at Longmead Hemyock (Variation A)?
	local authorities by the Home Office on the use of PSPOs. Accordingly, the underlying principle we seek to see applied is that dog controls should be the least restrictive to achieve a given defined and measurable outcome. The Government provided clear instructions to local authorities that they must provide restriction-free sites for dog walkers to exercise their dogs. This message was contained in the guidance document for DCOs, and has been retained in both the Defra/Welsh Government and Home Office PSPO guidance documents, with the Defra guidance for PSPOs stating 'local authorities should ensure there are suitable alternatives for dogs to be exercised without restrictions'.
Police & Crime Commissioner Alison Hernandez	Answer: Yes Reasons: I am aware that in the areas specified in the PSPO, dog-related anti-social behaviour is disrupting the enjoyment of local people, including in recreational parks and play areas. Whilst the majority of dog owners use public spaces in a reasonable way, the actions of a few individuals can be detrimental to the safety and enjoyment of public spaces for the wider community. Uncontrolled dogs can intimidate and interfere with the activities of other park users, and dog faeces that is not picked up poses an acute public health risk. Of particular concern, is the risk posed to children and young people using spaces such as play areas, sports fields and cycle tracks, which are vital for their health and wellbeing. I am assured that there are adequate alternative public spaces where dogs can be exercised freely away from designated recreation areas.
Devon & Cornwall Police	Answer: Yes Reasons: Children present, cyclists' risk of injury if out of control. Location close to fields where dog walkers can have freedom off lead.
Hemyock Parish Council	Answer: Yes Reasons: It will prevent dogs from being able to run onto football fields.
District Councillor	Answer: Yes

Open space land situated at Millhayes Hemyock

ID	Q2: Do you agree that dogs should be kept on leads within the open space land situated at Millhayes Hemyock (Variation B)?
Devon & Cornwall Police	Answer: Yes Reasons: As per the reasons stated for the response for the Recreation ground situated at Longmead Hemyock question
Police & Crime Commissioner Alison Hernandez	Answer Yes Reasons: As per the reasons stated for the response for the Recreation ground situated at Longmead Hemyock question
Hemyock Parish Council	Answer Yes; Reasons: To prevent dogs from freely roaming on grass area immediately adjacent to children's play area.
District Councillor	Answer: Yes

ID	Q2: Do you agree that dogs should be kept on leads within the open space land situated at Millhayes Hemyock (Variation B)?
The Kennel Club	Answer: No Reasons: : As per the reasons stated for the response for the Recreation ground situated at Longmead Hemyock question

Play area at Kentisbeare

ID	Q3: Do you agree that dogs should be excluded from the play area at Kentisbeare (Variation C)?
Kentisbeare Parish Council	Answer: Yes Reasons: I can confirm that Kentisbeare Parish Council is the owner and occupier of the land shown, as provided as part of this consultation. The Parish Council unanimously agreed that dogs should be excluded from the play area in Kentisbeare for health and safety reasons. The play area is an enclosed play area and it is not appropriate for dogs to be permitted in this area.
The Kennel Club	Answer: Yes Reasons: The Kennel Club does not typically oppose Orders to exclude dogs from playgrounds or enclosed recreational grounds, such as skate parks or tennis courts, as long as alternative provisions are made for dog walkers in the vicinity.
Hemyock Parish Council	Answer: Yes Reasons: Dogs should not be allowed in children's play areas.
District Councillor	Answer: Yes
Devon & Cornwall Police	Young children using park area. Risk of injury. Risk to health from dog mess.
Police & Crime Commissioner Alison Hernandez	As per the reasons stated for the response for the Recreation ground situated at Longmead Hemyock question

Play area at Siskin Chase Cullompton

ID	Q4: Do you agree that the Dogs should be excluded from the play area at Siskin Chase Cullompton (Variation D)?
The Kennel Club	The Kennel Club does not typically oppose Orders to exclude dogs from playgrounds or enclosed recreational grounds, such as skate parks or tennis courts, as long as alternative provisions are made for dog walkers in the vicinity.
Hemyock Parish Council	Answer: Yes Reasons: Dogs should not be allowed in children's play areas.
District Councillor	Answer: Yes
Police & Crime Commissioner Alison Hernandez	Answer: Yes Reasons: As per the reasons stated for the response for the Recreation ground situated at Longmead Hemyock question
Devon & Cornwall Police	Young children using park area. Risk of injury. Risk to health from dog mess.

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CABINET
28 June 2022

REVENUE AND CAPITAL OUTTURN 2021/22

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

Reason for Report: To present the Revenue and Capital Outturn figures for the financial year 2021/22 for both the General Fund (GF) and Housing Revenue Account (HRA).

RECOMMENDATION(S): That Cabinet consider the finance position reported and:

1. Note the General Fund Outturn achieved in 2021/22 which shows an overall under spend of £29k and the Housing Revenue Account which shows an under spend of £67k.
2. Approve the transfer of the General Fund surplus to the General Fund Reserve which will increase the balance to £2,215k; above the minimum recommended level of £2,000k. Similarly, approve the transfer of the £67k Housing Revenue Account surplus to the ring-fenced HRA Earmarked Reserves.
3. Approve the Net Transfers to Earmarked Reserves of £408k detailed in the General Fund Service Budget Variance Reports shown in Appendix 1a and 1b and summarised in Appendix 3. Note, this includes a £1,658k net drawdown of Section 31 Grant to smooth the Collection Fund deficits as legislated by the Government and separately identified on Appendix 1a. Similarly, approve the Net Transfers to HRA Earmarked Reserves of £1,665k as detailed in the HRA Budget Variance Report shown in Appendix 2 and summarised in Appendix 3.
4. Approve the virement as explained in para 4.6 and the addition to the Revenue Budget of £750k funded from Earmarked Reserves for the purchase of c. 38,000 new waste bins for households as part of the implementation of 3 weekly waste collections, in line with the 1 February Cabinet decision (para 4.7).
5. Approve the carry forward of £30,763k from the 2021/22 Capital Programme as all of the schemes will be delivered in 2022/23 or later years. Also approve the transfer to Earmarked Reserves of the unspent £174k.
6. Approve the transfer of Post Hill from the General Fund to the HRA as explained in para 8.8.
7. Note the procurement waivers used in Quarter 4 of 2021/22, as outlined in Section 10.

Relationship to the Corporate Plan: The financial resources of the Council impact directly on its ability to deliver the Corporate Plan prioritising the use of available resources carried forward from 2021/22. The Outturn Report indicates how the

Council's resources have been used to support the delivery of budgetary decisions. All future spending will be closely linked to four key priority areas identified in the 2020 – 2024 Corporate Plan.

Financial Implications: Good financial management and administration underpin the entire document. A surplus or deficit on the Revenue Budget will impact on the Council's General Fund balances. The Council's financial position is constantly reviewed to ensure its continued financial health.

Legal Implications: None.

Risk Assessment: Regular financial monitoring information mitigates the risk of over or underspends at year-end and allows the Council to direct its resources to key corporate priorities. Members will be aware that the Council continues to face a financially difficult and uncertain future. As such, the Strategic Risk Register (monitored by Audit Committee) includes a specific risk relating to this issue:

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

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

1 Executive Summary

- 1.1 This report contains information relating to the Council's overall financial performance for the 2021/22 financial year. The Outturn figures included are provisional and subject to external audit; the findings of which are expected to be reported to Audit Committee in November this year.
- 1.2 Monitoring the Budget is an important part of the Council's performance management framework. The aim is to keep a tight control on spending on services within a flexible budget management framework.
- 1.3 The Revenue Outturn position for the financial year 2021/22 is as follows:
 - The General Fund (GF) Revenue Outturn position for 2021/22 is a net under spend of £29k as shown in **Appendix 1a**. The table below assumes this is transferred to the General Fund Reserve.
 - The HRA is a "Self-Financing" account for the Council's Housing Landlord function, which is budgeted to "breakeven" (net of approved transfers to/from HRA Reserves). The HRA Outturn for 2021/22 is a net under spend of £67k as shown in **Appendix 2**. It is assumed the £67k will be transferred to the ring-fenced HRA Earmarked Reserves, therefore the balance held on the HRA Reserve is unaffected.
- 1.4 Members should note that officers have also identified areas where the carry-forward of some unspent budgets where it will be beneficial to help mitigate the impact of financial pressures and commitments in 2022/23. These are proposed to be transferred into Earmarked Reserves. These are identified within the individual service summaries and within **Appendix 3**.
- 1.5 The Council continued to feel the financial effects of Covid-19 in 2021/22, leading to some significant variances in expenditure incurred, income collected and funding received. The Council has again lost income across Business

Rates and Service Fees and Charges and has incurred additional spend in providing support to businesses and local communities. The lost Business Rates income and officer time undertaking the grant payments has been largely compensated by a wide variety of additional grant and compensation schemes. However the lost fee income has only been partially offset as the Government's Income Compensation was only live during the first quarter of the year.

- 1.6 The Capital Outturn position for 2021/22 is an under spend of £32,340k with the vast majority carried forward as shown in Section 6. A summary is included within **Appendix 4**.
- 1.7 A summary of the Council's Treasury Management year end position is shown in Section 7.

2 Introduction

- 2.1 Members of the Cabinet should note that the Outturn report is fundamentally a set of management reports that show the year-end position on all service areas. The Finance Team then have to turn these management reports into the statutory financial statements which are subject to a wide number of complex accounting rules that often significantly change the final picture of a service's financial position for the year. However, it is important to note that the bottom-line profit or loss for the year remains constant.
- 2.2 Members will be aware from previous experience that the position can change between "in-year" projections and the final Outturn position, mainly due to demand-led service costs and income levels. The budget monitoring process involves a regular review of budgets. Budget Holders, with support and advice from their Accountants, review the position and update their forecasts based on currently available information and knowledge of service requirements for the remainder of the year. As with any forecast there is always a risk that assumptions and estimates will differ from the eventual outcome.
- 2.3 During the budget setting process, Budget Holders / Accountants continue to ensure that Revenue and Capital Budgets are set on a robust basis and take a prudent view of the likely levels of income and expenditure.

3 Covid-19

- 3.1 The Covid-19 Pandemic continued to have a significant impact on the Council's finances. During the year, the country has been in various degrees of restrictions – ranging from full lock down and cautious social distancing measures. This has affected our staffing levels with additional short term agency support often required to continue to deliver services such as waste collection. Income generated in services such as Leisure and Car Parking was also reduced. Also, the Council has continued to be the vehicle chosen by Government to distribute various grants to local businesses and residents affected by the pandemic. This has significantly diverted team's attention and required additional staffing to cope with the additional requirements placed upon the Council.

- 3.2 Despite these significant impacts, the financial support from Government has been markedly lower in 2021/22 than in the first year of the pandemic. Unring-fenced grant support reduced to £408k (£1,184k in 2020/21) and income compensation was only available during the first quarter of the year. Therefore the amount of compensation reduced from £2,019k in 2020/21 to just £363k in 2021/22. There has however been a number of one-off grants to mitigate the impact on staffing costs arising from the additional requirements such as the grant distribution. These requirements, and the associated financial support, looks set to continue in 2022/23.
- 3.3 Despite this, our financial position has remained robust and our Revenue Outturn position is very close to Budget, at £28k or 0.28% under spent. Each aspect of the overall finances are covered across the following sections.
- 3.4 In 2021/22 the Council has received additional Covid-19 related funding during the year (across 6 grant schemes with a value of circa £9.2m) to help businesses and local communities with financial hardship. The Council treats these funds differently depending on the control it has over the funds.
- Some of the funding, such as the Business Rates Grants are directly passported to Businesses through the claim scheme the Council has put in place. As such the Council is only acting as an “Agent” for this funding and therefore has no control over it. Any unclaimed funding is to be returned to Government. These funds are not included within the “funding” of the Council and any unspent element is held as a creditor on the Balance Sheet.
 - The Council has greater control over other aspects of the additional funding, such as the generic Support Grant tranches and discretionary elements of grant schemes. Here the Council is acting as a “Principal”. These are therefore recognised as “funding” for the Council. However as these schemes have now closed they are subject to reconciliation with the Government and any balance due to be returned is now held as a Creditor in the Balance Sheet.
- 3.5 In 2020/21, the Government legislated that the Collection Fund deficits should be smoothed over three years and provided grant funding to smooth the cashflow implication of this. Therefore £3,171k for Business Rates and £115k for Council Tax has been drawdown from reserves to offset the impact of this deficit in year. This process will also occur in 2022/23.
- 3.6 However, the easing of restrictions from the 1 April 2022 hopefully signals the phasing out of these issues and encourages a return to “normal” pre-pandemic activity levels. The economic effects of Covid-19 will continue into 2022/23 and probably beyond. In the medium term, external income levels will need to return to pre-pandemic levels, as without this, it will be necessary for the service budgets within the Medium Term Financial Plan (MTFP) to be adjusted in future years.

4 The General Fund

- 4.1 The summarised General Fund Revenue Outturn Position is provided in **Appendix 1a**, with more detail provided on a service-by-service basis shown in **Appendix 1b**.

- 4.2 Detailed budget monitoring reports were provided to both senior managers and Members throughout 2021/22. This monitoring focused on significant budget variances (+/- £20k), including any remedial action where necessary leading to an estimated overall Outturn position. The final written monitoring report considered by the Cabinet gave a detailed position as at 31 December 2021 and predicted an end of year under spend of £30k for the General Fund. Therefore the final position has remained static.
- 4.3 The table below shows the overall Budget, Actual and Variance, summarised for 2021/22.

Financial Summary for 2021/22	2021/22 Budget £	2021/22 Actual £	2021/22 Variance £
Total Net Cost of Services	12,915,724	10,114,000	(2,801,724)
Other Income and Expenditure	(4,314,110)	(29,135)	4,284,975
Total Budgeted Expenditure	8,601,614	10,084,865	1,483,251
Total Funding	(8,601,614)	(10,113,416)	(1,511,802)
Net Income and Expenditure	0	(28,551)	(28,551)

- 4.4 As described above, there have been some significant variances at an individual service level. A summary explanation of these key variances is shown in **Appendix 1a**, service by service. **Appendix 1b** also provides the detail of the key variances at individual service level to enable full transparency of the position.

4.5 Key Variances from the Original Budget

- 4.5.1 **Car parks** – Car parking income is reduced due to lower activity as a result of Covid-19 restrictions and less travel to work or shops. Part of this has been reclaimed under the government's sales, fees and charges re-imbursement scheme which only ran for the first Quarter of 2021/22. Therefore the lost income for the year is £118k.
- 4.5.2 **Public Health** – This large underspend is largely due to additional S106 income mainly related to Pollution. In addition there were additional Covid-19 related grants received to offset costs incurred. The majority of these variances have been earmarked to offset expenditure in 2022/23.
- 4.5.3 **General Fund Housing** – This variance is due to a mechanical change in the funding of the expenditure. Previously, the Homelessness Grant funding received was added to an earmarked reserve for the following year, therefore there was a lag in the use of the grant. The 2021/22 Grant has been now used in 2021/22 and the planned drawdown from reserves is not required and has been returned to the EMR.
- 4.5.4 **Planning & Regeneration** – similar to Public Health, significant additional S106 income has been received which is proposed to be added to an earmarked reserve. Planning income has also over achieved by nearly £200k on budget, reflecting the current boom in the housing market. Delays incurred in the HAZ project and the Statutory

Plan along with additional funding received have contributed £375k to the under spend.

- 4.5.5 **Property Services** – Salary underspends and delays in completing maintenance projects are partially offset by reductions in rental income from the commercial property portfolio.
- 4.5.6 **Revenues & Benefits** – As stated above, additional grant funding has been received to compensate for the additional workload required to make the payments for the various Covid-19 related grant schemes. Housing Benefit overpayment recovery has been better than forecast.
- 4.5.7 **Recreation & Sport** – Similar to Car Parks, fee income is significantly lower than budget (£570k) as a result of Covid-19 restrictions in the early part of the year and lower usage during the remainder of the year. This has been partially offset by savings on utility bills and delays in maintenance projects. These savings have been earmarked for 2022/23.
- 4.5.8 **Waste Services** – the main reason for this overspend is the need for additional agency staffing to cover absences through vacancies, holiday, sickness and training. This is partially offset by a significant increase in the income from recycling materials, particularly for aluminium and cardboard. However the return from the Shared Savings Scheme across Devon was lower than expected. This also includes the reduction experienced in 2020/21 but notified to the Council after the year end.
- 4.5.9 **Non-Service Area** – Interest on investments were significantly higher than forecast due to higher lending to 3 Rivers Developments Ltd that generated interest of £558k and the rise in interest rates in the latter part of the year. The Minimum Revenue Provision was also £65k lower than forecast due to lower than expected capital expenditure.
- 4.5.10 **Pay Award and Thank-you payment** – the 2021/22 Pay Award was approved in March 2022. Previously this had been forecast using a 2% increase and reported under Corporate Management. By making the agreed 1.75% payment in March, the costs have been charged to the individual service areas, and the forecast removed from Corporate Management. In January, Council staff were thanked for their hard work and dedication during the pandemic and received a payment of £250 in recognition of the outstanding work done. This is again included within each service area.
- 4.6 During the last quarter of the year, a virement was completed to move £18k of budgeted grant funding from Revenues and Benefits into the Council Tax Funding area as it was clarified to not be service specific.
- 4.7 On 1 February 2022, Cabinet agree a move to 3-weekly waste collections (1-2-3 Recycle, Reuse, Reduce). Part of that change is to provide households with a wheeled bin for their waste. Approval is sought to add £750k one-off expenditure to the 2022/23 Revenue Budget, fully funded from Earmarked Reserves, for the purchase of these bins. The cost of the bins are increased slightly since February reflecting the current economic conditions.

5 Reserves

- 5.1 The General Fund Reserve is the major Revenue Reserve of the Council. It is increased or decreased by the surplus or deficit generated on the General Fund in the year. This reserve held a balance of £2,186k at the start of the year. In 2021/22 the final £29k surplus generated in year is proposed to be transferred to this Reserve leaving a balance of £2,215k. If this is approved, the General Fund Reserve will still remain above the recommended minimum level of £2,000k as required by Cabinet agreement on 16 January 2020.

2021/22 Revenue Outturn Position	31 March 2021 £k	In year movement £k	31 March 2022 £k
General Fund Reserve	2,186	29*	2,215

* Pre Audit

- 5.2 In addition to the General Fund Reserve, the Council holds a number of Earmarked Reserves (EMRs) where service underspends are kept so that they can be used to help fund anticipated future expenditure commitments. The net movement of £408k to these reserves and the end of year balances held on them are shown in Appendix 3.
- 5.3 As described above, in 2020/21 a significant amount of s31 Covid-19 grant funding was transferred to the EMR to smooth of the Collection Fund Deficit. For Business Rates, £3,171k has been used to smooth the impact in 2021/22 and the balance of £304k will be drawdown equally in 2022/23 and 2023/24. In addition, a further £1,563k contribution to the smoothing reserve is proposed this year to mitigate the 2021/22 deficit that will impact in 2022/23. For Council Tax, £115k has been used to smooth 2021/22 and the balance of £125k will be drawdown equally in 2022/23 and 2023/24.
- 5.4 The Council (in common with other public bodies) continues to face a difficult financial climate, therefore, it is prudent to retain robust balances to smooth the potential effect to the tax payer of further cuts. The level of Earmarked Reserves in this report further supports the forward planning of the organisation. This approach to financial management will help to deliver our corporate priorities during the short to medium term whilst mitigating the effect of any future cuts in Government funding as we move towards becoming a self-financing organisation.

6 Housing Revenue Account (HRA)

- 6.1 This is a ring-fenced reserve in respect of the Council's housing landlord function. It is increased or decreased by the surplus or deficit generated on the HRA in the year. For 2021/22 the Outturn is a net surplus of £67k and Members are requested to approve a transfer to HRA reserves to bring this to zero.
- 6.2 Some of the key variances within this surplus are explained in paragraph 6.4 and the effect of it on the HRA balance is shown below.

HRA Balance

HRA Reserve Summary	£k
HRA balance @ 31/03/2021	(2,000)
Budget saving achieved in 2021/22	(67)
Net transfer to HRA ring-fenced reserves	67
HRA balance @ 31/03/2022	(2,000)

6.3 Given the positive closing financial position delivered in 2021/22, it is recommended to transfer a sum of £67k into the ring-fenced HRA reserves. Inclusive of budgeted contributions, this has resulted in a net contribution to the Housing Maintenance Fund of £742k. The above position leaves the HRA balance of £2,000k untouched as at 31 March 2022.

6.4 Main budget variances during 2021/22 giving rise to the surplus of £67k include:

- £160k Lower Rental Income due to a higher number of RTBs and delays in processing of the voids backlog; this should improve going forward;
- £286k salary savings due to delays in filling vacancies;
- £361k the budgeted transfer to the Major Repairs Reserve is the higher of the actual spend on maintenance, or the depreciation charge for the year. This year depreciation has been transferred as maintenance spending was reduced due to Covid-19.

For further details, please see the HRA Outturn Summary for 2021/22, which is attached as Appendix 2 to this report.

6.5 The Outturn includes a number of accounting entries 'below the line' that don't affect the revenue position for the HRA, such as Depreciation. For presentational purposes these items have been excluded from the report. Members should note that these items will be shown in full in the Statement of Accounts.

6.6 In addition to the above, the HRA holds a number of Earmarked Reserves. The movements on these during 2021/22 and their closing balances are shown on Appendix 3. This money is effectively "ring-fenced" and will be held to meet expenditure during 2022/23 and beyond.

7 The Collection Fund

7.1 Mid Devon is a Collection Authority for Council Tax and Non-Domestic Rates, and as such, is required to produce a Collection Fund Account for the Mid Devon area.

7.2 The Council collects Council Tax on behalf of Devon County Council, Devon Fire and Rescue Service, Devon & Cornwall Police and the Town/Parish Councils. The Council Tax collection rate for 2021/22 was 96.6% (97.0% in 2020/21). This demonstrates how our Revenues section has consistently been effective in collecting the annual charge in extremely challenging economic times. The budget was based upon a collection rate of 96% and therefore this resulted in a closing collection surplus of £2,274k for the year, with Mid Devon's share of this amounting to £303k.

- 7.3 The Non-Domestic Rates collection rate was 98.6% for 2021/22 (96.8% in 2020/21). Again, this demonstrates how our Revenues section has consistently been effective in collecting the annual charge in extremely challenging economic times. This has resulted in a closing collection deficit of £4,348k for the year, with Mid Devon's share of this amounting to £1,739k. This deficit has been offset by the award of additional s31 Grant during the year.

8 Capital Outturn

- 8.1 It is important to recognise the difference between a Revenue and Capital under spend; Revenue is an under spend against a cash budget, Capital is an under spend against an outline approval. Therefore this does not necessarily result in a cash balance to carry forward, instead it generally leads to a lower Capital Financing Requirement (in essence lower borrowing).
- 8.2 A Capital Outturn summary is attached as Appendix 4 to this report. The total Capital Programme is £43,963k, although much of this is planned to be spent in future years. These schemes will continue to be funded as before through a mix of unspent Capital Grants, Capital Earmarked Reserves or Prudential Borrowing.
- 8.3 At the year-end £11,623k has been spent against that total programme. This expenditure has been funded by the use of £1,484k of Capital Receipts (including 1-4-1 receipts), £1,367k grant funding, £2,889k utilisation of reserves and £5,883k through internal borrowing. No further external borrowing has been required during the year.
- 8.4 Of the remaining Budgeted Capital Programme, £30,763k is proposed to be rolled forward into 2022/23 and future years in order to complete on-going projects. In addition there is a net £174k that can be returned to reserves for future prioritisation, consisting of £217k HRA Renewable Energy and an additional £44k drawn down from Disabled Facilities Grant (this includes £106k underspend in year offset by a drawdown of £150k to fund the Lendology loans scheme).
- 8.5 The remaining net £1,403k is the under or over spend on completed projects, or release of funding that is no longer required. The most significant being Round Hill, which has been sufficiently delayed and altered and therefore required to be resubmitted for consideration in future years and is therefore included in the MTFP. Whereas HRA Regeneration Scheme 1 has been used to deliver the two new Modular Housing schemes in Tiverton and Cullompton.
- 8.6 The movement on the Capital Receipts Reserve for the year is given below:

Capital Receipts Reserve Summary	£k
Balance at 1 April 2021	(5,498)
Sale of Council Houses (29)	(2,733)
General Fund Sales	(17)
Pooling of Housing Capital Receipts to Government	235
Capital Receipts applied in year	1,484

Capital Receipts Reserve Summary	£k
Balance at 31 March 2022	(6,529)

Note – the remaining balance of £6,529k is committed in order to fund any slippage, specific projects in ICT and Private Sector Housing and to balance the Capital Medium Term Financial Plan.

- 8.7 There were no revenue contributions to or from the Capital Earmarked Reserve required to fund capital projects; therefore the balance on this reserve remains at £255k as shown in Appendix 3. This remaining balance is committed to fund any slippage and to balance the Capital Medium Term Financial Plan.
- 8.8 The Council also holds New Homes Bonus which can be used for either Revenue or to support future Capital Programmes, the balance held at 31 March 2022 is £3,295k as shown in Appendix 3; again this remaining balance is fully committed against a mix of support to both the General Fund Revenue Budget and the Capital Medium Term Financial Plan.
- 8.9 Approval is sought to transfer the freehold land at Post Hill, Tiverton from the General Fund to the HRA. On 6 July 2016, the Planning Committee resolved to discharge market housing developers from all affordable housing requirements, upon the completion of the Council's land purchase of part of the site in order for the Council to be the affordable housing provider and meet the policy requirements and wider aspirations of the Tiverton Eastern Urban Extension. The transfer of the land was completed on 6 October 2020. Therefore this is more appropriate to be categorised as an HRA asset. This will transfer the liabilities associated with this site including any capital financial implications to the HRA. However the HRA will also retain all of the benefits generated from its development.

9 Treasury Management

- 9.1 A review of the 2021/22 investment performance, including the details of interest payable, are included within the separate 2021/22 Treasury Outturn Report on this agenda.
- 9.2 During the year, the Council maintained an average balance of £29,796k of internally managed funds. These internally managed funds earned interest of £54k giving an average rate of return of 0.18%. The comparable performance indicator is the 3 month LIBID rate¹, which was 0.0605%.
- 9.3 As at the 31 March 2022, the Council had short term cash investments totalling £27,000k. In addition, the Council held £5m invested in Churches, Charities and Local Authorities (CCLA) Property Funds earning dividends of £183k (3.67%) in 2021/22.
- 9.4 The Authority holds a 100% interest in 3 Rivers Development Limited, a private limited company engaged in construction in the Mid Devon area. The Authority advances funds to the Company to facilitate operations with the

¹ The London Interbank Bid Rate (LIBID) is the average interest rate at which major London banks bid for Eurocurrency deposits from other banks in the interbank market.

intention that they are repaid from the proceeds of the sale of the developments.

- 9.5 During the year ended 31 March 2022, a net £3,373k was loaned to the Company and the total outstanding loan value at this date was £13,590k. During the year £558k interest was received by the Authority in respect of these loans.
- 9.6 These loans are subject to overarching management review on a regular basis with any impairments made reported within both the periodic monitoring reports and in the year-end financial statements. The year-end review, carried out in compliance with IFRS 9 Financial Instruments, concluded that no further impairments above and beyond the £790k impairment made in 2019/20 in respect of one of the project loans and the working capital loan was necessary.
- 9.7 During 2021/22, the Council lent £2,175k to help build the new NHS hub known as Redlands Primary Care, Crediton. Interest of £47k has been earned from this loan during the year.

10 Procurement Waivers

- 10.1 In exceptional circumstances, there are sometimes justifiable reasons to act outside the contract procedure regulations. These include the following reasons:
- I. The work, goods or materials are urgently required, and loss would be entailed by delay arising from advertising;
 - II. The work, goods or materials required are of such special nature that no advantage would accrue by inviting competitive tenders;
 - III. There is no effective competition for the goods or materials required by reason of the fixing of prices under statutory authority or that such goods or materials are patented or proprietary articles or materials;
 - IV. Transactions, which, because of special circumstances, may (either individually or as a class) be excepted from time to time by the Cabinet of the Council.
- 10.2 In such circumstances, prior written approval of the Deputy Chief Executive (S151) is required and Cabinet will be informed. Below is a list of the Procurement Waivers utilised during the third quarter of this financial year:

Ref	Subject of the Waiver	Approximate Value £	Reason Code
1	Housing Options – specialist staff training provided by HQN	£15k	III
2	ICT – Desk phones and headsets ensuring they are compatible with new telephony software being rolled out and delivered in time	£9k	I
3	Planning SLA for ecological advice from Devon County Council	£15k	II
4	Planning – Ecological and ecosystems expertise to support the Culm Garden Village Masterplan	£37k	I

11 Conclusion

- 11.1 Members are asked to note the Revenue and Capital Outturn figures for the financial year 2021/22 and agree the proposed earmarking of surplus funds generated by in-year savings from both the General Fund and the HRA. In addition, Members are requested to approve the ongoing projects on the 2021/22 Capital Programme be rolled forward into the 2022/23 Capital Programme and the transfer of the land at Post Hill, Tiverton from the General Fund to the HRA. Finally, Members are asked to note the use of Procurement Waivers as outline in Section 10.
- 11.2 Achieving an outturn position on budget is a significant achievement given the impacts of Covid-19 on the finances and is a credit to the financial management of the organisation. Collection rates have improved during the year on Business Rates and the Council has made thousands of payments to businesses and local residents across a wide variety of Government Grant schemes helping support them with the financial effects of Covid-19. It has also been possible to make provision for the cost of living pressures that are affecting the Council and outturn with a small under spend. This has been the Council a strong starting position for 2022/23.

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

	Budget 2021/22 £	Actual 2021/22 £	Variance 2021/22 £	Net contributions To / (From) Earmarked Reserves 2021/22 £	Total Expenditure variation after Earmarked Reserves 2021/22 £
GENERAL FUND REVENUE ACCOUNT OUTTURN SUMMARY 2021/22					
Community Development	217,920	199,271	(18,649)	(5,621)	(24,270)
Corporate Management	1,434,470	1,507,435	72,965	0	72,965
Car Parks	(529,250)	(456,339)	72,911	51,340	124,251
Customer Services	774,360	727,608	(46,752)	10,791	(35,961)
Public Health	977,744	219,887	(757,857)	600,897	(156,960)
Finance and Procurement	832,210	806,895	(25,315)	20,000	(5,315)
Grounds Maintenance	555,436	514,917	(40,519)	(11,811)	(52,330)
General Fund Housing	396,640	(20,808)	(417,448)	375,305	(42,143)
Human Resources	501,100	528,057	26,957	0	26,957
I.T. Services	1,038,930	985,919	(53,011)	70,622	17,611
Legal and Democratic Services	1,103,783	1,068,826	(34,957)	44,572	9,615
Planning and Regeneration	2,025,473	594,177	(1,431,296)	1,068,054	(363,242)
Property Services	1,130,620	1,006,599	(124,021)	48,968	(75,053)
Revenues and Benefits	618,080	205,228	(412,852)	134,279	(278,572)
Recreation and Sport	906,999	1,170,626	263,627	173,985	437,612
Waste Services	1,700,899	1,860,916	160,017	(133,978)	26,039
ALL GENERAL FUND SERVICES	13,685,414	10,919,215	(2,766,199)	2,447,403	(318,797)
Net recharge to HRA	(1,501,410)	(1,476,150)	25,260		25,260
Statutory Adjustments (Capital Charges)	731,720	670,935	(60,785)	0	(60,785)
NET COST OF SERVICES	12,915,724	10,114,000	(2,801,724)	2,447,403	(354,322)
					0
Finance Lease Interest Payable	159,410	151,087	(8,323)	141,147	132,824
Interest Charged Between GF and HRA	(46,400)	(41,519)	4,881		4,881
Interest Receivable / Payable on Other Activities	140,520	90,486	(50,034)		(50,034)
Interest Receivable on Investments	(633,170)	(815,615)	(182,445)		(182,445)
Transfers into Earmarked Reserves (see Appendix 3)	2,361,372	5,426,154	3,064,782	369,000	3,433,782
Transfers from Earmarked Reserves (see Appendix 3)	(5,446,321)	(5,855,736)	(409,415)		(409,415)
Net Budgeted Contribution to/(from) New Homes Bonus Reserve	(849,521)	(725,521)	124,000		124,000
Contribution to NDR Collection Fund Smoothing Reserve*	0	1,563,344	1,563,344		1,563,344
Revenue contribution to fund 2021/22 Capital Programme	0	178,184	178,184	(178,184)	0
TOTAL EXPENDITURE	8,601,614	10,084,865	1,483,251	2,779,366	4,262,617
FUNDED BY:-					
Business Rates					
Non-Domestic Rates	(3,150,000)	(1,874,365)	1,275,635		1,275,635
S31 Grant associated with Covid-19 Reliefs*	0	(2,787,222)	(2,787,222)	1,563,344	(1,223,877)
Non-Domestic Rates (Surplus)/Deficit	3,171,340	3,171,340	0		0
Business Rates Benefit from Devon Pool	0	(145,453)	(145,453)		(145,453)
Council Tax					
Council Tax - (Band D at £213.84)	(6,114,620)	(6,114,622)	(2)		(2)
Collection Fund (Surplus)/Deficit	115,109	115,109	(0)	0	(0)
S31 Grants	(18,000)	(24,217)	(6,217)		(6,217)
Unring-fenced Grants					
New Homes Bonus Grant	(958,750)	(959,279)	(529)		(529)
Rural Services Delivery Grant	(489,742)	(489,742)	0		0
Lower Tier Services Grant	(179,252)	(179,252)	0		0
Other Grants	0	(20,000)	(20,000)		(20,000)
Covid-19 Related Funding					
Covid-19 Grant	(407,699)	(392,147)	15,552		15,552
Covid-19 Income Compensation Scheme	(570,000)	(413,564)	156,436		156,436
TOTAL FUNDING	(8,601,614)	(10,113,416)	(1,511,802)	1,563,344	51,543
NET INCOME AND EXPENDITURE					
	0	(28,551)	(28,551)	4,342,711	4,314,160

* These lines have been included to transparently show the additional Section 31 Grant received in respect of reduced NNDR, the majority of this has been placed in an EMR to be release to cover the 2021/22 deficit that will be realised in 2022/23.

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Community Development

Code	Community Development	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	83,040	78,178	(4,862)	-5.9%
2,000	Premises	48,730	45,778	(2,952)	-6.1%
3,000	Transport	0	0	0	0.0%
4,000	Supplies and Services	160,710	154,869	(5,841)	-3.6%
Total Direct Expenditure		292,480	278,825	(13,655)	-4.7%
7,000	External Income	(74,560)	(79,554)	(4,994)	-6.7%
Net Direct Expenditure		217,920	199,271	(18,649)	-8.6% (a)
Total Community and Development Expenditure		217,920	199,271	(18,649)	-8.6%
Community and Development - Service units					
CD200	Community Development	138,500	140,724	2,224	1.6%
CD300	Tiverton Pannier Market	79,420	58,437	(20,983)	-26.4%
CD305	Market - Electric Nights	0	110	110	0.0%
CD400	Crediton Market Square	0	0	0	0.0%
Total Community and Development Expenditure		217,920	199,271	(18,649)	-8.6%
				£	£
Total Expenditure Variation					(18,649) (a)
Major Cost Changes					0
Major Cost Savings					0
Major Changes in Income Levels					0
Minor Variations					(18,649)
Total Expenditure Variation					(18,649) (a)
EARMARKED RESERVES					
Utilised 2020/21					
	EQ701 - release to fund Communities Together Fund Grant paid out			(2,200)	
CD300	EQ699 Release to fund Crediton Town Square resurfacing			(3,421)	
Proposed contribution c/fwd to 2022/23					
Net movement in earmarked reserves					(5,621)
Total Expenditure variation after Earmarked Reserves					(24,270)

Corporate Management

		2021/22 Budget	2021/22 Actual	Variance	Variance
Code	Corporate Management	£	£	£	%
1,000	Employees	1,328,170	1,350,364	22,194	1.7%
2,000	Premises	0	0	0	0.0%
3,000	Transport	2,210	273	(1,937)	-87.7%
4,000	Supplies and Services	104,090	248,668	144,578	138.9%
Total Direct Expenditure		1,434,470	1,599,305	164,835	11.5%
7,000	External Income	0	(91,870)	(91,870)	0.0%
Net Direct Expenditure		1,434,470	1,507,435	72,965	5.1% (a)
Total Corporate Expenditure		1,434,470	1,507,435	72,965	5.1%
Corporate Management Service Units					
CM100	Leadership Team	406,590	460,180	53,590	13.2%
CM210	Performance, Governance and Data	95,740	62,245	(33,495)	-35.0%
CM300	Corporate Fees/charges	144,440	212,199	67,759	46.9%
CM340	Unison	8,010	308	(7,702)	-96.2%
CM600	Pension Back funding	779,690	772,503	(7,187)	-0.9%
CM800	Tiverton Hub	0	0	0	0.0%
Total Corporate Expenditure		1,434,470	1,507,435	72,965	5.1%
				£	£
Total Expenditure Variation					72,965 (a)
Major Cost Changes					
Director of Place post not budgeted				49,342	
Budgeted net corporate vacancy savings included within Service Variances				100,000	
Additional external audit fees				36,300	
					185,642
Major Cost Savings					
					0
Major Changes in Income Levels					
Unring-fenced grant received to partially offset additional Audit Fees and Transparency requirements				(27,037)	
Bad Debt Provision for the year has reduced to reflect lower levels of long term debt				(62,900)	
					(89,937)
Minor Variances					(22,740)
Total Expenditure Variation					72,965
EARMARKED RESERVES					
Utilised 2020/21					
Proposed contribution c/fwd to 2022/23					
Net movement in earmarked reserves					0
Total Expenditure variation after Earmarked Reserves					72,965

Car Parks

		2021/22 Budget	2021/22 Actual	Variance	Variance
Code	Car Parks	£	£	£	%
1,000	Employees	0	0	0	0.0%
2,000	Premises	254,720	208,654	(46,067)	-18.1%
3,000	Transport	0	0	0	0.0%
4,000	Supplies and Services	71,800	72,629	829	1.2%
Total Direct Expenditure		326,520	281,282	(45,238)	-13.9%
7,000	External Income	(855,770)	(737,622)	118,148	13.8%
Net Direct Expenditure		(529,250)	(456,339)	72,911	13.8% (a)
Total Car Park Expenditure		(529,250)	(456,339)	72,911	13.8%
Car Park - Service units					
CP520	Multi-Storey Car Park (MSCP)	(81,410)	(81,383)	27	0.0%
CP530	Amenity Car Parks	38,530	16,197	(22,333)	-58.0%
CP540	Paying Car Parks	(486,370)	(391,153)	95,217	-19.6%
Total Car Park Expenditure		(529,250)	(456,339)	72,911	13.8%
				£	£
Total Expenditure Variation					72,911 (a)
Major Cost Changes					
					0
Major Cost Savings					
CP530/540	Underspend on specific premises maintenance projects			(51,340)	(51,340)
Major Changes in Income Levels					
CP520/540	Reduction in P&D car parking income			134,980	
CP520/540	Increased income from permits			(8,510)	
CP540	Increased income from parking fines due to reductions in outstanding debt			(6,740)	
					119,730
Minor Variations					4,521
Total Expenditure Variation					72,911 (a)
EARMARKED RESERVES					
Utilised 2021/22					
Proposed contribution c/fwd to 2022/23					
CP530	EQ707 Specific premises project maintenance for Amenity car parks			25,000	
CP540	EQ708 Specific premises project maintenance for P&D car parks			26,340	
Net movement in earmarked reserves					51,340
Total Expenditure variation after Earmarked Reserves					124,251

Customer Services

		2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
Code	Customer Services				
1,000	Employees	704,460	683,669	(20,791)	-3.0%
2,000	Premises	0	0	0	0.0%
3,000	Transport	1,290	0	(1,290)	-100.0%
4,000	Supplies and Services	68,610	44,207	(24,403)	-35.6%
Total Direct Expenditure		774,360	727,876	(46,484)	-6.0%
7,000	External Income	0	(268)	(268)	0.00%
Net Direct Expenditure		774,360	727,608	(46,752)	-6.0% (a)
Total Customer Services Expenditure		774,360	727,608	(46,752)	-6.0%
Customer Services - Service units					
CS200	Communications	97,510	91,883	(5,627)	-5.8%
CS900	Central Photocopying	4,530	4,288	(242)	-5.3%
CS902	Central Postage	18,820	15,435	(3,385)	-18.0%
CS910	Customer Services Admin	0	424	424	0.0%
CS930	Customer First Management	168,330	175,028	6,698	4.0%
CS932	Customer First	485,170	440,551	(44,619)	-9.2%
Total Customer Services Expenditure		774,360	727,608	(46,752)	-6.0%
				£	£
Total Expenditure Variation					(46,752) (a)
Major Cost Changes					
					0
Major Cost Savings					
CS932	Computer software, reduced costs for switch charges and cash collection			(15,635)	
CS932	Salaries - Apprentice post not filled, 0.5FTE post relinquished, vacant posts			(28,580)	
					(44,215)
Major Changes in Income Levels					
					0
Minor Variations					
					(2,537)
Total Expenditure Variation					(46,752) (a)
EARMARKED RESERVES					
Utilised 2021/22					
CS932	CS Replacement Scanners CS932 EQ770			(10,000)	
Proposed contribution c/fwd to 2022/23					
CS932	Customer Services Staffing CS932 ER008			20,791	
Net movement in earmarked reserves					10,791
Total Expenditure variation after Earmarked Reserves					(35,961)

Public Health

Code	Public Health	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	885,914	961,862	75,948	8.6%
2,000	Premises	301,310	191,703	(109,607)	-36.4%
3,000	Transport	33,770	25,808	(7,962)	-23.6%
4,000	Supplies and Services	118,280	170,792	52,512	44.4%
	S106 Expenditure		54,830	54,830	0.0%
	Total Direct Expenditure	1,339,274	1,404,996	65,722	4.9%
7,000	External Income	(361,530)	(672,962)	(311,432)	-86.1%
	S106 contributions		(512,146)	(512,146)	0.0%
	Net Direct Expenditure	977,744	219,887	(757,857)	-77.5% (a)
	Total Public Health Expenditure	977,744	219,887	(757,857)	-77.5%
	Public Health - Service units				
ES100	Cemeteries	(79,660)	(100,528)	(20,868)	-26.2%
ES101	Cemetery Lodge	(7,560)	(4,410)	3,150	41.7%
ES110	Bereavement Services	24,590	26,186	1,596	6.5%
ES200	CCTV Initiatives	45,200	(32,988)	(78,188)	-173.0%
ES250	Community Safety	6,220	1,125	(5,095)	-81.9%
ES252	Building Safer Community Fund	0	(2,465)	(2,465)	0.0%
ES260	Food Protection	(200)	(8,592)	(8,392)	-4195.9%
ES270	Water Quality Monitoring	(24,000)	(15,608)	8,392	35.0%
ES354	Private Sector Housing	(3,630)	(29,291)	(25,661)	-706.9%
ES360	Dog Warden	3,990	4,509	519	13.0%
ES361	Public Health	0	0	0	0.0%
ES450	Parks and Open Spaces	67,534	67,332	(202)	-0.3%
ES455	Amory Park	24,440	11,115	(13,325)	-54.5%
ES460	Play Areas	108,880	98,967	(9,913)	-9.1%
ES500	Emergency Planning	8,150	(19,087)	(27,237)	-334.2%
ES550	Licensing	(86,090)	(106,363)	(20,273)	-23.5%
ES580	Pool Car Running Costs	280	7,823	7,543	2693.9%
ES600	Pest Control	5,000	512	(4,488)	-89.8%
ES660	Control of Pollution	9,470	(475,871)	(485,341)	-5125.0%
ES670	Local Air Pollution	(10,050)	(9,434)	616	6.1%
ES730	Environmental Enforcement	132,130	155,502	23,372	17.7%
ES733	Environmental Health	618,480	515,973	(102,508)	-16.6%
ES740	Licensing Unit	134,570	135,480	910	0.7%
PS480	MDDC Footpaths and Railway Walks	0	0	0	0.0%
	Total Public Health Expenditure	977,744	219,887	(757,857)	-77.5%
				£	£
	Total Expenditure Variation				(757,857) (a)
	Major Cost Changes				
ES730	Legal consultancy			19,000	
ES200	CCTV Salary overspend to be offset by grant income & contributions from Town Council			23,550	
ES733	Public Health salary overspend on Agency offset by grant income received in year			24,000	
ES733	Covid-19 Enforcement salary costs within Public Health offset by EMR			30,000	
ES660	Overspend on Control of Pollution equipment is offset by grant income received within Public Health			11,000	
					107,550
	Major Cost Savings				
ES100	Cemetery specific premises maintenance project underspend			(20,000)	
ES200	CCTV specific premises maintenance project underspend			(23,900)	
ES455	Amory Park specific maintenance project underspend			(10,000)	
ES450	Play Area specific maintenance project underspend			(39,830)	
ES733	Mileage underspend within Public Health due to Covid-19 restrictions throughout the year on inspections			(7,000)	
ES733	Salary underspend due to Partnership working with DCC on Covid-19			(46,920)	
					(147,650)

Public Health (continued)

		£	£
	Major Changes in Income Levels		
ES200	Welcome back funding, Town Council & Police contributions toward CCTV enhancement projects	(79,831)	
ES354	MEES grant income received offset salary spend within Public Health	(33,628)	
ES354	Repayments of Grant income within Private Sector Housing	(4,508)	
ES550	Expected Covid-19 losses in Licensing income did not materialise	(29,000)	
ES733	COMF (Containment Outbreak Management Fund) grant income used against budgeted salary costs in Public Health	(105,213)	
			(252,180)
	Minor Variations		(8,261)
	SERVICE MOVEMENT BEFORE STATUTORY ADJUSTMENTS		(300,541)
ES460	Net S106 receipts and grants (see EMR below) Play Areas		40,943
ES660	Net S106 receipts and grants (see EMR below) Control of Pollution		(498,259)
	Total Expenditure Variation		(757,857) (a)
	EARMARKED RESERVES		
	Utilised 2021/22		
	S106 - Air Quality	(13,888)	
	S106 - Public Open Space	(40,943)	
ES580	Reduction in release from EQ756 to fund fleet contract	450	
ES730	Reduction in release from EQ756 to fund fleet contract	(325)	
ES733	Release of EQ784 Covid-19 Enforcement grant	(30,976)	
ES450	Release EQ767 for Park Lodge Window replacement	(9,875)	
ES200	Release EQ709 CCTV Salary	(5,000)	
	Proposed contribution c/fwd to 2022/23		
	S106 - Air Quality	512,146	
ES733	EQ718 Post Entry Training Corporate Underspend HR200	4,700	
ES100	EQ766 Cemetery specific premises project underspend	20,000	
ES200	EQ709 CCTV specific premises project maintenance underspend and contribution income	78,400	
ES455	ER005 Amory Park specific premises project maintenance underspend	10,000	
ES460	EQ715 Play Area specific premises project maintenance underspend	39,830	
ES354	ER002 Remaining MEES grant	3,901	
ES354	EQ711 Repayment of Private Sector Housing grant income	4,508	
ES733	ER003 Remaining COMF grant	26,049	
ES252	EQ710 Remaining Community Safety grant	1,920	
	Net movement in earmarked reserves before statutory adjustments		600,897
	Total Expenditure variation after Earmarked Reserves		(156,960)

Finance and Procurement

Code	Finance and Procurement	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	606,090	591,880	(14,210)	-2.3%
2,000	Premises	0	0	0	0.0%
3,000	Transport	1,170	0	(1,170)	-100.0%
4,000	Supplies and Services	225,950	229,580	3,630	1.6%
Total Direct Expenditure		833,210	821,460	(11,750)	-1.4%
7,000	External Income	(1,000)	(14,565)	(13,565)	-1356.48%
Net Direct Expenditure		832,210	806,895	(25,315)	-3.0% (a)
Total Finance and Performance Expenditure		832,210	806,895	(25,315)	-3.0%
Finance and Performance - Service units					
FP100	Accountancy Services	533,720	534,722	1,002	0.2%
FP200	Internal Audit	94,410	95,000	590	0.6%
FP300	Procurement	113,470	83,551	(29,919)	-26.4%
FP400	Purchase Ledger	45,840	46,684	844	1.8%
FP500	Sales Ledger	44,770	46,938	2,168	4.8%
Total Finance and Performance		832,210	806,895	(25,315)	-3.0%
				£	£
Total Expenditure Variation					(25,315) (a)
Major Cost Changes					
Procurement partnership - offset by salary savings				17,000	
					17,000
Major Cost Savings					
Procurement manager post removed from structure				(46,480)	
					(46,480)
Major Changes in Income Levels					
					0
Minor Variations					
					4,165
Total Expenditure Variation					(25,315) (a)
EARMARKED RESERVES					
Utilised 2021/22					
FP100	EQ755 return of unused budgeted release of earmarked reserve funds			20,000	
Proposed contribution c/fwd to 2022/23					
Net movement in earmarked reserves					20,000
Total Expenditure variation after Earmarked Reserves					(5,315)

Grounds Maintenance

Code	Grounds Maintenance	2021/22	2021/22	Variance	Variance
		Budget £	Actual £	£	%
1,000	Employees	517,740	452,547	(65,193)	-12.6%
2,000	Premises	0	0	0	0.0%
3,000	Transport	85,430	113,799	28,369	33.2%
4,000	Supplies and Services	21,350	22,546	1,196	5.6%
	Total Direct Expenditure	624,520	588,891	(35,629)	-5.7%
7,000	External Income	(69,084)	(73,974)	(4,890)	-7.08%
	Net Direct Expenditure	555,436	514,917	(40,519)	-7.3% (a)
	Total Grounds Maintenance Expenditure	555,436	514,917	(40,519)	-7.3%
	Grounds Maintenance - Service units				
GM960	Grounds Maintenance	555,436	514,917	(40,519)	-7.3%
	Total Grounds Maintenance Expenditure	555,436	514,917	(40,519)	-7.3%
				£	£
	Total Expenditure Variation				(40,519) (a)
	Major Cost Changes				
	Purchase of 3 x trailers - EMR utilised			12,915	
	Additional vehicle maintenance			7,896	
					20,811
	Major Cost Savings				
	Salaries - savings due vacant posts. Savings to be offset against additional costs in Waste			(56,000)	
	Post entry training not undertaken due to Covid-19			(9,300)	
					(65,300)
	Major Changes in Income Levels				
	No longer receiving income from Town Councils towards contributions for flower beds.			13,000	
	Internal income - no budget set for 2021-22			(12,000)	
					1,000
	Minor Variations				2,970
	Total Expenditure Variation				(40,519) (a)
	EARMARKED RESERVES				
	Utilised 2021/22				
GM960	EQ760 - release to purchase 3 x trailers			(12,915)	
GM960	Release from EQ756 to fund fleet contract			(7,896)	
	Proposed contribution c/fwd to 2022/23				
	EQ718 Post Entry Training Corporate Underspend HR200			9,000	
	Net movement in earmarked reserves				(11,811)
	Total Expenditure variation after Earmarked Reserves				(52,330)

General Fund Housing

Code	General Fund Housing	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	362,550	348,914	(13,636)	-3.8%
2,000	Premises	23,180	20,312	(2,868)	-12.4%
3,000	Transport	7,690	3,156	(4,534)	-59.0%
4,000	Supplies and Services	429,900	519,649	89,749	20.9%
Total Direct Expenditure		823,320	892,032	68,712	8.3%
7,000	External Income	(426,680)	(912,840)	(486,160)	-113.94%
Net Direct Expenditure		396,640	(20,808)	(417,448)	-105.2% (a)
Total General Fund Housing Services Expenditure		396,640	(20,808)	(417,448)	-105.2%
General Fund Housing - Service units					
HG320	Housing and Homelessness Advice	119,910	(96,052)	(215,962)	-180.1%
HG345	Rough Sleeping Initiative	90,290	(92,895)	(183,185)	-202.9%
HG349	Domestic Abuse Duty	0	(27,518)	(27,518)	0.0%
HG350	Community Alarms	(113,590)	(96,994)	16,596	14.6%
HG373	Homelessness and Enabling Team	251,180	259,898	8,718	3.5%
HG376	Ivor Macey House Project	48,850	32,752	(16,098)	-33.0%
Total General Fund Housing Services Expenditure		396,640	(20,808)	(417,448)	-105.2%
				£	£
Total Expenditure Variation					(417,448) (a)
Major Cost Changes					
HG320	Increased cases of Homelessness have resulted in an overspend in B&B temp accommodation costs - offset by increased income received in rental licence fees			113,700	
Major Cost Savings					
HG345/373	Salary savings due to vacant post during the year			(11,300)	
HG376	Ivory Macey House running costs lower than budgeted			(16,000)	
					86,400
Major Changes in Income Levels					
HG320	Increased income from Rent Licence fees to offset B&B costs and improvement in Homelessness debt provision			(86,000)	
HG320	Flexible Homelessness support grant			(197,431)	
HG320	Top-up Homelessness support grant & other smaller one off grants			(49,944)	
HG345	Rough Sleepers Initiative grant (RSI) & Vaccinate & Protect grant			(162,207)	
HG349	Domestic Abuse grant			(32,455)	
HG350	Community Alarms Income below target			43,000	
					(485,037)
Minor Variations					
					(18,811)
Total Expenditure Variation					(417,448) (a)
EARMARKED RESERVES					
Utilised 2021/22					
HG373/376	EQ742 return of unused budgeted release of earmarked reserve funds			108,180	
Proposed contribution c/fwd to 2022/23					
HG320	EQ742 Flexible Homelessness support grant			174,000	
HG320	EQ742 Top-up Homelessness support grant			41,397	
HG345	EQ743 RSI grant			24,228	
HG349	ER004 Domestic Abuse grant			27,500	
Net movement in earmarked reserves					375,305
Total Expenditure variation after Earmarked Reserves					(42,143)

Human Resources

Code	Human Resources	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	461,120	476,811	15,691	3.4%
2,000	Premises	0	0	0	0.0%
3,000	Transport	3,200	1,275	(1,925)	-60.1%
4,000	Supplies and Services	36,780	56,355	19,575	53.2%
Total Direct Expenditure		501,100	534,441	33,341	6.7%
7,000	External Income	0	(6,384)	(6,384)	0.00%
Net Direct Expenditure		501,100	528,057	26,957	5.4% (a)
Total Human Resources Expenditure		501,100	528,057	26,957	5.4%
HR - Service units					
HR100	Human Resources	348,530	377,090	28,560	8.2%
HR200	Staff Development Training	29,870	21,556	(8,314)	-27.8%
HR300	Payroll	36,370	40,714	4,344	11.9%
HR400	Learning and Development	47,500	50,685	3,185	6.7%
HR600	Health and Safety Officer	38,830	38,012	(818)	-2.1%
Total Human Resources Expenditure		501,100	528,057	26,957	5.4%
				£	£
Total Expenditure Variation					26,957 (a)
Major Cost Changes					
HR100	Staff survey and recruitment graphics on vehicles			10,800	
HR100/300	Salary - pay award, acting up pay, holiday pay and staff starting on higher scale points			27,050	
HR100	Zellis upgrade costs			9,000	
					46,850
Major Cost Savings					
HR100	Vacant apprentice post			(9,800)	
					(9,800)
Major Changes in Income Levels					
HR200	Funding from Petroc and Education & Skills			(5,500)	
					(5,500)
Minor Variations					(4,593)
Total Expenditure Variation					26,957 (a)
EARMARKED RESERVES					
Utilised 2021/22					
Proposed contribution c/fwd to 2022/23					
Net movement in earmarked reserves					0
Total Expenditure variation after Earmarked Reserves					26,957

I.C.T. Services

Code	ICT Services	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	593,760	566,185	(27,575)	-4.6%
2,000	Premises	0	0	0	0.0%
3,000	Transport	1,020	692	(328)	-32.2%
4,000	Supplies and Services	444,750	498,468	53,718	12.1%
Total Direct Expenditure		1,039,530	1,065,345	25,815	2.5%
7,000	External Income	(600)	(79,426)	(78,826)	-13137.67%
Net Direct Expenditure		1,038,930	985,919	(53,011)	-5.1% (a)
Total ICT Services Expenditure		1,038,930	985,919	(53,011)	-5.1%
ICT - Service units					
IT100	Gazetteer Management	70,500	77,021	6,521	9.3%
IT300	Central Telephones	36,500	31,735	(4,765)	-13.1%
IT400	ICT Network and Hardware	98,140	58,284	(39,856)	-40.6%
IT500	ICT Software Support and Maintenance.	237,860	255,346	17,486	7.4%
IT600	ICT Staff Unit	329,760	360,045	30,285	9.2%
IT700	Cyber Security	43,690	(19,740)	(63,430)	-145.2%
IT800	Phoenix House Printing	11,300	11,459	159	1.4%
IT900	Digital Services	211,180	211,769	589	0.3%
Total ICT Services Expenditure		1,038,930	985,919	(53,011)	-5.1%
				£	£
Total Expenditure Variation					(53,011) (a)
Major Cost Changes					
IT600	Consultancy to provide support to cover vacant posts			60,270	
IT600/900	IT Recruitment costs			15,700	
IT600/900	Salary overspend due to unbudgeted pay award			12,750	
IT500	Inflation on annual software costs			16,800	
IT700	Cyber security hardware and licencing required by audit			10,350	
IT900	Inflation on annual software costs			6,600	
					122,470
Major Cost Savings					
IT600/900	Salary underspend due to vacancies			(52,000)	
IT400	Delayed spend on IT Equipment due to staff vacancies			(20,800)	
IT400	Reduced line rental and internet costs			(19,400)	
					(92,200)
Major Changes in Income Levels					
IT700	Cyber Security Resilience Grant			(75,000)	
					(75,000)
Minor Variations					
					(8,281)
Total Expenditure Variation					(53,011) (a)
EARMARKED RESERVES					
Utilised 2021/22					
IT100	EQ719 release to fund staff training			(2,550)	
Proposed contribution c/fwd to 2022/23					
IT700	ER001 contribution - Cyber Security Resilience Grant			73,172	
Net movement in earmarked reserves					70,622
Total Expenditure variation after Earmarked Reserves					17,611

Legal and Democratic Services

Code	Legal and Democratic Services	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	589,433	775,021	185,588	31.5%
2,000	Premises	0	16,540	16,540	0.0%
3,000	Transport	17,700	5,265	(12,435)	-70.3%
4,000	Supplies and Services	524,190	540,434	16,244	3.1%
Total Direct Expenditure		1,131,323	1,337,261	205,938	18.2%
7,000	External Income	(27,540)	(268,435)	(240,895)	-874.71%
Net Direct Expenditure		1,103,783	1,068,826	(34,957)	18.2% (a)
Total Legal and Democratic Services		1,103,783	1,068,826	(34,957)	18.2%
Legal and Democratic Services - Service units					
LD100	Electoral Registration	230,820	187,558	(43,262)	-18.7%
LD200	Election costs	0	46,134	46,134	N/A
LD300	Democratic Rep and Management	375,440	351,387	(24,053)	-6.4%
LD400	Committee Services	129,020	141,229	12,209	9.5%
LD600	Legal Services	368,503	342,517	(25,986)	-7.1%
Total Legal and Democratic Services		1,103,783	1,068,826	(34,957)	
				£	£
Total Expenditure Variation					(34,957) (a)
Major Cost Changes					
LD200	Unbudgeted spend on district by-elections			46,130	
LD200	Unbudgeted elections staffing recharged to other authorities & central government			146,300	
LD200	Unbudgeted elections costs (excl staffing) recharged to other authorities & central government			64,100	
LD400	Salary overspend due to new apprentice post and unbudgeted pay award			11,900	
LD600	Salary overspend due to restructure			9,045	
					277,475
Major Cost Savings					
LD100	Computer software underspend - no longer using mobile canvasser app			(10,270)	
LD100	Underspend on parish boundary review, to be spent in 2022/23			(33,072)	
LD300	Savings against member car mileage due to reduced travelling during pandemic			(13,400)	
LD300	Savings against member allowances due to vacant seats during the year			(7,005)	
LD600	Computer software underspend - Legal Case Management System not yet implemented			(10,080)	
					(73,827)
Major Changes in Income Levels					
LD200	Income received from other authorities & central government to cover elections held in 2021/22			(210,400)	
LD600	Increased income S106 Fees and Court Costs and Fees			(20,970)	
					(231,370)
Minor Variations					
					(7,235)
Total Expenditure Variation					(34,957) (a)
EARMARKED RESERVES					
Utilised 2021/22					
LD100	Reduction in budgeted release from EQ788 - Boundary Review			33,072	
Proposed contribution c/fwd to 2022/23					
LD600	ER006 Legal Services - Additional Staffing Costs			11,500	
Net movement in earmarked reserves (other than budgeted)					44,572
Total Expenditure variation after Earmarked Reserves					9,615

Planning and Regeneration

Code	Planning and Regeneration	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	1,959,800	2,026,943	67,143	3.4%
2,000	Premises	0	787	787	0.0%
3,000	Transport	32,540	16,668	(15,872)	-48.8%
4,000	Supplies and Services	1,182,723	1,002,997	(179,726)	-15.2%
	S106 Expenditure	0	95,353	95,353	0.0%
	Total Direct Expenditure	3,175,063	3,142,747	(32,316)	-1.0%
7,000	External Income	(960,900)	(1,328,816)	(367,916)	-38.3%
	S106 contributions	0	(832,003)	(832,003)	0.0%
	Grant funding	(188,690)	(387,751)	(199,061)	-105.5%
	Net Direct Expenditure	2,025,473	594,177	(1,431,296)	-70.7% (a)
	Total Planning and Regeneration Expenditure	2,025,473	594,177	(1,431,296)	-70.7%
	Planning and Regeneration - Service units				
PR100	Building Regulations	57,690	(17,583)	(75,273)	-130.5%
PR110	Enforcement	91,780	115,358	23,578	25.7%
PR200	Development Control	433,320	(361,056)	(794,376)	-183.3%
PR210	Local Land Charges	(16,970)	(36,612)	(19,642)	-115.7%
PR220	Tiverton EUE	55,210	57,275	2,065	3.7%
PR225	Garden Village Project	336,890	226,769	(110,121)	-32.7%
PR400	Business Development	386,820	306,997	(79,823)	-20.6%
PR401	Reopening High Street Fund	0	(11,752)	(11,752)	0.0%
PR402	Cullompton HAZ	167,340	59,814	(107,526)	-64.3%
PR600	Forward Planning Unit	263,550	236,946	(26,604)	-10.1%
PR810	Statutory Development Plan	248,103	16,829	(231,274)	-93.2%
PR820	Assets of community value	0	170	170	0.0%
PR900	Dangerous Buildings And Trees	1,740	1,020	(720)	-41.4%
	Total Planning and Regeneration Expenditure	2,025,473	594,177	(1,431,296)	-70.7%
				£	£
	Total Expenditure Variation				(1,431,296) (a)
	Major Cost Changes				
PR110	Enforcement - staffing, agency support for project work tackling backlogged cases - (see EMR utilisation)			35,000	
PR200	Development Management - staffing, agency for interim replacements and cover staff to clear backlogs, - partially covered from vacancies, grant receipt and EMR release - (see EMR utilisation below)			26,000	
PR200	Development Management - National Design Model Testing - (see EMR utilisation below)			50,000	
PR200	Development Management - provision adjustment			200,000	
PR220	Tiverton EUE - consultancy and agency spend fully funded by HIF grant receipt			36,500	
PR225	North West Cullompton development - consultancy and agency spend fully funded by HIF grant receipt			43,341	
PR400	Love Your Town Centre grants awarded			25,825	
PR600	Forward Planning - LGA funded tool for Housing and Planning Policy - (see EMR utilisation below)			20,000	
					436,666
	Major Cost Savings				
PR200	Development Management - underspend on consultancy			(27,500)	
PR210	Local Land Charges - underspend on DCC Land Searches and supplies & services			(11,940)	
PR225	Cullompton Garden Village - delayed consultancy expenditure until 2022/23 - (see return to EMR below)			(37,000)	
PR400	Crediton Masterplan - delayed spend until 2022/23 - (see budgeted release returned to EMR below)			(60,000)	
PR400	Growth & Economic Development - delayed project work - (see EMR contribution below)			(74,000)	
PR402	Cullompton HAZ project - delayed project spend mainly through uptake on grants - (see EMR transactions)			(183,000)	
PR810	Statutory Plan - cost savings, delayed spend, delivering from existing resource or from new grant receipts			(191,653)	
PR810	Greater Exeter Strategic Partnership - saving on costs following withdrawal from partnership			(37,500)	
					(622,593)

Planning and Regeneration (continued)

	£	£
Major Changes in Income Levels		
PR100 Building Control - overachievement on income	(65,000)	
PR200 Development Management - overachievement on income	(196,000)	
PR200 Development Management - recovered costs on Harlequin Valet	(85,500)	
PR200 Development Management - Biodiversity Grant receipt - (See EMR contribution below)	(10,047)	
PR220 Tiverton EUE - HIF grant receipt	(36,500)	
PR225 Cullompton Garden Village - Capacity funding grant receipt - (See EMR contribution below)	(80,000)	
PR225 Cullompton Garden Village - HIF grant receipt	(43,341)	
PR402 Cullompton HAZ project - delayed spend has impacted on profiled grant receipts	75,500	
PR600 Forward Planning - LGA Housing Advisor grant receipt - (See EMR contribution below)	(25,000)	
		(465,888)
Minor Variations		
		(42,830)
SERVICE MOVEMENT BEFORE STATUTORY ADJUSTMENTS		(694,645)
PR200 Net S106 Receipts and Grants (also see EMR below)		(736,651)
Total Expenditure Variation		(1,431,296) (a)
EARMARKED RESERVES		
Utilised 2021/22		
PR110 EQ790 release to fund staffing on Enforcement	(34,500)	
PR200 S106 - Public Open Space	(95,353)	
PR200 EQ790 release to fund staffing on Development Management	(64,000)	
PR200 EQ782 release to fund National Design Model testing expenditure	(50,000)	
PR220 EQ820 release to fund overspend on Tiverton EUE	(2,065)	
PR225 EQ656 release to fund MDDC contribution towards the reopening of Cullompton Rail Station	(5,838)	
PR225 EQ824 return of unused budgeted release of earmarked reserve funds	37,068	
PR400 EQ722 release to fund agency staffing	(9,500)	
PR400 EQ722 release to fund Love Your Town Centre Grants	(25,825)	
PR400 EQ728 release to fund Cullompton Masterplan consultancy spend	(12,695)	
PR400 EQ728 return of unused budgeted release of earmarked reserve funds	60,000	
PR402 EQ653 return of unused budgeted release of earmarked reserve funds	124,000	
PR402 EQ652 return of unused budgeted release of earmarked reserve funds	15,000	
PR402 EQ722 release to fund Cullompton HAZ expenditure	(29,814)	
PR600 EQ780 release to fund LGA funded tool for Housing and Planning Policy	(20,000)	
PR600 EQ741 release to fund Community Housing Grant	(500)	
PR810 EQ728 return of unused budgeted release of earmarked reserve funds	80,500	
PR810 EQ726 return of unused budgeted release of earmarked reserve funds	36,260	
PR810 EQ729 return of unused budgeted release of earmarked reserve funds	45,000	
PR810 EQ821 return of unused budgeted release of earmarked reserve funds	2,120	
Proposed contribution c/fwd to 2022/23		
PR100 EQ775 - Contribution from underspend for future costs associated with changes in regulations	31,000	
PR200 S106 - Public Open Space	825,348	
PR200 EQ782 contribution - Biodiversity Grant	10,047	
PR200 EQ718 Post Entry Training Corporate Underspend HR200	1,800	
PR225 EQ824 contribution - Capacity funding grant receipt	80,000	
PR400 EQ722 contribution - Love Your Town Centre Grants and promoting Visit Mid Devon in 2022/23	45,000	
PR600 EQ780 contribution - LGA Housing Advisor grant receipt	25,000	
Net movement in earmarked reserves		1,068,054
Total Expenditure variation after Earmarked Reserves		(363,242)

Property Services

Code	Property Services	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	701,850	576,328	(125,522)	-17.9%
2,000	Premises	1,002,420	905,845	(96,575)	-9.6%
3,000	Transport	31,850	25,048	(6,802)	-21.4%
4,000	Supplies and Services	110,840	154,284	43,444	39.2%
Total Direct Expenditure		1,846,960	1,661,506	(185,454)	-10.0%
7,000	External Income	(716,340)	(654,907)	61,433	8.6%
Net Direct Expenditure		1,130,620	1,006,599	(124,021)	-11.0% (a)
Total Property Services Expenditure		1,130,620	1,006,599	(124,021)	-11.0%
Property Services - Service units					
PS160	Asset Management	40,000	1,991	(38,009)	-95.0%
PS350	Public Conveniences	63,980	26,251	(37,729)	-59.0%
PS400	Flood Defences and Land Drainage	26,430	24,500	(1,930)	-7.3%
PS600	Street Naming and Numbering	7,810	7,675	(135)	-1.7%
PS700	Contract Services - P-Health	7,920	8,619	699	8.8%
PS810	Phoenix House	262,420	222,873	(39,547)	-15.1%
PS850	Old Road Depot	74,990	55,112	(19,878)	-26.5%
PS880	Bus Station Maintenance	(15,280)	(14,145)	1,135	7.4%
PS890	10 Phoenix Lane	(10,690)	(12,295)	(1,605)	-15.0%
PS910	Grounds Maintenance Depot	0	314	314	0.0%
PS950	Climate Change	0	59,265	59,265	0.0%
PS960	Caretaking Services	112,094	76,190	(35,904)	-32.0%
PS970	Office Building Cleaning	0	32	32	0.0%
PS980	Property Services	618,876	468,516	(150,361)	-24.3%
PS990	30/38 Fore Street	(99,910)	(72,123)	27,787	27.8%
PS991	Industrial Units	(99,010)	(119,528)	(20,518)	-20.7%
PS992	Market Walk	(162,450)	(40,755)	121,695	74.9%
PS993	Lowman Green Unit	(10,000)	(10,000)	0	0.0%
PS994	Moorhayes Community Centre	0	(2,219)	(2,219)	0.0%
PS995	Coggan's Well	(19,000)	7,137	26,137	137.6%
WS770	Unit 3 Carlu Close	332,440	318,591	(13,849)	-4.2%
Total Property Services		1,130,620	1,005,999	(124,621)	-11.0%
				£	£
Total Expenditure Variation					(124,021) (a)
Major Cost Changes					
PS950	Climate Change salary overspend is to be offset by Property Services salary underspend			50,450	
PS992	Market Walk maintenance overspend to be funded by EMR			76,910	
PS995	Coggan Well external contractors overspend to be funded from EMR			30,000	
WS770	Increased rental charges for Carlu Depot			35,000	
WS770	Increased utility costs & additional cleaning due to Covid-19 for Carlu Depot			20,000	
					212,360
Major Cost Savings					
PS960	Caretaking Services salary underspend due to vacant posts			(31,180)	
PS980	Property Services salary underspend due to vacant post and Climate Change salary coded to PS950			(148,830)	
PS350	Public Convenience rates refund and reduction in utility costs due to delayed opening due to Covid-19			(37,400)	
PS810	Phoenix House maintenance and utility underspend			(58,500)	
PS850	Old Road maintenance and utility underspend			(25,000)	
PS991	Industrial Unit maintenance underspend			(11,980)	
WS770	Specific premises project maintenance underspend			(66,000)	
					(378,890)
Major Changes in Income Levels					
PS992	Reduction in Market Walk rental income following rent reviews			48,000	
PS990	Reduction in flat rental income due to vacancies & the postponement of the Tiverton Town Centre - enhancement programme. 2 flats have not been able to be developed into rental properties			22,000	
PS160	Increased income from Easements and wayleaves			(19,000)	
					51,000
Minor Variations					(8,491)
Total Expenditure Variation					(124,021) (a)

Property Services (continued)

		£	£
EARMARKED RESERVES			
Utilised 2021/22			
Reduction in release from EQ756 to fund fleet contract		1,398	
PS992	Release EQ838 GF Shop EMR for works to Market Walk flat windows & Unit 17 remodel	(76,910)	
PS995	EQ772 Coggan's Well roof repairs	(30,000)	
Proposed contribution c/fwd to 2022/23			
PS810	EQ827 Phoenix House specific premises maintenance underspend	25,000	
PS850	EQ829 Old Road specific premises maintenance underspend	15,000	
PS991	EQ771 Industrial Units specific premises maintenance underspend	11,980	
PS980	ER007 Property Services Staffing	36,500	
WS770	EQ786 Carlu Depot specific premises maintenance underspend	66,000	
Net movement in earmarked reserves			48,968
Total Expenditure variation after Earmarked Reserves			(75,053)

Leisure Services

Code	Leisure Services	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	2,069,309	2,051,669	(17,640)	-0.9%
2,000	Premises	1,100,020	844,835	(255,185)	-23.2%
3,000	Transport	6,400	4,040	(2,360)	-36.9%
4,000	Supplies and Services	255,600	231,701	(23,899)	-9.4%
Total Direct Expenditure		3,431,329	3,132,246	(299,083)	-8.7%
7,000	External Income	(2,524,330)	(1,961,620)	562,710	22.3%
Net Direct Expenditure		906,999	1,170,626	263,627	29.1% (a)
Total Leisure Services Expenditure		906,999	1,170,626	263,627	29.1%
Leisure Services - Service units					
RS100	Leisure Facilities Maintenance and Equipment	379,420	182,952	(196,468)	-51.8%
RS110	Leisure Management and Administration	40,630	21,028	(19,602)	-48.2%
RS140	Exe Valley Leisure Centre	221,364	455,055	233,691	105.6%
RS150	Lords Meadow Leisure Centre	183,926	284,577	100,651	54.7%
RS151	Feasibility	0	0	0	0.0%
RS155	Leisure Land Rents	(9,830)	(7,692)	2,138	21.8%
RS160	Culm Valley Sports Centre	91,489	234,706	143,217	156.5%
Total Leisure Services Expenditure		906,999	1,170,626	263,627	29.1%
				£	£
Total Expenditure Variation					263,627 (a)
Major Cost Changes					
All sites	Decarbonisation works funded from EMR			24,670	
					24,670
Major Cost Savings					
All sites	Underspend on utility bills across all Leisure Centre			(70,000)	
RS100	Leisure specific premises maintenance project underspend			(199,000)	
All sites	Salary savings due to vacancies and reduction in certain activities during pandemic			(33,800)	
					(302,800)
Major Changes in Income Levels					
RS160	Shortfall in dual use income at CVSC due to delays in agreeing new terms with DCC			56,200	
All sites	Shortfall in income across all three leisure centres due to Covid-19			506,500	
					562,700
Minor Variations					(20,943)
Total Expenditure Variation					263,627 (a)
EARMARKED RESERVES					
Utilised 2021/22					
RS	EQ785 Decarbonisation works			(24,670)	
RS100	EQ764 Leisure specific project works			(5,705)	
RS140	EQ764 Leisure water dispute			(30,000)	
Proposed contribution c/fwd to 2022/23					
RS150/160	EQ718 Post Entry Training Corporate Underspend HR200			4,500	
RS100	EQ764 Leisure specific premises maintenance underspend			199,860	
RS	EQ764 Leisure water underspend			30,000	
Net movement in earmarked reserves					173,985
Total Expenditure variation after Earmarked Reserves					437,612

Revenues and Benefits

Code	Revenues and Benefits	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	697,340	757,926	60,586	8.7%
2,000	Premises	0	0	0	0.0%
3,000	Transport	4,670	3,716	(954)	-20.4%
4,000	Supplies and Services	228,230	2,600,402	2,372,172	1039.4%
	Housing Benefit Payments (RB400)	12,975,160	11,340,547	(1,634,613)	-12.6%
	Total Direct Expenditure	13,905,400	14,702,590	797,190	5.7%
	Income from Housing Benefit Subsidy (RB400)	(12,910,160)	(11,300,849)	1,609,311	-12.5%
	All other Income	(377,160)	(3,196,512)	(2,819,352)	747.5%
7,000	External Income	(13,287,320)	(14,497,361)	(1,210,041)	-9.1%
	Net Direct Expenditure	618,080	205,228	(412,852)	-66.8% (a)
	Total Revenues and Benefits Expenditure	618,080	205,228	(412,852)	-66.8%
	Revenues and Benefits - Service units				
RB100	Collection of Council Tax	460,380	423,685	(36,695)	-8.0%
RB200	Collection of Business Rates	(105,380)	(241,575)	(136,195)	-129.2%
RB300	Housing Benefit Admin	111,270	19,326	(91,944)	-82.6%
RB340	Local Welfare Assistance Scheme	15,000	900	(14,100)	-94.0%
RB400	Housing Rent Allowances	65,000	39,697	(25,303)	-38.9%
RB600	Corporate Debt Team	71,810	70,160	(1,650)	-2.3%
RB901	21-22 LCTSS Top-up	0	(106,966)	(106,966)	0.0%
	Total Revenues and Benefits Expenditure	618,080	205,228	(412,852)	-66.8%
				£	£
	Total Expenditure Variation				(412,852) (a)
	Major Cost Changes				
RB100	Collection of Council Tax Staffing - Job evaluation awards, overtime and agency staff to support - Covid-19 grant administration work - partially funded by EMR (see EMR utilisation below)			36,000	
RB703	ARG Business Grant Scheme balance transfer to support BEIS return (please note contra entry detailed below)			2,377,393	
					2,413,393
	Major Cost Savings				
					0
	Major Changes in Income Levels				
RB100	Collection of Council Tax - Refund of overcharged magistrate court fees paid by council tax liability orders			(28,000)	
RB100	Collection of Council Tax - increased recovery of Court Costs			(50,000)	
RB200	Collection of Business Rates - various new burdens grant receipts			(157,800)	
RB300	Housing Benefit Admin - various grant receipts from DWP & DLUHC			(92,000)	
RB901	2021/22 LCTSS Top-up grant receipt			(107,000)	
RB703	ARG Business Grant Scheme balance transfer to support BEIS return (please note contra entry detailed above)			2,377,393	
					(2,812,193)
	Housing Benefits				
RB400	Housing Benefit Subsidy			32,000	
RB400	Discretionary Housing Payment grant receipt less than budgeted			31,000	
RB400	Housing Benefit Overpayment recovery better than budgeted			(88,000)	
					(25,000)
	Minor Variations				10,948
	Total Expenditure Variation				(412,852) (a)
	EARMARKED RESERVES				
	Utilised 2021/22				
RB100	EQ787 release to fund staffing for Collection of Council Tax			(4,000)	
RB100	EQ756 reduction in release to fund fleet contract			779	
RB200	EQ787 release to fund staffing for Collection of Business Rates			(12,500)	
	Proposed contribution c/fwd to 2022/23				
RB200	EQ787 contribution - various new burdens grant receipts			150,000	
	Net movement in earmarked reserves				134,279
	Total Expenditure variation after Earmarked Reserves				(278,572)

Waste Services

Code	Waste Services	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
1,000	Employees	2,711,663	3,012,363	300,700	11.1%
2,000	Premises	0	0	0	0.0%
3,000	Transport	820,240	984,294	164,054	20.0%
4,000	Supplies and Services	616,870	645,212	28,342	4.6%
	S106 Expenditure		0	0	
	Total Direct Expenditure	4,148,773	4,641,869	493,096	11.9%
7,000	External Income	(2,447,874)	(2,780,953)	(333,079)	-13.6%
	Net Direct Expenditure	1,700,899	1,860,916	160,017	9.4% (a)
	Total Waste Services Expenditure	1,700,899	1,860,916	160,017	9.4%
	Waste Services - Cost Centres				
FM100	Fleet Management	98,450	108,331	9,881	10.0%
WS650	Street Cleansing	420,440	426,881	6,441	1.5%
WS700	Refuse Collection	360,836	643,499	282,663	78.3%
WS710	Trade Waste Collection	(131,377)	(255,826)	(124,449)	-94.7%
WS725	Kerbside Recycling	684,560	676,095	(8,465)	-1.2%
WS750	Waste Management Staff Unit	267,990	261,935	(6,055)	-2.3%
	Total Waste Services Expenditure	1,700,899	1,860,916	160,017	9.4%
	Total Expenditure Variation				160,017 (a)
	Major Cost Changes				
WS700	Purchase of spare skip lorry. SFS contract requires MDDC to have spare vehicles. Funded by EMR release			7,750	
All codes	Agency Costs - reliance on agency to cover vacancies, holiday, sickness and training			248,930	
All codes	Agency cover relating to Covid-19 self-isolation cover			17,250	
All codes	Additional salary - driver retention, pay award, £250 bonus payments			86,800	
WS700	Additional salary budget savings for 3 weekly trial not realised this year			30,000	
WS725	Plant responsive maintenance - baler repairs			17,000	
All codes	Increased cost of fuel			41,250	
FM100	Agency cost to cover vacancy			23,000	
WS650	Bin purchases for town centres - grant funded			16,300	
WS650	Black bag purchases - increased costs			7,330	
All codes	Fleet maintenance - additional costs			96,228	
					591,838
	Major Cost Savings				
FM100	Salaries - savings due to a delay in recruiting posts			(29,800)	
All codes	Salaries - savings due to high turnover of staff and vacancies			(77,600)	
WS710	Waste disposal charges			(31,900)	
					(139,300)
	Major Changes in Income Levels				
WS700	Garden waste - increase in permit sales			(44,400)	
WS700	Increased sales of wheelie bins and bulky waste collections			(19,200)	
WS725	Recycling credits - rate increased by £2.04 per tonne for 2021-22			(17,300)	
WS725	Skips now ordered by service area - internal income no longer received			15,000	
WS725	Recycling materials - increased price per tonne for aluminium and cardboard. Recovery post Covid-19 better than expected.			(390,000)	
WS725	Recycling credits voluntary groups			39,130	
WS710	Trade Waste - increased recycling income			(45,460)	
WS700	DCC Shared Savings Scheme - income for 2020-21 actual £177,850. Estimate for 2021-22 provided by DCC			172,600	
FM100	Fleet Management - ceased sharing Transport Manager with Exeter City Council. MDDC requires full time contract manager			20,000	
WS650	Binrastructure grant funding			(19,500)	
					(289,130)
	Minor Variations				(3,117)
	Total Expenditure Variation				160,291 (a)
	EARMARKED RESERVES				
	Utilised 2021/22				
WS725	EQ744 release to fund recycling containers			(30,000)	
	Release from EQ756 to fund fleet contract			(103,978)	
	Proposed contribution c/fwd to 2022/23				
	Net movement in earmarked reserves				(133,978)
	Total Expenditure variation after Earmarked Reserves				26,313

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Housing Revenue Account – Detailed Outturn 2021/22

		2021/22	2021/22	Variance	Variance
Code	Housing Revenue Account	Budget	Actual		
		£	£	£	%
1,000	Employees	2,976,890	2,662,950	(313,940)	-10.5%
2,000	Premises	235,500	217,549	(17,951)	-7.6%
3,000	Transport	238,860	217,324	(21,536)	-9.0%
4,000	Supplies and Services	7,292,170	7,898,552	606,382	8.3%
Total Direct Expenditure		10,743,420	10,996,374	252,954	2.4%
7,000	External Income	(13,218,490)	-13,501,238	(282,748)	-2.1%
Net Direct Expenditure		(2,475,070)	-2,504,863	(29,793)	1.2%
5,000	Internal Recharges	1,501,410	1,476,150	(25,260)	-1.7%
6,500	Capital Charges	973,660	962,163	(11,497)	-1.2%
Total Indirect Expenditure		2,475,070	2,438,313	(36,757)	1.5%
Total HRA Expenditure		0	(66,549)	(66,549)	(a)
Income					
SHO01	Dwelling Rents Income	(12,450,680)	(12,290,502)	160,179	-1.3%
SHO04	Non Dwelling Rents Income	(559,830)	(515,272)	44,558	-8.0%
SHO07	Leaseholders' Service Charges	(23,810)	(30,365)	(6,555)	27.5%
SHO08	Contributions Towards Expenditure	(29,220)	(72,950)	(43,730)	149.7%
SHO10	H.R.A. Investment Income	(10,000)	(29,684)	(19,684)	196.8%
SHO11	Miscellaneous Income	(7,350)	(10,154)	(2,804)	38.2%
Services					
SHO13A	Repairs and Maintenance	4,133,360	4,031,336	(102,024)	-2.5%
SHO17A	Housing and Tenancy Services	2,589,970	2,191,799	(398,171)	-15.4%
Accounting entries 'below the line'					
SHO29	Bad Debt Provision Movement	150,000	98,828	(51,172)	-34.1%
SHO30	Share of Corporate And Democratic Costs	170,040	170,453	413	0.2%
SHO32	H.R.A. Interest Payable	1,026,430	1,022,784	(3,646)	-0.4%
SHO34	H.R.A. Transfers to earmarked reserves	1,899,100	1,665,394	(233,706)	-12.3%
SHO36	Financing of capital expenditure	973,660	1,262,420	288,760	29.7%
SHO37	Capital Receipts Reserve Adjustment	(19,500)	-37,700	(18,200)	93.3%
SHO38	Major Repairs Allowance	2,260,000	2,621,465	361,465	16.0%
SHO42	Accumulated absences adjustment	0	28,378	28,378	0.0%
SHO45	Renewable Energy Transactions	(102,170)	-106,231	(4,061)	4.0%
Total HRA Expenditure		0	0	0	
Total HRA Expenditure Variation					(66,549) (a)
Major Cost Changes					
SHO13A	Salary underspend due to delays in filling vacancies, this is net of the pay award			(183,000)	
SHO13A	DLO works on revenue and capital slightly above budget			(69,400)	
SHO13A	Demand for Disabled Facilities Works considerably below budget for the year			156,800	
SHO17A	Salary spend under budget due to delays in filling vacancies throughout the year, this is net of the pay award			(103,000)	
SHO17A	Anti-social behaviour budget largely underspent			(13,800)	
SHO17A	Maintenance spend on HRA shops below budget			(22,000)	
SHO17A	HRA Strategy budget not fully spent in year			(45,000)	
SHO17A	Court costs and associated costs below budget for the year			(14,100)	
SHO17A	Underspend against the annual Computer Software budget			(34,400)	
SHO17A	Various underspends on Environmental Works			(10,000)	
SHO17A	Tenant Involvement expenditure below budget due to a post not being filled until part way through the year therefore not able to fully utilise the budget			(26,800)	
SHO17A	Underspend against the sewage works budget			(41,000)	
SHO17A	Underspend against the cleaning contract budget, this was due to a refund from the contractor			(12,200)	
SHO29	Bad Debt Provision for the year below annual budget			(51,200)	
SHO38	Contribution to the Major Repairs Reserve equal to the depreciation charge for the year			361,500	
ALL	General Fund recharge below budget			(25,300)	
					(132,900)
Major Changes in Income Levels					
SHO01	Lower Rental Income due to a higher number of RTBs and delays in processing of the voids backlog which has been a legacy of Covid-19			160,200	
SHO04	Reduced Garage Rent income due to a number of units being set aside for the modernisation programme			36,500	
SHO08	Building Services have conducted more rechargeable works than anticipated therefore generated more income			(43,700)	
SHO10	Investment income above budget			(19,700)	
SHO17A	Stamp Duty refund award (net of fees)			(27,000)	
SHO37	Administration recharge for Right to Buy properties higher than forecast			(18,200)	
					88,100
Minor Variances totalling					(21,749)
Total HRA Expenditure Variation					(66,549) (a)

Housing Revenue Account – Detailed Outturn 2021/22 (Continued)

	£	£
EARMARKED RESERVES (memorandum account)		
Transferred/(Utilised) 2021/22		
Affordable Rent Surplus utilised for capital purposes	(72,000)	
Renewable Energy Fund utilised from the reserve for capital	(32,640)	
Housing Maintenance Fund transferred for capital expenditure	(195,616)	
Budgeted transfer to the Renewable Energy Fund	105,000	
Budgeted transfer to the Loan Premium Deficit reserve	753,818	
Budgeted transfer to the Housing Maintenance Fund	895,495	
Budgeted transfer to the Affordable Rent Surplus	144,787	
		1,598,844
Proposed contribution c/fwd to 2022/23		
Renewable Energy Fund	1,231	
Affordable Rent Surplus	23,327	
Housing Maintenance Fund final reserve transfer	41,991	
		66,549
Net movement in earmarked reserves		1,665,393
Total Expenditure variation after Earmarked Reserves		0

GENERAL FUND AND HOUSING REVENUE ACCOUNT EARMARKED RESERVES SUMMARY as at 31 March 2022

	Cost Centres	B/F 31/3/21 £	(Cont. To EMR) £	+ Utilisation of EMR £	Transfers £	C/F 31/3/22 £
Total Miscellaneous General Fund Reserves						
Revenue contribution to Capital Earmarked Reserves	EQ650	(255,165)	0	0	0	(255,165)
NNDR Reserve	EQ659	(4,045,639)	(1,963,344)	3,621,340	0	(2,387,644)
New Homes Bonus Reserve	EQ653	(3,061,331)	(958,752)	725,521	0	(3,294,562)
Other General Fund Revenue Reserves						
Private Sector Housing Grants EMR	EQ652	(253,130)	0	53,130	0	(200,000)
Economic Development EMR	EQ654	(101,000)	0	0	0	(101,000)
ICT Projects Reserve	EQ655	(330,329)	0	0	0	(330,329)
Cullompton Rail Station	EQ656	(160,500)	0	5,838	0	(154,662)
Flood Defence Ashleigh Park Bampton	EQ657	(67,000)	0	0	0	(67,000)
Phoenix Lane PC's Conversion	EQ658	0	0	0	0	0
Gen Reserves - Support for 2021-22 budget	EQ660	(223,746)	(10,000)	223,746	(189,102)	(199,102)
High St Innovator Payment	EQ681	(510)	0	0	0	(510)
EMR Corporate Training	EQ666	(12,000)	0	0	12,000	0
Car Park Machine Replacement	EQ686	(9,000)	(3,000)	0	0	(12,000)
Gypsies and Travellers	EQ698	0	0	0	0	0
Cred Market Square Resurfacing	EQ699	(20,000)	0	3,421	0	(16,579)
Community Dev Tap Fund Contr (CD200)	EQ701	(4,306)	0	2,200	2,106	0
Cemetery Grave Shoring Equip (ES100)	EQ705	0	0	0	0	0
Multi-Story Planned Works (CP520)	EQ706	0	0	0	0	0
Resurfacing Amenity Car Parks (CP530)	EQ707	(45,682)	(25,000)	0	0	(70,682)
Structural Surfacing P&D Car Parks (CP540)	EQ708	(2,600)	(26,340)	0	2,600	(26,340)
CCTV Initiatives Tiverton Town Centre Project (ES200)	EQ709	(5,000)	(78,400)	5,000	0	(78,400)
Community Safety Partnership (ES256)	EQ710	(11,324)	(1,920)	0	0	(13,244)
P Sector Housing (ES354)	EQ711	(24,524)	(4,508)	0	0	(29,032)
PSH - Rogue Landlord Grant	EQ712	(43,027)	0	0	0	(43,027)
Parks & O Spaces Shelter Maintenance (ES450)	EQ713	(42,381)	0	0	0	(42,381)
Parks & O Spaces Tree Inspection (ES450)	EQ714	(25,426)	0	0	0	(25,426)
Play Areas Works	EQ715	0	(39,830)	0	0	(39,830)
Air Quality Monitoring (ES660)	EQ716	(2,708)	0	0	2,708	0
Ground Maintenance Service (GM960)	EQ717	0	0	0	0	0
Corp Training (HR200)	EQ718	(8,515)	(20,000)	0	8,515	(20,000)
ICT Staff Unit Training (IT600)	EQ719	(2,550)	0	2,550	0	0
District Elections (LD201)	EQ720	(25,000)	(25,000)	0	0	(50,000)
Elected Members Training (LD300)	EQ721	(20,000)	(5,000)	0	0	(25,000)
PR400 Economic Development	EQ722	(262,189)	(45,000)	95,139	0	(212,050)
Land Charges Software Licence (PR210)	EQ723	(5,000)	0	0	5,000	0
New Burdens Grant Fund - LLC	EQ724	(19,263)	0	0	0	(19,263)
LABGI Local Authority Bus Grow Initiative (PR400)	EQ725	(12,051)	0	0	12,051	0
Brownfield Shared Plan DCLG (PR600)	EQ726	(36,263)	0	3	0	(36,260)
Statutory Development Plan (PR810)	EQ728	(506,334)	(100,000)	18,465	0	(587,869)
Custom Build Grant (PR810)	EQ729	(76,277)	0	0	0	(76,277)
Community Housing Fund	EQ741	(108,360)	0	500	0	(107,860)
Homelessness Support	EQ742	(360,390)	(215,397)	70,560	0	(505,227)
Rough Sleeping Initiative	EQ743	(91,685)	(24,228)	0	0	(115,913)
Replacement Waste Containers	EQ744	(42,000)	0	30,000	0	(12,000)
Waste Options Report	EQ745	(15,290)	0	0	0	(15,290)
Food Protection	EQ746	(14,550)	0	0	0	(14,550)
Brexit Reserve	EQ747	(32,847)	0	0	32,847	0
Finance Additional Staff Costs	EQ748	0	0	0	0	0
Finance System Improvements	EQ749	(16,720)	0	0	0	(16,720)
Fleet Contract Fund	EQ756	(783,904)	(659,600)	514,986	0	(928,518)
Livery Wraps -Waste Vehicles	EQ757	(1,700)	0	0	1,700	0
Recycling Baler Repairs	EQ758	0	0	0	0	0
Mobile Phone Contract	EQ759	(10,000)	(5,000)	0	15,000	0
Waste Infrastructure	EQ769	(2,027,700)	0	0	0	(2,027,700)
Cs Replacement Scanners	EQ770	(10,000)	0	10,000	0	0
Industrial Unit Specific Maintenance	EQ771	(20,000)	(11,980)	0	0	(31,980)
Coggans Well Roof Repairs	EQ772	(30,000)	0	30,000	0	0
Tree Works	EQ773	(27,300)	0	0	0	(27,300)
Planning Legal Expense Reserve	EQ774	(100,000)	0	0	0	(100,000)
Building Control EMR	EQ775	(17,000)	0	0	(31,000)	(48,000)
CS Customer Welfare Officer B/Fill	EQ776	(21,670)	0	19,362	2,308	0
C/Tax Smoothing Reserve	EQ777	(239,911)	0	115,109	0	(124,802)
HFX System Upgrade - HR	EQ778	(25,000)	0	0	0	(25,000)
Play Area-Paddling Pool Resin	EQ779	(30,000)	0	0	0	(30,000)

Appendix 3 – General Fund and Housing Revenue Account Earmarked Reserves Summary 2021/22

Other General Fund Revenue Reserves (Continued)	Cost Centres	B/F 31/3/21 £	(Cont To EMR) £	+ Utilisation of EMR £	Transfers £	C/F 31/3/22 £
Housing Advisers Programme	EQ780	(20,000)	(25,000)	20,000	0	(25,000)
J28 Cullompton	EQ781	(100,000)	0	0	0	(100,000)
Plan-Test Nat Model Des Codes	EQ782	(50,000)	(10,047)	50,000	0	(10,047)
Legal Case Management System	EQ783	(15,080)	0	0	0	(15,080)
C-19 Compliance & Enforcement Grant	EQ784	(30,976)	0	30,976	0	0
Climate Change Grant	EQ785	(299,421)	0	24,670	0	(274,751)
Carlu Close Specific Projects	EQ786	(15,000)	(66,000)	0	0	(81,000)
21-22 NNDR Grants Admin	EQ787	(60,000)	(150,000)	16,500	(2,308)	(195,808)
Boundary Review	EQ788	(45,000)	0	11,928	0	(33,072)
Member Services Additional Staffing	EQ789	(14,000)	0	0	0	(14,000)
Planning Improvement Programme	EQ790	(250,000)	0	98,500	0	(151,500)
Post Covid-19 Income Recovery	EQ791	(300,000)	(200,000)	0	0	(500,000)
PR400-Street Name Post Replace	EQ802	(20,000)	0	0	0	(20,000)
MHCLG Covid-19 General Grant	EQ809	0	0	0	0	0
Capacity Funding - EUE	EQ820	(15,919)	0	2,065	0	(13,854)
Neighbourhood Planning Funding	EQ821	(37,450)	0	11,080	0	(26,370)
Culm Garden Village Project	EQ824	(652,209)	(80,000)	300,932	0	(431,277)
Flood Projects (PS400)	EQ826	(32,400)	0	0	0	(32,400)
Phoenix House Replace Fire Panel (PS810)	EQ827	(76,039)	(25,000)	0	0	(101,039)
Phoenix House Meeting Rm Aircon (PS810)	EQ828	(6,400)	0	0	0	(6,400)
Old Road Depot (PS850)	EQ829	(10,000)	(15,000)	0	0	(25,000)
Property Services MS Op Vehicle (PS980)	EQ830	0	0	0	0	0
Insurance MMI (CM300)	EQ835	(86,278)	0	0	0	(86,278)
Members iPad (LD300)	EQ836	(8,275)	0	0	0	(8,275)
Property Maintenance Reserve	EQ837	(749,184)	(75,000)	27,070	0	(797,113)
GF Shops (PS)	EQ838	(207,000)	(100,000)	76,910	31,000	(199,090)
Equipment Sinking Fund	EQ684 & EQ750-755 & EQ839	(620,459)	(194,200)	128,613	0	(686,045)
Maintenance Sinking Fund	EQ685 & EQ763-767	(831,552)	(249,860)	45,580	0	(1,035,832)
Plant Sinking Fund	EQ760-761	(193,070)	(35,820)	12,915	0	(215,975)
It Government Grant	ER001	0	(73,172)	0	0	(73,172)
MEES Grant	ER002	0	(3,901)	0	0	(3,901)
COMF Grant	ER003	0	(26,049)	0	0	(26,049)
Domestic Abuse Grant	ER004	0	(27,500)	0	0	(27,500)
Amory Park	ER005	0	(10,000)	0	0	(10,000)
Legal Services - Additional Staffing Costs	ER006	0	(11,500)	0	0	(11,500)
Property Services Staffing	ER007	0	(36,500)	0	0	(36,500)
Customer Services Staffing	ER008	0	(20,791)	0	0	(20,791)
Total Other GF Revenue Reserves		(11,129,373)	(2,735,543)	2,057,748	(94,575)	(11,901,743)
Section 106	Various	(1,602,771)	(1,331,859)	154,548	94,575	(2,685,507)
Developers Contributions - Open Space Maintenance	Cost Centres	B/F 31/3/21 £	(Cont To EMR) £	+ Utilisation of EMR £	Transfers £	C/F 31/3/22 £
Developers Contribution Linear Park	EQ638	(38,468)	0	4,170	0	(34,298)
W52 Popham Close Community Fund	EQ640	(12,140)	0	1,950	0	(10,190)
W67 Moorhayes Community Development Fund	EQ641	(11,773)	0	1,630	0	(10,143)
W69 Fayrecroft Willand Ex West	EQ642	(28,740)	0	4,620	0	(24,120)
W70 Developers Contribution	EQ643	(33,108)	0	6,650	0	(26,458)
Developers Contribution Winswood Crediton	EQ644	(28,398)	0	3,080	0	(25,318)
Total Developers Maintenance Reserves		(152,627)	0	22,100	0	(130,527)
Total Developers Contributions / s106 Funds		(1,755,398)	(1,331,859)	176,648	94,575	(2,816,034)
		B/F 31/3/21 £	(Cont To EMR) £	+ Utilisation of EMR £	Transfers £	C/F 31/3/22 £
TOTAL GENERAL FUND EARMARKED RESERVES		(20,246,906)	(6,989,498)	6,581,257	0	(20,655,148)
Net movement into General Fund Earmarked Reserves						(408,242)
HRA Earmarked Reserves	Cost Centres	B/F 31/3/21 £	(Cont To EMR) £	+ Utilisation of EMR £	Transfers £	C/F 31/3/22 £
HRA Sewage Treatment Plant works	EQ691	(30,000)	0	0	0	(30,000)
Renewable Energy Fund E.M.R.	EQ692	(701,114)	(146,018)	32,640	0	(814,492)
HRA Affordable Rent Surplus	EQ693	(198,930)	(128,327)	72,000	0	(255,257)
Housing Maintenance E.M.R.	EQ694	(15,120,829)	(937,486)	195,616	0	(15,862,698)
HRA Premium Deficit for PWLB loan	EQ696	(3,516,306)	(753,819)	0	0	(4,270,125)
Total HRA EARMARKED RESERVES		(19,567,178)	(1,965,650)	300,256	0	(21,232,572)
Net movement into HRA Earmarked Reserves						(1,665,394)
GRAND TOTAL OF MDDC EARMARKED RESERVES		(39,814,085)	(8,955,148)	6,881,513	0	(41,887,720)

2021/22 Capital Programme Outturn Summary

General Fund Projects

Code	Scheme	Total Budgeted Capital Programme 2021/22 £	Actual Expenditure 2021/22 £	Slippage to 2022/23 £	To Earmarked Reserve £	(Under) / Overspend £	Notes
Leisure							
CA642	Reception infrastructure review - All sites	120,000	-	120,000		0	Projected project completion Q3 2022/23
CA643	All Leisure Etarmis - Security Swipe - (linked to security project)	30,000	-	30,000		0	Subject to feasibility. If feasible projected project completion Q2 2022/23. Highly likely this cost will be revenue in nature if project does commence
CA644	EVLC - Boilers and CHP	30,000	-	30,000		0	This project will slip - linked to Phase 3 Heating Decarbonisation Fund - Gas boilers would be removed. Projected project completion Q3 2022/23
CA645	EVLC - Fitness Studio renewal of equipment	153,000	-	153,000		0	Forecast project completion Q3 2022/23
CA646	CVSC - Remodelling of Ground Floor	204,000	-	204,000		0	Subject to feasibility and outcome of dual use agreement discussions. Projected project completion Q3 2022/23
Phoenix House							
CA487	Etarmis - Security Swipe - (linked to security project)	50,000	0	50,000		0	Forecast project completion Q3 2022/23 - subject to final design. Highly likely cost will be revenue in nature
Play Areas							
CA472	Open Space Infrastructure (incl Play Areas)	40,000	0	40,000		0	Forecast project completion Q1 2022/23
CA632	Play area refurbishment - Amory Park Tiverton	74,000	0	74,000		0	Forecast project completion Q1 2022/23
CA648	Play Area Chestnut Drive Willand	25,000	0	25,000		0	Forecast project completion Q1 2022/23
MDDC Shops & Industrial Units							
CA584	Market Walk Unit 17 - remodelling options	510,000	0	510,000		0	Forecast project completion Q4 2022/23
CA583	Market Walk - Flat roof replacement	30,000	0			(30,000)	This work as been completed under Capital diminimis and therefore charged to Revenue
Other Projects							
CA491	Fire Dampeners - Corporate sites	80,000	0	80,000		0	Forecast project completion Q1 2022/23
CA485	GP Practice NHS Hub Building	2,175,000	2,175,000			0	Project Complete
CA490	West Exe South - Remodelling - additional parking spaces	90,000	0	90,000		0	Forecast project completion Q1 2022/23
CA473	Land drainage flood defence schemes - St Marys Hemyock	50,000	0	50,000		0	Discussions required with EA and other funding partners to discuss appropriate delivery of this project
CA420	Land drainage flood defence schemes - Ashleigh Park Bampton	87,000	0	87,000		0	Discussions required with EA and other funding partners to discuss appropriate delivery of this project
CA574	Fore Street Flats refurbishment	47,000	0	47,000		0	Scheme subject to acceptable business case. Forecast Project completion in 2023/24
CA576	Tiverton Town Centre improvements	140,000	0	140,000		0	It is anticipated that this project will be completed in Q2 2022/23
CA832	Land acquisition for operational needs	1,000,000	0	1,000,000		0	Subject to securing an appropriate site
CA489	Multi Storey Car Park Phase 2	0	(10,428)			(10,428)	Retention related to 20/21 Project lower than anticipated
CA586	CCTV Equipment MSCP	0	37,498			37,498	CCTV equipment costs to be funded by an EMR
CA834	Recycling Lorry DG63FYS		22,500			22,500	Recycling vehicle over Capital diminimis level to be funded from an EMR
HIF Schemes							
CA719	Cullompton Town Centre Relief Road (HIF bid)	4,009,000	371,131	3,638,000		131	Slippage will roll into 2022/23 as currently the project is working on 'minimal costs' until further clarity on funding is available.
CA720	Tiverton EUE A361 Junction Phase 2 (HIF bid)	223,000	375,288			152,288	Per Cabinet report 03/08/21. Tendering process required for this project and revised report to be brought back to Cabinet regarding delivery contract and associated funding - at this stage forecast additional costs of Circa £1.9m
Economic Development Schemes							
CA582	Hydromills Electricity generation Project - Tiverton Weir	800,000	0	800,000		0	Subject to achieving Planning Permission and acceptable business case
* All Economic Development schemes are subject to acceptable Business Case							
ICT Projects							
CA425	Server farm expansion/upgrades	74,000	0	74,000		0	Forecast project completion Q3 2022/23
CA433	Additional Unified Communications budget	96,000	0	96,000		0	Forecast project completion Q1 2022/23. This Project will be cloud based and will be charged to Revenue
CA496	Hardware replacement of Network Core Switch	80,000	80,902	0		902	Forecast project completion Q1 2022/23, this is in relation to Phoenix House. Additional costs of circa £31k will be funded by ICT EMR in 22/23.
CA492	Final phase of Desktop estate replacement/refresh	48,000	47,712			(288)	Project Complete
CA456	CRM replacement	175,000	0	175,000		0	Forecast project completion Q4 2022/23. This Project will be cloud based and will be charged to Revenue.
CA437	Digital Transformation	33,000	0	33,000		0	Forecast project completion Q3 2022/23. This project will be used for consultancy and will be charged to Revenue
CA480	Lalpac Licensing System replacement	80,000	0	80,000		0	Project to be completed in 2022/23 and has dependency on the CRM Project (CA456).This Project will be cloud based and will be charged to Revenue.

2021/22 Capital Programme Outturn Summary (continued)

General Fund Projects (continued)

Code	Scheme	Total Budgeted Capital Programme 2021/22 £	Actual Expenditure 2021/22 £	Slippage to 2022/23 £	To Earmarked Reserve £	(Under) / Overspend £	Notes
Other General Fund Development Projects							
CA493	3 Rivers Scheme - Bampton	2,631,000	1,018,668	1,612,000		(332)	Forecast project completion 2022/23
CA462	3 Rivers Scheme - Riverside Development (rear of Town Hall) Tiverton	3,035,000	2,422,319	613,000		319	Forecast project completion 2022/23
CA486	* 3 Rivers scheme - Knowle Lane, Cullompton	8,002,000	48,434	7,954,000		434	Forecast project completion 2023/24
CA484	3 Rivers Scheme - Orchard House Halberton	495,000	102,000			(393,000)	Project complete. Underspend as sale proceeds used to fund some of the build costs
CA495	* 3 Rivers Schemes - Future Projects	1,700,000	0	1,700,000		0	Slippage until potential site(s) identified
CA581	Post Hill Tiverton	4,575,000	115,370	4,460,000		370	This project is subject to tendering for delivery provider
CA494	Park Road #	875,000	0	875,000		0	This site is sold subject to contract - expected completion of land sale during 2022/23
	* These schemes require signed loan agreements before they can be progressed further						
	# Delivery of this project is yet to be determined until conclusion of marketing exercise & therefore maybe a Capital Receipt						
Private Sector Housing Grants							
CG201	Disabled Facilities Grants-P/Sector	577,000	470,569		106,431	(0)	}
CG208	Loans Scheme - Lendology	0	150,000		(150,000)	0	} Net underspend of £44k will remain in the EMR
Total General Fund Projects		32,443,000	7,426,963	24,840,000	(43,569)	(219,606)	

Housing Revenue Account Projects

Code	Scheme	Total Budgeted Capital Programme 2021/22 £	Actual Expenditure 2021/22 £	Slippage to 2022/23 £	To Earmarked Reserve £	(Under) / Overspend £	Notes
HRA Projects - Existing Housing Stock							
CA100	Major Repairs to Housing Stock	2,770,000	2,410,649	359,000		(351)	Covid-19 / Brexit has impacted on contract delivery, this will slip into 2022/23 and is mainly in relation to the modernisation contract
CA111	Renewable Energy Fund	250,000	32,640		217,360	0	This underspend will remain in the Renewable Energy EMR
CG200	Home Adaptations - Disabled Facilities	300,000	325,471			25,471	Additional spend to meet demand
Housing Development Schemes							
CA151	Garages Block - Redevelopment	408,000	0	408,000		0	This project will be completed in 2022/23 (Q2) (additional £92k flagged in 22/23 Capital Programme giving total project budget of £500k)
CA147	Affordable Housing/ Purchase of ex RTB	500,000	0			(500,000)	4 RTB Buybacks (please see lines below). 40% of total cost funded by 1:4:1 receipts
CA148	RTB Buyback 16 Somerville Park, Willand	0	190,648			190,648	Please see budget on line CA147 (above)
CA156	RTB Buyback 32 Spruce Park, Crediton	0	181,451			181,451	Please see budget on line CA147 (above)
CA157	RTB Buyback Flat 3, Butler Close, Tiverton	0	117,815			117,815	Please see budget on line CA147 (above)
CA178	RTB Buyback 1 Honiton Road, Cullompton	0	299,141			299,141	Please see budget on line CA147 (above)
CA159	Housing 1-4-1 Scheme - Project 2	0	2,031			2,031	Note in 22/23 Cap Prog - Initial enabling costs
CA152	Post Hill, Tiverton	3,217,000	0	3,217,000		0	This project will cross a number of years and is also reflected in the MTFP
CA124	Queensway (Beech Road) Tiverton (3 units)	550,000	132	550,000		132	An additional £222k approved per Cabinet Report 04/03/21. A further £22k approved per Cabinet Report 26/10/21. Forecast project completion Q3 2022/23
CA141	Round Hill Tiverton- Site	1,500,000	0			(1,500,000)	This project will commence during 2023/24 and has been included in the Capital MTFP
CA146	HRA Regeneration Scheme 1	2,000,000	0			(2,000,000)	This project is being used to deliver modular housing across 2 sites. Shapland Place Tiverton, and St Andrews Estate Cullompton - please see lines below CA154 and CA155
CA154	Modular Housing - Shapland Place, Tiverton	0	101,864	1,023,000		1,124,864	This project is expected to be complete in Q3 22/23. It is hoped that this will be funded in part by a bid to Homes England
CA155	Modular Housing - St Andrews, Cullompton	0	534,389	341,000		875,389	This project is expected to be complete in Q3 22/23
HRA Other Projects							
CA126	Sewerage Treatment Works - Washfield	25,000	0	25,000		0	Forecast project completion Q2 2022/23
Total HRA Projects		11,520,000	4,196,231	5,923,000	217,360	(1,183,409)	

	Total Budgeted Capital Programme 2021/22 £	Actual Expenditure 2021/22 £	Slippage to 2022/23 £	To Earmarked Reserve £	(Under) / Overspend £
CAPITAL PROGRAMME GRAND TOTAL	43,963,000	11,623,193	30,763,000	173,791	(1,403,016)

Capital Funding Summary

General Fund Projects

Code	Description	Total Budgeted Funding 2021/22 £	Total Actual Funding 2021/22 £
9801	S106 & Affordable Housing Contributions	50,000	-
9990	Revenue Contribution to Capital EMR	132,000	-
9990	ICT EMR	173,000	128,613
9990	Other EMR	67,000	49,570
9701	Govt Grant (DCLG passported from DCC)	577,000	620,569
9727	New Homes Bonus (GF)	1,546,000	-
9980	Contribution from existing Useable Capital Receipts	358,000	-
9942	Borrowing	28,603,000	5,881,791
9954	Other Capital Grants Unapplied	20,000	-
9959	HIF Funding	917,000	746,419
GF Total		32,443,000	7,426,963

Housing Revenue Account Projects

Code	Description	Total Budgeted Funding 2021/22 £	Total Actual Funding 2021/22 £
9980	Useable Capital Receipts	1,262,000	953,864
9980	UCR 1:4:1 replacement homes	970,000	530,243
9710	MRA Reserve	2,770,000	2,410,649
9727	New Homes Bonus (HRA)	42,000	-
9990	Renewable energy EMR	250,000	32,640
9990	Housing Maintenance Fund	1,264,000	195,616
9990	Affordable rents surplus EMR	220,000	72,000
9990	HRA EMR	25,000	-
9942	Borrowing	4,717,000	1,219
HRA Total		11,520,000	4,196,231

Grand Total

Total Budgeted Funding 2021/22 £	Total Actual Funding 2021/22 £
43,963,000	11,623,193

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Cabinet
14 June 2022

Annual Treasury Management Review 2021/22

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

Reason for Report: To provide Members with a review of activities and the prudential treasury indicators on actuals for 2021/22.

Recommendations(s):

- 1. That Members note the treasury activities for the year.**
- 2. That the actual 2021/22 prudential and treasury indicators in this report be approved.**

Relationship to the Corporate Plan: Maximising our return from all associated treasury activities enables the Council to support current levels of spending in accordance with our Corporate Plan.

Financial Implications: Good financial management and administration underpins the entire strategy.

Legal Implications: Authorities are required by regulation to have regard to the Prudential Code when carrying out their duties under Part 1 of the Local Government Act 2003.

Risk Assessment: The S151 Officer is responsible for the administration of the financial affairs of the Council. Implementing this strategy and the CIPFA Code of Practice on Treasury Management manages the risk associated with the Council's treasury management activity.

1. Introduction

- 1.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2021/22. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 During 2021/22 the minimum reporting requirements were that the full Council should receive the following reports:
- an annual treasury strategy in advance of the year (Council 24/02/2021)
 - a mid-year (minimum) treasury update report (Council 15/12/2021)
 - an annual review following the end of the year describing the activity compared to the strategy (this report)
- 1.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.
- 1.4 This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by Cabinet before they were reported to the full Council. Member training on treasury management issues was undertaken during 2019 in order to support members' scrutiny role.

2. The Council's Capital Expenditure and Financing

- 2.1 The Council undertakes capital expenditure on long-term assets. These activities may either be:
- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
 - If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.
- 2.2 The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

Capital Expenditure & Financing	2020/21 Actual £000	2021/22 Actual £000
General Fund		
Capital expenditure	6,086	7,479
Financed in year	2,130	1,545
Unfinanced capital expenditure	3,956	5,934
HRA		
Capital expenditure	2,714	4,241
Financed in year	2,637	4,195

Unfinanced capital expenditure	77	46
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3. The Council's Overall Borrowing Need

3.1 The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).

3.2 **Gross borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2020/21) plus the estimates of any additional capital financing requirement for the current (2021/22) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2021/22. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

Capital Financing Requirement	31 March 2021 Actual £000	31 March 2022 Actual £000
CFR General Fund	18,295	21,525
CFR HRA	39,550	39,603
Total CFR	57,845	61,127
Gross borrowing position	39,467	37,424
(Under) / over funding of CFR	-18,378	-23,703

3.3 **The authorised limit** is the "affordable borrowing limit" required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2021/22 the Council has maintained gross borrowing within its authorised limit.

3.4 **The operational boundary** is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

Borrowing Limits	2021/22 £000
Authorised limit	91,000
Maximum gross borrowing position during the year	39,467
Operational boundary	82,000
Average gross borrowing position	38,446

4. Treasury Position as at 31 March 2022

4.1 At the beginning and the end of 2021/22 the Council's treasury (excluding borrowing by PFI and finance leases) position was as follows:

Debt Portfolio	31 March 2021 Principal £000	31 March 2022 Principal £000
Fixed rate funding:		
-PWLB	37,104	35,234
Total debt	37,104	35,234
CFR	55,409	58,938
(Under) / over borrowing	-18,305	-23,704
Total investments	17,500	27,000
Net debt	19,604	8,234

4.2 The maturity structure of the debt portfolio was as follows:

Debt Maturity Structure	31 March 2021 Actual £000	31 March 2022 Actual £000
Under 12 months	1,870	1,924
12 months and within 24 months	1,924	1,937
24 months and within 5 years	5,944	6,100
5 years and within 10 years	11,095	11,420
10 years and within 20 years	16,271	13,853
20 years and within 30 years	0	0

4.3 The Council's investment portfolio as at 31 March was as follows:

Investment Portfolio	31 March 2021 Actual £000	31 March 2021 Actual %	31 March 2022 Actual £000	31 March 2022 Actual %
Treasury investments				
Banks	0	0%	12,000	38%
Local authorities	15,500	69%	15,000	47%
Other Government Organisations	2,000	9%	0	0%
Total managed in house*	17,500	78%	27,000	84%
Property funds (CCLA)	5,000	22%	5,000	16%
Total managed externally	5,000	22%	5,000	16%
Total Treasury Investments	22,500	100%	32,000	100%

*See Appendix 1 for a breakdown of internally managed investments held as at 31 March.

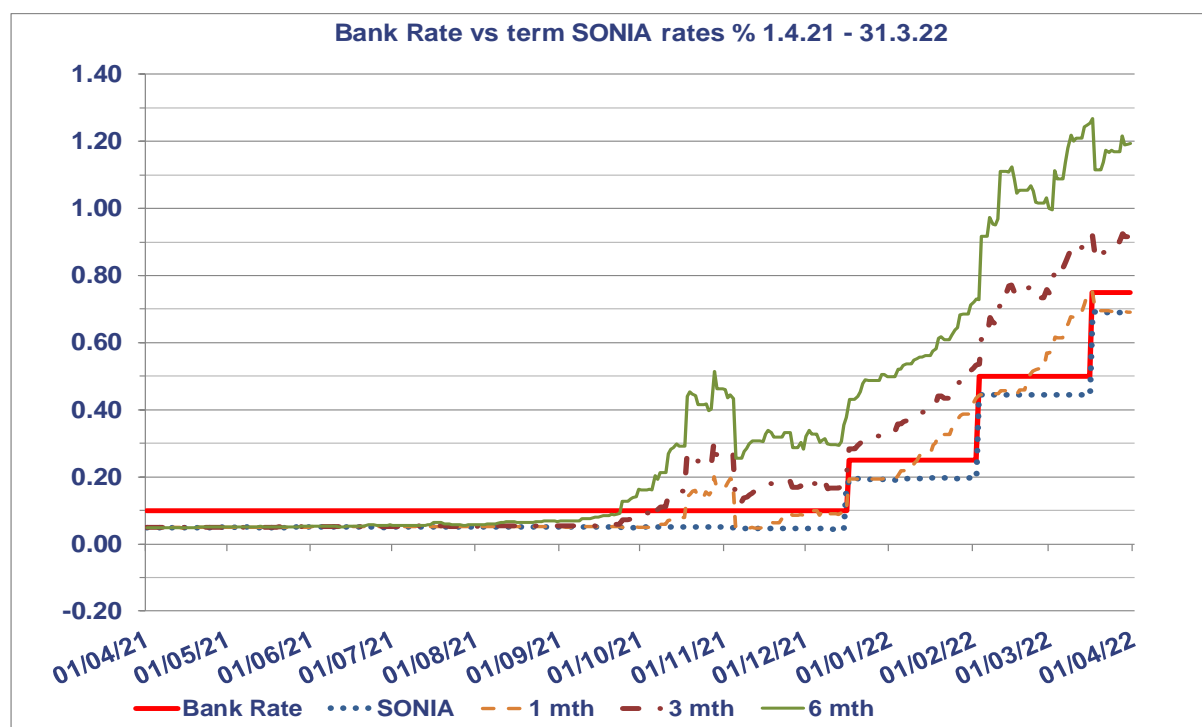
Investment Portfolio	31 March 2021 Actual £000	31 March 2021 Actual %	31 March 2022 Actual £000	31 March 2022 Actual %
Non Treasury investments				
Subsidiaries (3 Rivers Developments Ltd)	10,163	100%	13,590	100%
Total Non Treasury Investments	9,061	100%	9,061	100%

- 4.4 The value shown in the above table for the Council's CCLA investment is the amount paid by the Council on share acquisition. This differs to the carrying amount in the year end accounts of £5,554k (£4,725k in 2020/21) as there is a requirement to carry the investment at fair value. The fair value of the fund will continue to change over the longer term, and so this increase in value may only be temporary in which case it would not be realised as a gain to Council funds.

5. The strategy for 2021/22

5.1 Investment strategy and control of interest rate risk

- 5.1.1. The following chart shows how Bank Rate and SONIA (Sterling Overnight Index Average) rates have changed during the year.



- 5.1.2. Investment returns remained close to zero for much of 2021/22. Most local authority lending managed to avoid negative rates and one feature of the year was the continued growth of inter local authority lending. The expectation for interest rates within the treasury management strategy for 2021/22 was that Bank Rate would remain at 0.1% until it was clear to the Bank of England that the emergency level of rates introduced at the start of the Covid-19 pandemic were no longer necessitated.

5.1.3. The Bank of England and the Government also maintained various monetary and fiscal measures, supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the various lockdowns and the negative impact on their cash flow. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in financial markets than there was demand to borrow, with the consequent effect that investment earnings rates remained low until towards the turn of the year when inflation concerns indicated central banks, not just the Bank of England, would need to lift interest rates to combat the second-round effects of growing levels of inflation (CPI was 6.2% in February).

5.1.4. While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

5.1.5. Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates as illustrated in the charts shown above and below. Such an approach has also provided benefits in terms of reducing counterparty risk exposure, by having fewer investments placed in the financial markets.

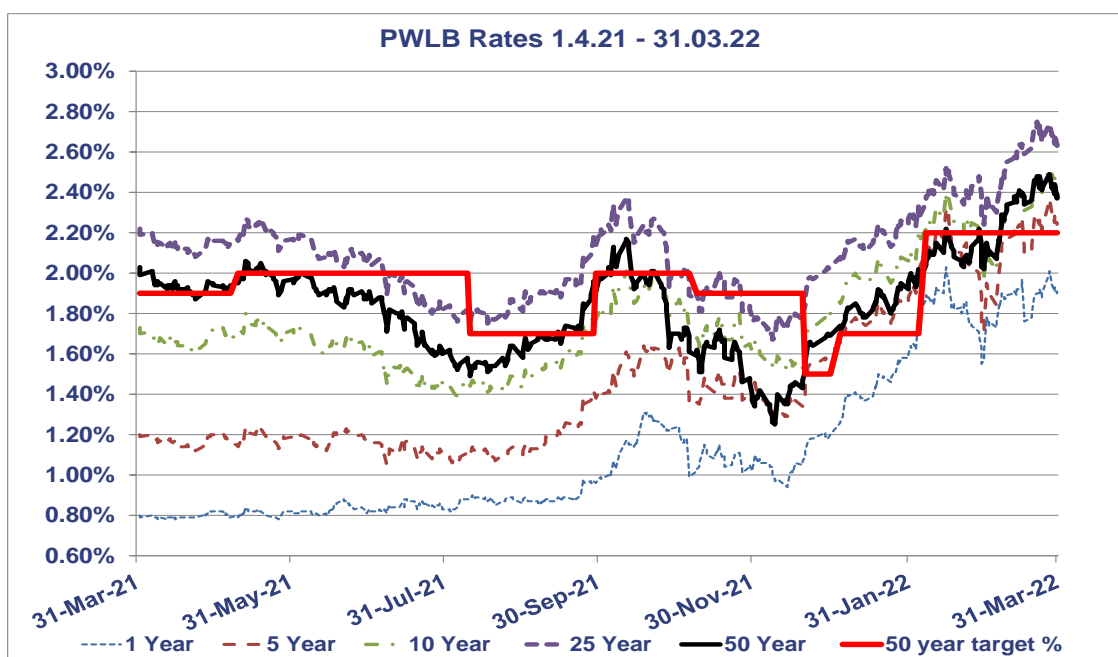
5.2 Borrowing strategy and control of interest rate risk

5.2.1. During 2021-22, the Council maintained an under-borrowed position. This meant that the capital borrowing need (the Capital Financing Requirement) was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.

5.2.2. The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this Authority may not be able to avoid new borrowing to finance capital expenditure.

5.2.3. Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2021/22 and the two subsequent financial years until the turn of the year, when inflation concerns increased significantly. Internal, variable, or short-term rates, were expected to be the cheaper form of borrowing until well into the second half of 2021/22.

5.2.4. PWLB rates during 2021/22 are illustrated by the following chart:



	1 Year	5 Year	10 Year	25 Year	50 Year
01/04/2021	0.80%	1.20%	1.73%	2.22%	2.03%
31/03/2022	1.91%	2.25%	2.43%	2.64%	2.39%
Low	0.78%	1.05%	1.39%	1.67%	1.25%
Low date	08/04/2021	08/07/2021	05/08/2021	08/12/2021	09/12/2021
High	2.03%	2.37%	2.52%	2.75%	2.49%
High date	15/02/2022	28/03/2022	28/03/2022	23/03/2022	28/03/2022
Average	1.13%	1.45%	1.78%	2.10%	1.85%
Spread	1.25%	1.32%	1.13%	1.08%	1.24%

5.2.5. The following table shows forecast interest rates over the next three years:

Link Group Interest Rate View 7.2.22													
	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25
BANK RATE	0.75	1.00	1.00	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25
3 month av. earnings	0.80	1.00	1.00	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
6 month av. earnings	1.00	1.10	1.20	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30
12 month av. earnings	1.40	1.50	1.60	1.70	1.70	1.60	1.60	1.50	1.40	1.40	1.40	1.40	1.40
5 yr PWLB	2.20	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30
10 yr PWLB	2.30	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40
25 yr PWLB	2.40	2.50	2.50	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60
50 yr PWLB	2.20	2.30	2.30	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40

5.2.6. PWLB rates are based on gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields. Over the last two years, many bond yields up to 10 years in the Eurozone have turned negative on expectations that the EU would struggle to get growth rates and inflation up from low levels. In addition, there has, at times, been an inversion of bond yields in the US whereby 10 year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession. Recently, yields have risen since the turn of the year on the back of global inflation concerns.

5.2.7. Gilt yields fell sharply from the spring of 2021 through to September and then spiked back up before falling again through December. However, by January sentiment had well and truly changed, as markets became focussed on the embedded nature of inflation, spurred on by a broader opening of economies post the pandemic, and rising commodity and food prices resulting from the Russian invasion of Ukraine. At the close of the day on 31 March 2022, all gilt yields from 1 to 5 years were between 1.11% – 1.45% while the 10-year and 25-year yields were at 1.63% and 1.84%.

5.2.8. Regarding PWLB borrowing rates, the various margins attributed to their pricing are as follows:

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate** is gilt plus 80 basis points (G+80bps)
- **PWLB HRA Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB HRA Certainty Rate** is gilt plus 80bps (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

5.2.9. There is likely to be a further rise in short dated gilt yields and PWLB rates over the next three years as Bank Rate is forecast to rise from 0.75% in March 2022 to 1.25% later this year, with upside risk likely if the economy proves resilient in the light of the cost-of-living squeeze. Medium to long dated yields are driven primarily by inflation concerns but the Bank of England is also embarking on a process of Quantitative Tightening when Bank Rate hits 1%, whereby the Bank's £895bn stock of gilt and corporate bonds will be sold back into the market over several years. The impact this policy will have on the market pricing of gilts, while issuance is markedly increasing, is an unknown at the time of writing.

6. Borrowing Outturn

- 6.1 **Borrowing** – due to investment concerns, both counterparty risk and low investment returns, no borrowing was undertaken during the year.
- 6.2 **Borrowing in advance of need** – the Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed.
- 6.3 **Rescheduling** – no rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

7. Investment Outturn

- 7.1 **Investment Policy** – the Council's investment policy is governed by DLUHC investment guidance, which has been implemented in the annual investment strategy approved by the Council on 24/02/2021. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data from our treasury advisers (Link Asset Services).

7.2 The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

7.3 Investments held by the Council

- The Council maintained an average balance of £29.8m of internally managed funds.
- The internally managed funds earned interest of £54k giving an average rate of return of 0.18%.
- The comparable performance indicator is the 365 day backward looking SONIA rate, which was 0.0605%.
- The Council held £5m invested in Churches, Charities and Local Authorities (CCLA) property funds earning dividends of £183k (3.66%) in 2021/22.
- Interest received from 3 Rivers Ltd amounted to £558k in 2021/22.

8. Other Issues

8.1 IFRS 9 fair value of investments

8.1.1. Following the consultation undertaken by the Ministry of Housing, Communities and Local Government (MHCLG, now renamed the Department of Levelling Up, Housing & Communities [DLUHC]) on IFRS 9 the Government previously introduced a mandatory statutory override for local authorities to reverse out all unrealised fair value movements resulting from pooled investment funds. This came into effect on 1 April 2018 for 2018/19. The statutory override applies for five years from this date. Local authorities are required to disclose the net impact of the unrealised fair value movements in a separate unusable reserve throughout the duration of the override in order for the Government to keep the override under review and to maintain a form of transparency.

8.1.2. Risk management will need to take account of the 2018/19 Accounting Code of Practice proposals for the valuation of investments. Whilst for many authorities, this may not be a significant issue, key considerations include:

- Expected credit loss model. Whilst this should not be material for vanilla treasury investments such as bank deposits, this is likely to be problematic for some investments such as property funds, loans to third parties or loans to subsidiaries.
- The valuation of investments previously valued under the available for sale category e.g. equity related to the “commercialism” agenda, property funds, equity funds and similar, have been changed to **Fair Value through the Profit and Loss (FVPL)**.

8.2 Non-treasury management investments

8.2.1. As shown in the non-treasury investments table in section 4, the Authority holds a 100% interest in 3 Rivers Developments Limited, a private limited company engaged in construction in the Mid Devon area. The Authority advances funds to the Company to facilitate operations with the intention that they are repaid from the proceeds of the sale of the developments.

8.2.2. During the year ended 31 March 2022, £4.636m was loaned to the Company and £1.209m of existing loans was repaid. This brings the total loan value at 31 March 2022 to £13.590m. During the year £558k interest was paid to the Authority in respect of these loans.

8.2.3. These loans are subject to overarching management review on a regular basis. This is reflected in the impairments of £790k made in both periodic monitoring reports and in the year end financial statements for 2019/20. The year-end review, carried out in compliance with IFRS 9 Financial Instruments, determined that no further impairments were required for the year ending 31 March 2022.

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Appendix 1: Investment Portfolio

Internally managed investments held as at 31 March:

Bank/Building Society/Local Authority/PCC	Term		Fixed Interest Rate %	31/03/2021	31/03/2022
	From	To		£000	£000
Blackpool Borough Council	22/09/2020	06/04/2021	0.23%	2,000	
Spelthorne Borough Council	27/07/2020	26/07/2021	0.42%	1,500	
Broxbourne Borough Council	02/09/2020	01/09/2021	0.40%	2,000	
Salford City Council	14/09/2020	14/06/2021	0.20%	2,000	
Staffordshire Moorlands DC	16/10/2020	15/10/2021	0.22%	1,000	
South Somerset	20/10/2020	20/07/2021	0.20%	3,000	
Surrey Heath Borough Council	10/12/2020	10/06/2021	0.10%	2,000	
Nottinghamshire PCC	21/12/2020	21/06/2021	0.12%	2,000	
Ashford Borough Council	25/02/2021	25/11/2021	0.08%	2,000	
Surrey Heath Borough Council	10/12/2021	10/06/2022	0.10%		2,000
Thurrock Council	26/04/2021	25/04/2022	0.40%		2,000
NBK International PLC	27/07/2021	27/07/2022	0.23%		1,500
NBK International PLC	22/10/2021	21/10/2022	0.56%		1,500
Lancashire County Council	25/10/2021	24/10/2022	0.15%		3,000
Coventry BS	24/11/2021	24/05/2022	0.17%		4,000
Surrey Heath Borough Council	16/12/2021	16/06/2022	0.10%		2,000
Thurrock Council	16/12/2021	16/09/2022	0.18%		2,000
Thurrock Council	14/01/2022	14/07/2022	0.20%		2,000
Goldman Sachs International Bank	01/02/2022	01/08/2022	0.82%		3,000
NBK International PLC	04/02/2022	03/02/2023	1.30%		2,000
Slough Borough Council	15/02/2022	14/02/2023	1.10%		2,000
Total				20,000	27,000

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CABINET 28 JUNE 2022

PERFORMANCE AND RISK OUTTURN REPORT FOR 2021/22

Cabinet Leader Cllr Bob Deed
Responsible Officers Matthew Page, Corporate Manager for People, Governance & Waste
Nicola Cuskeran, Interim Corporate Performance and Improvement Manager

Reason for Report: To provide Members with an annual review of the Council's performance against the corporate plan, local service targets for 2021/2022 as well as providing an update on the key business risks.

RECOMMENDATION: That the Cabinet 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: There are no direct financial implications arising from this report. However, if performance is not at the expected or desired level then resources may need to be reviewed or redirected to enable more focused performance.

Legal Implications: There are no direct legal implications arising from this report. However, if performance is not at satisfactory levels, the risk of legal challenge arising increases.

Risk Assessment: If performance is not monitored we may fail to meet our corporate and service 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: Customer feedback can help the council identify any groups of people who may potentially be experiencing a less satisfactory level of service when compared to the majority of our customers. When reviewing performance and making recommendations on priorities, the council should be minded to consider how services might impact on different sections of the community.

Climate Impact Assessment: A number of performance indicators are either directly or indirectly related to our corporate ambition to reduce carbon emissions. Monitoring the performance of these can help evaluate the impact of Council interventions as well as guide future decisions on spend and investment.

1.0 Introduction

- 1.1 This report provides a year end analysis of the overall performance position for the period of 2021/2022.
- 1.2 As outlined in the reports to the Cabinet throughout the year, the pandemic led to a step change being taken to ensure effective service delivery was maintained through staff working remotely and the use of digital platforms. In December 2021 ICT services increased the bandwidth (in computing terms is the maximum rate of data transfer) doubling the existing speed of connection and made some changes to the firewall to improve performance. As of April 2022 ICT services have rolled out 3CX telephony system to support and aid remote working and improve the customer experience by being able to converse with officers.
- 1.3 The attached KPI appendices cover the entire financial year. Progress is monitored throughout the year by reporting against the declared aims for each priority identified.
- 1.4 In terms of the priorities for the coming year, the Cabinet will be focused on embedding a recovery from the pandemic, whilst ensuring that delivery against the corporate plan is maintained and improved.
- 1.5 A mid-point review of the Corporate Plan has been published and was presented at Cabinet on 5 April 2022. The report will also be presented to Audit committee on 7 June 2022, Cabinet and the Policy Development Groups (PDG's) during June 2022.

2.0 Environment Appendix 1

Aim - Increase recycling rates and reduce the amounts of residual waste generated

- 2.1 A trial of three weekly residual waste collection in parts of the District took place between July and October 2021. This demonstrated a reduction in residual waste of between 24% and 44% in the urban trial locations, and a reduction of between 6% and 30% in rural settings. Analysis suggests that the majority of this change accrues to the diversion of food waste from residual waste – aided by the trial of weekly food caddy collections. This informed the decision taken by the Cabinet in February 2022 to commence 3 weekly collections as standard practice from late September 2022.
- 2.2 Encouragement was drawn from a survey carried out with affected residents after the trial where 71% of those surveyed thought that reducing the carbon footprint was the most important aspect to them when asked about the benefits of collecting non-recyclable waste every three weeks. A communication and soft enforcement plan will be presented to all members on the 14 June 2022 will emphasise the importance of each household directly contributing to the District reducing its carbon footprint and achieving carbon zero net status through greater reusing, reducing and recycling of waste.
- 2.3 Household recycling rates in Mid Devon for 2021/2022 was 53.4% which was better than the target. The total of residual waste collected was slightly above the target at 364.5Kg per household.

- 2.4 The number of households who pay for their garden waste to be collected at the kerbside increased by 229 customers. The percentage of missed refuse and organic waste collections reported was slightly above target at 0.02%.
- 2.5 The revised Public Spaces Protection (Dog Control) Order (PSPO) was reviewed and a public consultation took place. The Environment PDG recommended the fixed penalty for breaches of the PSPO would be set at the maximum of £100 and the Cabinet approved the recommendation.

Aim - Encourage "green" sources of energy supply new policies and develop plans to decarbonise energy consumption in Mid Devon

- 2.6 Through the Devon Solar Together initiative, the number of solar panels installed is 253 (this succeeded the pre-set target of 250).
- 2.7 All 5 Council-owned locations for 10 fast charger points under the Deletti scheme were approved and the lead partner Devon County Council has prepared for procurement with installations taking place during 2022. The total usage of electric car charging was well above the target (2,300) at 4,639.

Aim – Encourage retro-fitting of measures to reduce energy use in buildings.

- 2.8 The Council's Property Services team has carried out improvement works at all 3 leisure sites. The measures will mean that over the life of the assets, CO2 emissions will be cut by 520 tonnes, with an annual reduction of around £40,000 - £50,000 in electricity charges, as well as reduced maintenance costs.

Aim - Encourage new housing and commercial developments to be 'exemplars' in terms of increasing biodiversity and reducing carbon use.

- 2.9 The Council's planned modular housing development in Cullompton has been shortlisted for four awards in the South West's Construction Excellence Awards. This is being delivered in partnership with innovative modular house builder Zed Pods Ltd. The zero carbon homes are set to be installed on a council-owned site on the St Andrew's estate in Cullompton and, once completed, will be an exemplar social housing scheme.

3.0 Homes Appendix 2

Aim - Deliver more affordable housing and greater numbers of social rented homes

- 3.0 The Council has been working hard and recently developed and adopted a new, comprehensive and innovative housing strategy (2021-2025) ensuring a whole organisation approach to housing enablement, delivery and management. This new approach has created a multi-disciplinary Housing Strategy Delivery team.

- 3.1 Our Housing Strategy sets out a clear direction, for the next five years, to offer more housing with more choice by developing new homes and improving existing homes and communities. There is a particular focus on affordable and social rent properties alongside a strong commitment to having low-carbon, accessible and adaptable homes. This means we can support our most vulnerable residents to access and maintain good quality housing which meets their needs. This will help our hamlets, villages and towns to be sustainable in the longer term and contribute to the district's prosperity and wellbeing.
- 3.2 The percentage of emergency repairs to our tenants properties completed on time met its target of 100%. The percentage of urgent repairs completed on time was above the target (95%) at 99.3%. The percentage of routine repairs completed on time was above the target (95%) at 98.8%.
- 3.3 During the last year the council has commissioned contracts following approval of our planning applications for 3 homes in Tiverton, 6 modular carbon-zero homes in Cullompton, 8 modular carbon-zero homes in Tiverton and the projects are currently being commissioned. In the next few weeks a major planning application submission for 70 homes on land at Post Hill Tiverton will become part of Mid Devon's housing stock.

Aim - Work with landlords to ensure the quality of homes in the private rented sector

- 3.4 During 2021-2022 a total of 54 empty homes were brought back into use while in 2020-2021 the total of empty homes reintroduced was 101. The combined total exceeds the target of 72 homes each year (155 compared to the target of 144).

4.0 Economy Appendix 3

Aims - 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. Develop and deliver regeneration plans for all 3 main towns in partnership with Town and Parish Councils, private and third sector organisations and communities.

- 4.1 The Minister of State for Transport has discussed the importance of regional connectivity as proposals to reopen a station in Cullompton gather momentum. The importance of regional connectivity and the role that railways play in terms of connecting people and places, people in their communities, people and jobs and opportunities.
- 4.2 During the last year the District Council launched two rounds of Love Your Town Centre funding. Both rounds received bids from local businesses, town councils or organisations across Crediton, Cullompton and Tiverton, with proposals to generate and support the town centres economic recovery. The scheme has proved vital this year, providing funding for quick-win projects and supporting footfall return to the town centres, which has been welcomed by community groups.

- 4.3 Over the last year the Cullompton High Street Heritage Action Zone has achieved:
- Higher Bullring Public Realm Enhancement scheme - concept design work is underway following the appointment of consultants last autumn, in partnership with Devon County Council and Historic England.
 - The Cultural Consortium 'Creative Cullompton' were successful in their bid to Historic England and awarded a grant of £90,000 to support local cultural and historic activities in the town centre as part of the High Street Heritage project.
 - The updated Cullompton Conservation Area Appraisal (CAMP) has been completed.
 - The Building Grants Scheme is progressing and the High Street Heritage Officer is working with owners of various properties to develop eligible projects for funding. Properties have been identified following a Condition Survey and the preparation of a Building Priority list.

Aim – Work with developers to secure our ambitious plans for the J27 'Devon Gateway' development site

- 4.4 In terms of strategic development, one of the district's most significant future development opportunities exists at Junction 27 of the M5 – where the M5 and the A361 north Devon link road intersect. The Eden project has received £250k of Community Renewal Fund monies in order to progress its outline proposals for the site which include using Junction 27 to create a gateway to Devon / North Devon in a highly accessible location on the strategic highway network.
- 4.5 The Council was one of the first to go live nationally across the UK and first in Devon and Somerset with applications on the 12 March 2022 for the Council Tax Energy Scheme, payments could not be made until on or after 01 April 2022 as per Government guidance. As at 16 May 2022 the Council has paid out a total of £3,505m to eligible Mid Devon households this is 84% of the total budget.
- 4.6 Mid Devon have issued millions of pounds of assistance in business rate grants over the past 2 years.
- 4.7 The Benefits Service delivered the test & trace scheme where £500 was paid out to more vulnerable people when they had to isolate.
- 4.8 The community response to support the 74 Asylum Seekers, accommodated at Tiverton Hotel, as part of the Government's Initial Asylum Seekers Accommodation has concluded.
- 4.9 The government has launched the 'Homes for Ukraine Scheme' to support the refugees seeking a safe home in our communities whilst fleeing from the war in the Ukraine. Team Devon are working closely together to deliver a wraparound package of support (access to benefits; health services; education; wellbeing).

5.0 Community Appendix 4

Aim - Seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon

- 5.1 There was an increase in the number of Health Referral Initiatives across our Leisure centres last year. Conversations have taken place at a regional level through the Active Devon group, supported by Sport England, to ensure a consistent approach to this element of the Leisure provision.

Aim – Encourage communities to deliver their own projects to reduce carbon emissions

- 5.2 The State of the District Debate this year returned and was on the subject of the Climate Change Agenda. A number of topic specialists provided valuable insights, speaking on themes such as energy advice for our homes, impacts on farming and successful green projects that are taking place within the district. The debate was well received and Members will be considering what was discussed and will look at ways to work with communities to address the issues raised.

Aim - Promote new, more integrated approaches to promoting good health and healthier living especially in the context of planned new developments.

- 5.3 The Council consulted on the Plan Mid Devon 2023 – 2043 Issues Paper between 31st January and 28th March 2022, involving both on-line and face to face public engagement events. This is the first stage in preparing the new Local Plan, in which views have been invited about what the new Local Plan will include and how Mid Devon should be planned for in the future. Consultation responses are currently being considered and work is now progressing across a range of technical evidence that will be used to help inform the preparation of a Draft Policies and Site Options Report that will be consulted on in mid-2023.

Aim – Promote community involvement in Council activity

- 5.4 The number of complaints received during 2021/2022 was 404 and the percentage of complaints resolved within the timescales of 10 to 12 weeks was 91%, slightly above target.

6.0 Corporate Appendix 5

- 6.1 The Planning KPIs are all on target or better than target. Considering the relatively undiminished volume of applications, this is a significant success.
- 6.2 The Building Control service has exceeded their performance targets relating to the assessment of full plans and applications examined within 3 weeks.
- 6.3 The response rate to FOI requests answered on time was 98% against 100% for the previous two years.

- 6.4 The Council's own industrial units had 98% occupancy rates at the end of the year.
- 6.5 Collection rates for Council tax in the financial year of 2021/2022 had a target of 96% with the team securing a rate of 96.69%.
- 6.6 NNDR rates (Business Rates) in the financial year of 2021/2022 had a target of 96% with the team securing a rate of 98.62%. The service has worked very hard to secure a 1.5% increase on the pre-set target.
- 6.7 In 2021/2022 an average of 7.47 days per fte were lost due to sickness absence which is an increase compared to 5.80 days in 2020/2021. There were fewer formal restrictions during the autumn and winter months of 2021/22 which led to increased amounts of sickness and COVID related infection amongst the workforce.

Despite these pressures all services were maintained during this difficult period including the collection of all waste and recycling despite a third of the workforce having COVID-19 in the last quarter of 21/22.

- 6.8 An independent staff survey was carried out in the autumn of 2021 to assess staff feedback on key components of their employment experience and to compile an all staff action plan which was presented to Scrutiny in April 2022. All local authorities including Mid Devon have a considerable challenge as we emerge from the pandemic and face the current cost of living crisis to recruit and retain our most vital asset; our people.

7.0 Risk

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

- 7.1 The Corporate risk register is regularly reviewed by both the Corporate Management Team and Leadership Team and updated as required.
- 7.2 Risk reports to committees include strategic risks with a current rating of 10 or more in accordance with the Risk and Opportunity Management Strategy. (Appendix 6)
- 7.3 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.
- 7.4 Like all local authorities the council is facing the challenge of increased turnover and high level of vacancies. Part of this challenge is down to wage stagnation due to current levels of inflation vastly outstripping the cost of living rise that local authorities cannot afford to make. Talks are being conducted nationally across the regions on what can be achieved to address the situation.

- 7.5 There is a risk of the 'Homes for Ukraine scheme' failing should the host relationship breakdown and re-matching is not an option. Where refugees cannot afford to pay for private accommodation the council has a Homelessness Duty.
- 7.6 There is a risk around safeguarding vulnerable individuals and children who may fall outside of the 'Homes for Ukraine scheme' by not having their needs met and /or refugees being vulnerable to exploitation.

8.0 Conclusions and Recommendations

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

Contact for more Information: Matthew Page, Corporate Manager for People, Governance & Waste email: mpage@middevon.gov.uk, Nicola Cuskeran, Interim Corporate Performance and Improvement Manager email: ncuskeran@middevon.gov.uk

Circulation of the Report: Leadership Team and Leader of the Council

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

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	Corporate Team Manager	Officer Notes
<u>Residual household waste per household (measured in Kilograms) (figures have to be verified by DCC)</u>	379.8	362.0	33.7	62.3	93.1	124.2	154.3	185.2	213.3	243.9	272.1	306.3	333.3	364.5	Darren Beer	(April - March) Very slightly over target however a 3.06% decrease compared to pervious year contributing to the 3.24% decrease in overall waste arisings. (LD)
<u>Number of Fixed Penalty Notices (FPNs) Issued (Environment)</u>	10		0	0	0	0	0	0	0	0	0	0	0	0	Darren Beer	(March) Manager in post now and a change to team members (NC)
<u>% of Household</u>	53.5%	54.5%	52.1%	51.4%	53.6%	53.8%	53.9%	54.8%	54.9%	54.6%	54.0%	53.8%	53.6%	53.4%	Darren Beer	(March) Household recycling tonnage has

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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	Corporate Team Manager	Officer Notes
<u>Waste Reused, Recycled and Composted (figures have to be verified by DCC)</u>																decreased by 3.04% compared to last year; residual waste has also decreased resulting in a 3.24% reduction in waste arisings. The effect on the recycling rate is therefore a 0.1% point reduction compared to the previous year. Results from the recent trial indicate that the introduction of three weekly collections will have a considerable positive impact on the recycling rate. (LD)
<u>Number of Households on Chargeable Garden Waste</u>	11,653	11,200	11,620	11,620	11,620	11,791	11,861	11,879	11,888	11,713	11,695	11,691	11,758	11,882	Darren Beer	(March) An increase of 229 customers compared to 2020/21 (LD)
<u>% of missed collections reported (refuse and organic waste)</u>	0.02%	0.03%	0.02%	0.02%	0.02%	0.02%	0.02%	0.02%	0.03%	0.03%	0.02%	0.02%	0.02%	0.02%	Darren Beer	(March) Within target for the year (LD)
<u>% of Missed Collections logged (recycling)</u>	0.02%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	Darren Beer	(March) On target for the year (LD)

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	Corporate Team Manager	Officer Notes
<u>New Solar Initiatives</u>	251	250	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a	253	Jason Ball, Andrew Busby	(Quarter 4) Thus far, through the Devon Solar Together initiative, the number of solar panels installed is 246; and 31 kWh of battery storage capacity, across 7 installation sites. (JB)
<u>Electric Car Charger usage</u>	1,867	2,300	279	633	1,017	1,442	1,918	2,322	2,768	3,130	3,546	3,838	4,194	4,639	Jason Ball, Andrew Busby	
<u>Electric Car Charger Units</u>	0	8	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	Jason Ball, Andrew Busby	(Quarter 4) The installation and operation contract for the Deletti partnership scheme has now been procured by Devon County

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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	Corporate Team Manager	Officer Notes
																Council (as the lead partner) and chargepoint installations are expected to begin in May 2022 (completion before end of 2022). (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	Corporate Team 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	35	n/a	n/a	650	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	No	Jason Ball, Andrew Busby	(2021 - 2022) Climate and Biodiversity fund is a priority in the Climate Strategy. Proposal included in the Budget Options for Climate Investment report to Environment PDG 11 Jan 2022. (NC)

Aims: Retro-fitting measures

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	Corporate Team Manager	Officer Notes
<u>Corporate Renewable Energy Projects</u>	1	4	n/a	n/a	0	n/a	n/a	0	n/a	n/a	1	n/a	n/a	6	Jason Ball, Andrew Busby	(Quarter 4) 2020-2021: Carlu Close solar PV project completed. 2021-2022: Retrofit of ASHP (Air Source Heat Pump) at Lords Meadow Leisure Centre; retrofit energy saving light installations at all 3 leisure centres; retrofit energy saving lighting measures installed at Tiverton multi-storey car park. The hydro project is a live planning application at present. (JB)
<u>ECO Flex</u>	1,028	300	133	191	259	289	322	375	413	438	469	503	555	625	Simon Newcombe	
<u>Housing Assistance Policy</u>	5	5	0	0	0	2	3	6	7	7	13	15	18	28	Simon Newcombe	
<u>Home Improvement Loans</u>	10	10	n/a	n/a	2	n/a	n/a	3	n/a	n/a	4	n/a	n/a	5	Simon 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	Corporate Team Manager	Officer Notes
<u>Community Schemes</u>	0	4	n/a	n/a	4	n/a	n/a	4	n/a	n/a	6	n/a	n/a	8	Jason Ball, Andrew Busby	(Quarter 4) Active liaison with at least 8 groups across the district, e.g. online workshops, correspondence, events, promoting their activities on the Climate and Sustainability website, and outreach to ask for their input on Council activities. (JB)

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Corporate Plan PI Report Climate Change

Priorities: Climate Change

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	Corporate Team Manager	Officer Notes
<u>Council Carbon Footprint</u>	19,407	18,250	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	(2021 - 2022) Quarter 4 - we are waiting for the figures to be checked before we can publish them. (NC)

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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

* 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	Corporate Team 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		Tristan Peat	(2021 - 2022) Data not yet available until May 2022, due to lag time in receiving Building Control completion notices and the need for data quality checks (TP)
<u>Self Build Plots</u>	1	5	n/a	n/a	6	n/a	n/a	6	n/a	n/a	12	n/a	n/a		Tristan Peat	(Quarter 3) Permission granted on 1.10.2021 for a dwelling at Bow, Crediton (application reference: 21/01088/FULL), and 5 CSB plots at the Tiverton EUE (21/00128/MFUL) on 11.11.2021 (TP)
<u>Gypsy & Traveller Pitches delivered</u>	1	2	n/a	n/a	0	n/a	n/a	1	n/a	n/a	1	n/a	n/a	1	Tristan Peat	(Quarter 2) Retrospective planning permission granted for one pitch at Yeoford (TP)
<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		Tristan Peat	(2021 - 2022) Data not yet available until May 2022, due to lag time in receiving Building

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Corporate Plan PI Report Homes

Priorities: Homes

Aims: Deliver Housing

Performance Indicators

Title	Year End	Target	Act	Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Corporate Team Manager	Officer Notes
																Control completion notices and the need for data quality checks (TP)
<u>New Social Rent Council Houses</u>	0	17	n/a	n/a	0	n/a	n/a	0	n/a	n/a		n/a	n/a	6	Andrew Busby, Simon Newcombe	(Quarter 4) A total of 6 homes, 5 were buy back and 1 was a new home. (NC)
<u>Number of Homelessness Approaches</u>	587		n/a	n/a	144	n/a	n/a	316	n/a	n/a	493	n/a	n/a	675	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	Corporate Team Manager	Officer Notes
<u>Community Land Trusts Assisted</u>	2	1	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	1	Tristan Peat	(Quarter 4) Release of £500 from the Council's Community Led Housing Fund to the Chawleigh Community Trust, as part of approved grant support. (TP)

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	Corporate Team Manager	Officer Notes
<u>Deliver homes</u>	101	72	0	9	16	20	20	30	35	42	43	45	48	54	Simon	(January) In the last 12 months

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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	Corporate Team Manager	Officer Notes
<u>by bringing Empty Houses into use</u>															Newcombe	and has been delivering a national pilot project relating to the enforcement of the Minimum Energy Efficiency Standards in the private rented sector. As a service we've clearly also been tasked with supporting our core Public Health role regards the Covid pandemic which has diverted resources across the team, especially in the last 12-months. This has meant that the focus of the team has not been on empty homes. This decision to prioritise of statutory, high-risk duties versus lower risk and largely non-statutory work was taken at a corporate level in consultation with the relevant portfolio holders and was wholly consistent with regulatory guidance provided by MHCLG (now DLUHC) at the time. Despite this we have continued to monitor properties and intervene where there has been a serious impact on neighbours. 2 properties that

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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	Corporate Team Manager	Officer Notes
																have caused problems have been listed for sale through our property auction partner this year. Going forward we are introducing a new role that will have a greater focus on empty homes work and we have a clear commitment to tackling empty homes from 2022/23 under the new Housing Strategy. (SN)
<u>Houses in Multiple Occupation (HMOs) investigations</u>	96%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	Simon Newcombe	
<u>Landlord engagement and Support</u>	14	9	n/a	n/a	1	n/a	n/a	4	n/a	n/a	10	n/a	n/a	14	Simon Newcombe	(Quarter 4) 1 x mailout re MEES, 2 x press releases and media engagement, 1 x pinpoint news bite (TW)

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	Corporate Team Manager	Officer Notes
<u>Tenant Census</u>	34%		n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Simon Newcombe	(Quarter 4) Team are

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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	Corporate Team Manager	Officer Notes
																developeing an action plan as part of the Housing Strategy 2021-2025 (NC)
% <u>Emergency Repairs Completed on Time</u>	104.2%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	Simon Newcombe	
% <u>Urgent Repairs Completed on Time</u>	99.9%	95.0%	99.0%	99.5%	99.7%	99.6%	99.6%	99.4%	99.4%	99.3%	99.3%	99.2%	99.3%	99.3%	Simon Newcombe	
% <u>Routine Repairs Completed on Time</u>	99.6%	95.0%	97.7%	98.3%	98.7%	98.8%	98.9%	99.0%	99.0%	98.6%	98.8%	98.7%	98.7%	98.8%	Simon Newcombe	
% <u>Properties With a Valid Gas Safety Certificate</u>	99.4%	100%	100%	99%	99%	99%	99%	100%	100%	99%	99%	100%	100%	99%	Simon Newcombe	
% <u>Complaints</u>	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	98.5%	98.6%	97.6%	97.9%	98.2%	98.4%	98.6%	98.8%	Simon Newcombe	

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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	Corporate Team Manager	Officer Notes
<u>Responded to On Time</u>																

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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	Corporate Team Manager	Officer Notes
<u>Incubator and Start-up space</u>	0	2	n/a	n/a	0	n/a	n/a	0	n/a	n/a		n/a	n/a	0	Adrian Welsh	(Quarter 4) This indicator is being reviewed informed by the emerging recovery plan work. (AW)
<u>Sites for Commercial Development</u>	0	2	n/a	n/a	0	n/a	n/a	0	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	Corporate Team Manager	Officer Notes
<u>Number of business rate accounts</u>	3,356		3,358	3,362	3,366	3,375	3,381	3,384	3,405	3,429	3,436	3,424	3,426	3,426	Dean Emery	
<u>Business Rates RV</u>	£45,601,082		£45,614,697	£45,572,772	£45,572,772	£46,111,792	£46,092,812	£46,128,787	£46,258,944	£46,312,564	£46,354,264	£46,303,869	£46,384,114	£46,305,114	Dean Emery	
<u>Empty Business Properties</u>	244					250	250	242	249	232	240	242	236	231	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		Adrian Welsh, Angharad Williams	(2021 - 2022) Tiverton Town Centre Masterplan second round consultation scheduled to follow outcome of CRF bid - Cabinet March 2022 (AW)
<u>Cullompton Town Centre Masterplan</u>	n/a				Yes		Yes	Yes							Adrian Welsh, Angharad Williams	(September) Delivery Plan being developed (CY)
<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		Angharad Williams	(2021 - 2022) Procurement March 2022 (AW)
<u>Pannier Market Regular Traders</u>	53.2%	85%	63%	73%	75%	76%	78%	80%	81%	82%	82%	82%	82%	82%	Jim Bray, 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	13	n/a	n/a	14	n/a	n/a	13	Keith Ashton, Andrew Busby	(Quarter 4) Quarter 4 - one vacancy in West Exe North (NC)
<u>Fore St Tiverton</u>	4		n/a	n/a	5	n/a	n/a	5	n/a	n/a	5	n/a	n/a	5	Keith Ashton, Andrew Busby	(Quarter 4) 100% occupancy (NC)
<u>Market Walk Tiverton</u>	14		n/a	n/a	14	n/a	n/a	14	n/a	n/a	15	n/a	n/a	15	Keith Ashton, Jason Ball,	(Quarter 4) 100% occupancy (NC)

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Corporate Plan PI Report Economy**Priorities: Economy****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	Corporate Team Manager	Officer Notes
															Andrew Busby	

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	Corporate Team Manager	Officer Notes
<u>Community Land Trusts Assisted</u>	2	1	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	1	Tristan Peat	(Quarter 4) Release of £500 from the Council's Community Led Housing Fund to the Chawleigh Community Trust, as part of approved grant support. (TP)

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	Corporate Team Manager	Officer Notes
<u>Digital connectivity</u>			n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Adrian Welsh	(Quarter 4) Progress with the town centre wi-fi projects has been hampered by Covid 19, but is due to be delivered by 1st Qtr of 2022. Econ Dev Project Manager also working to ensure maximum uptake of FFTP through 2nd Phase CDR rollout through Airband (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	Corporate Team Manager	Officer Notes
<u>Annual Community Safety Partnership (CSP) Action Plan</u>	12	12	1	3	5	7	11	13	13	15	15	15	15	15	Simon Newcombe	(November) Reclaim the night - promotion of issues around safe places and violence against women and girls Workforce Development Felt Trauma - training delivered to 10 staff (TW)
<u>Safeguarding standards for drivers</u>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	Simon Newcombe	
<u>Mental Health First Aiders</u>	0	5	n/a	n/a	0	n/a	n/a	2	n/a	n/a	15	n/a	n/a	15	Matthew Page	(Quarter 4) 15 were trained in the previous quarter. which

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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	Corporate Team Manager	Officer Notes
																has meant the numbers have remained the same which is well above the target of 5 Officers trained each year. (NC)
<u>National and regional promotions</u>	7	9	1	1	1	1	2	3	3	3	4	5	5	6	Simon Newcombe	(January) Big Energy Saving Week (TW)

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	Corporate Team Manager	Officer Notes
<u>% of complaints resolved w/in timescales (10 days - 12 weeks)</u>	90%	90%	100%	99%	97%	97%	96%	95%	95%	93%	93%	93%	93%	91%	Lisa Lewis, Brian Trebilcock	(March) 36 completed at 1st check (RT)
<u>Number of Complaints</u>	273		38	78	116	145	179	214	235	269	292	320	355	404	Lisa Lewis, Brian Trebilcock	

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	Corporate Team Manager	Officer Notes
<u>Health Referral Initiative starters</u>	6	15	3	7	17	25	39	48	48	54	56	74	87	102	Corinne Parnall	(March) 15 (K)
<u>Health Referral Initiative completers</u>	0	10	3	3	3	3	3	12	12	19	23	42	53	58	Corinne Parnall	(March) 5 (K)
<u>Health Referral Initiative conversions</u>	0	5	2	2	2	2	2	11	11	16	19	24	31	33	Corinne Parnall	(March) 2 (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	Corporate Team Manager	Officer Notes
<u>South West Mutual Bank</u>		No target set for this indicator	n/a	n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	n/a		Paul Deal, Andrew Jarrett	(October - March) An update went to Cabinet on 26 October. A further £125,000 investment was secured during the last financial year. The length of time to obtain a Banking Licence means it will be mid-2024 before the first product openings. (NC)

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	Corporate Team Manager	Officer Notes
<u>Tiverton Other</u>	8		n/a	n/a	8	n/a	n/a	8	n/a	n/a	8	n/a	n/a	7	Keith Ashton, Andrew Busby	(Quarter 4) x1 void - Shoe Zone Fore Street (AB)

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Corporate Plan PI Report Corporate

Priorities: Delivering a Well-Managed Council

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	Corporate Team Manager	Officer Notes
<u>Industrial Units Cullompton</u>	15		n/a	n/a	14	n/a	n/a	14	n/a	n/a	15	n/a	n/a	14	Keith Ashton, Andrew Busby	(Quarter 4) Unit 4 Kingsmill is vacant (KA)

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	Corporate Team Manager	Officer Notes
<u>Sickness absence %</u>	2.10%	2.78%	n/a	n/a	2.08%	n/a	n/a	2.45%	n/a	n/a	2.96%	n/a	n/a	2.73%	Matthew Page	
<u>Appraisals completed</u>	97%	100%	n/a	n/a	n/a	n/a	n/a	94%	n/a	n/a	n/a	n/a	n/a	62%	Matthew Page	(October - March) The deadline for the return of completed appraisals has been extended until 27 May 2022, the figure of completed appraisals was up until 31 March

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	Corporate Team Manager	Officer Notes
																2022 (NC)
<u>% total Council tax collected - monthly</u>	96.96%	96.00%	11.02%	19.86%	28.76%	37.56%	46.15%	53.43%	64.54%	72.60%	79.81%	91.20%	96.09%	96.69%	Dean Emery	
<u>% total NNDR collected - monthly</u>	96.81%	97.00%	9.29%	15.07%	31.84%	39.83%	45.54%	57.36%	60.58%	69.36%	75.47%	84.72%	95.65%	98.62%	Dean Emery	
<u>New Performance Planning Guarantee determine within 26 weeks</u>	100%	100%	n/a	n/a	100%	n/a	n/a	100%	n/a	n/a	100%	n/a	n/a	100%	Angharad Williams	
<u>Major applications overturned at appeal (over last 2 years)</u>	5%	10.00%	n/a	n/a	7.14%	n/a	n/a	6.30%	n/a	n/a	5.81%	n/a	n/a	5.53%	Angharad Williams	
<u>Major applications overturned at appeal % of appeals</u>	0.05%	10.00%	n/a	n/a	8.33%	n/a	n/a	4.51%	n/a	n/a	3.01%	n/a	n/a	2.26%	Angharad Williams	
<u>Minor applications overturned at appeal (over last 2</u>	2%	10.00%	n/a	n/a	0.43%	n/a	n/a	0.22%	n/a	n/a	0.36%	n/a	n/a	0.43%	Angharad Williams	

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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	Corporate Team Manager	Officer Notes
years)																
<u>Minor applications overturned at appeal % of appeals</u>	1.66%	10.00%	n/a	n/a	0.70%	n/a	n/a	0.63%	n/a	n/a	0.71%	n/a	n/a	0.78%	Angharad Williams	
<u>Response to FOI/EIR Requests (within 20 working days)</u>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	Haidee Fairclough	(March) 1 late out of 53 (HF)
<u>Working Days Lost Due to Sickness Absence</u>	5.80days	7.00days	n/a	n/a	1.35days	n/a	n/a	3.20days	n/a	n/a	5.75days	n/a	n/a	7.80days	Matthew Page	
<u>Staff Turnover</u>	24.5%	15.0%	n/a	n/a	5.8%	n/a	n/a	10.7%	n/a	n/a	15.1%	n/a	n/a	21.3%	Matthew Page	

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Corporate Risk Management Report - Appendix 6 2021-2022

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
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Risks: No Data (0+) High (15+) Medium (6+) Low (1+)

Corporate Risk Management Report - Appendix 6 2021-2022

Risk: Civil Contingencies Act Responsibilities Civil Contingencies Act 2004 set certain responsibilities for category 1 responders to have in place

Service: Public Health

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: Contingencies and responses have been well tested over the last 18 months as a result of the pandemic. Severity remains high and likelihood increased as a result of the ongoing uncertainties around how the pandemic will impact communities with the easing of restrictions and entering the autumn months.

Corporate Risk Management Report - Appendix 6 2021-2022

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 Change Strategy and Action Plan	Approved by Cabinet on 1 October 2020. The Climate Action Plan (CAP) was published December 2020. The Climate Strategy and Handbook was published December 2020 (to be updated with a link to the new Sustainable Mid Devon website). The Strategy, the CAP and Carbon Footprint (GHG Accounting Report) will be published and updated on the Sustainable Mid Devon website, on an annual basis.	Nicola Cuskeran	09/12/2020	01/05/2022	Satisfactory(2)
In progress	Consideration by the Environment PDG	This PDG was tasked with considering the Council's own policy response(s) to the Climate Change Declaration made at Full Council on 26 June 2019. Actively engaged in this work supported by the NZAG, the C&S Specialist and the Corporate Manager for Property, Leisure and Climate Change.	Nicola Cuskeran	19/07/2019	01/05/2022	Satisfactory(2)
Completed and evaluated	Devon Climate Emergency – Tactical Group	MDDC are part of the tactical group for the climate emergency that has strategic links to our own plans.	Nicola Cuskeran	18/05/2020	01/05/2022	Fully effective (1)
In progress	Net Zero Advisory Group	Meetings and minutes of these meetings are presented to the Environment PDG thorough out the year. Performance Indicators relating to the	Nicola Cuskeran	18/05/2020	01/05/2022	Satisfactory(2)

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Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
		Corporate Plan are updated				

Current Status: High (20)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 4 - High

Service Manager: Jason Ball

Review Note: The Climate and Sustainability Specialist is prioritising work streams for future consideration. A report on budget options for climate investment went to Environment PDG on 11 January 2022.

Corporate Risk Management Report - Appendix 6 2021-2022

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
In progress	Business Continuity Planning (BCP)	BCPs have been reviewed. Regular updates are being obtained from Public Health England and the Local Resilience Forum. Meetings of managers and Leadership Team via Skype now monthly.	Catherine Yandle	06/03/2020	02/05/2022	Satisfactory(2)
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	02/05/2022	Fully effective (1)

Current Status: High (20)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 4 - High

Service Manager: Simon Newcombe

Review Note: Staff absence rates are at present the highest they have been during the entire pandemic, it is expected that BCPs may need to be invoked over the next few months.

Corporate Risk Management Report - Appendix 6 2021-2022

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	Adrian Welsh	03/02/2021	29/04/2022	Satisfactory(2)
In progress	Further bids for capacity funding	To continue to secure external funding to support the project	Tristan Peat	29/03/2019	29/04/2022	Satisfactory(2)

Current Status: No Data

Current Risk Severity: 4 - High

Current Risk Likelihood: 3 - Medium

Service Manager: Tristan Peat, Adrian Welsh

Review Note: Future bid opportunities unknown at this stage and will be announced by Government in due course

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Corporate Risk Management Report - Appendix 6 2021-2022

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
In progress	Regular user awareness training	Staff and Member updates help to reduce the risk	Lisa Lewis	03/01/2019	28/04/2022	Satisfactory(2)
Completed and evaluated	Technical controls in place	Required to maintain Public Sector Network certification	Lisa Lewis	03/01/2019	28/04/2022	Fully effective(1)

Current Status: No Data

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 4 - High

Service Manager: Brian Trebilcock

Review Note: Continued email warnings ongoing. DAP and MHCLG audits completed. Member briefing scheduled 28th Sept 2021 and Desktop exercise for Senior Managers/Members scheduled for 5th October. Cyber risk mitigation plan in place work programme due to be commenced shortly.

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Corporate Risk Management Report - Appendix 6 2021-2022

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	29/04/2022	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	29/04/2022	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	29/04/2022	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. Distribution of grant assistance again being required following the impacts of the Omicron variant.

Development of a longer term approach to recovery is currently being considered by the Economy PDG.

Corporate Risk Management Report - Appendix 6 2021-2022

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	29/04/2022	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	29/04/2022	Satisfactory(2)
In progress	Project Management	Continue rigorous project management, monitoring and reporting of economic development projects	Adrian Welsh	10/06/2019	29/04/2022	Satisfactory(2)
In progress	Recovery Plans	Recovery Plans will be put in place to aid recovery.	Adrian Welsh	12/05/2020	29/04/2022	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	29/04/2022	Satisfactory(2)

Current Status: High (20)

Current Risk Severity: 4 - High

Current Risk Likelihood: 5 - Very High

Service Manager: Adrian Welsh

Review Note: Work is underway with regard to Economic Strategy actions with a number of projects being progressed; however many

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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	29/04/2022	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	29/04/2022	Satisfactory(2)
In progress	Officers have reprioritised work programmes to explore new funding opportunities	End of European funding sources	Adrian Welsh	10/06/2019	29/04/2022	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 2021-2022

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

No Mitigating Action records found.

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Service Manager: Nicola Cuskeran

Review Note: Covid working arrangements unchanged. RAs continue to be kept under review.

Corporate Risk Management Report - Appendix 6 2021-2022

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
In progress	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.	Michael Parker	21/12/2020	27/04/2022	Satisfactory (2)
In progress	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 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.	Michael Parker	21/12/2020	27/04/2022	Satisfactory (2)
Completed and	Staff Support	Officers are trained and knowledgeable and the structure of Housing Options team reviewed to	Michael Parker	22/06/2017	27/04/2022	Fully effective (1)

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Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
evaluated		build resilience.				
In progress	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.	Tanya Wenham	21/12/2020	27/04/2022	Satisfactory (2)
Current Status: High (16)		Current Risk Severity: 4 - High		Current Risk Likelihood: 4 - High		
Service Manager: Tanya Wenham						
Review Note: Position essentially unchanged from previous review. The number of approaches continues to increase. The temporary accommdation and homelessness strategy are being reviewed alongside wider housing policies to take account of the growing need for temporary accommodation of varying types. See also Affordable Housing risk for wider update						

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Corporate Risk Management Report - Appendix 6 2021-2022

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

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Data Protection Officer	Following the departure of the Corporate Lead for Performance, Governance and Data, a new post has been created of Data Protection Officer and is being recruited too.	Lisa Lewis	20/05/2022		No Score (0)

Current Status: Medium (12)

Current Risk Severity: 4 - High

Current Risk Likelihood: 3 - Medium

Service Manager: None

Review Note: IS and IS Incident policies were reviewed and approved by Cabinet on 4 January 2022. Policies updated on LMS.

Corporate Risk Management Report - Appendix 6 2021-2022

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 County 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.	Adrian Welsh	13/01/2021	10/03/2022	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 can be taken- for example seeking the revision of project milestones to reflect the latest project programme.	Adrian Welsh	13/01/2021	10/03/2022	Satisfactory (2)
In progress	Partnership working	Close working with delivery partners to attempt to mitigate risks.	Adrian Welsh	12/05/2020	10/03/2022	Satisfactory (2)
In progress	Partnership working with	Reduce risk of delays and communication.	Adrian Welsh	10/06/2019	10/03/2022	Satisfactory (2)

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Corporate Risk Management Report - Appendix 6 2021-2022

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
	infrastructure providers and statutory bodies					
In progress	target funding opportunities	To seek to bring forward delivery	Adrian Welsh	10/06/2019	10/03/2022	Satisfactory (2)

Current Status: High (16)

Current Risk Severity: 4 - High

Current Risk Likelihood: 4 - High

Service Manager: Adrian Welsh

Review Note: Officers are working closely with Homes England on both HIF schemes and looking to mitigate project risks as and when they occur. The Cullompton Relief Road has been granted planning permission and the project is progressing. As Levelling Up Funding was not made available to this project in the first round, additional funding opportunities to help deliver the Cullompton Relief Road scheme are being explored.

Work on re-opening Cullompton Railway Station is progressing well, a report went before the Cabinet on 8 March 2022, proposing a transfer of the lead to Network Rail given the intricate level of rail specific knowledge and expertise required to secure timely approvals and decisions in order to meet DfT requirements and key gateways. This change to the project is seen to be a significant mitigation with regard to project risks.

Corporate Risk Management Report - Appendix 6 2021-2022

Risk: Multi Storey Car Park ASB may result in injury, may also be reputational damage if not seen to be dealing with issues.

Service: Property Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Essential Maintenance / Improvement Project is underway	A full review of the MSCP structure and maintenance requirements has been fully assessed and works completed. New upgraded CCTV installed.	Andrew Busby	02/05/2020	09/05/2022	No Score (0)
Completed and evaluated	MSCP Improvement Project	A full review of the MSCP structure and maintenance requirements has been fully assessed and works are completed.	Andrew Busby	23/08/2020	09/05/2022	No Score (0)

Current Status: No Data

Current Risk Severity: 4 - High

Current Risk Likelihood: 3 - Medium

Service Manager: Keith Ashton, Jason Ball, Andrew Busby

Review Note: Corporate Risk Assessment in place - completed in conjunction with the Health and Safety Officer. Increased risk following

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Risk: Out of Hours ICT Cover Ineffective out of hours ICT cover for services (eg leisure and Pannier Market) runs reputational risk of not having full system functionality

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	Managed links in place and manual continence plans available	to enable Leisure Centre continue to function outside of office house	Lisa Lewis	22/10/2015	06/09/2021	Fully effective(1)
Completed and evaluated	Managed links, remote access to resolve issues	Support all businesses within MDDC	Lisa Lewis	12/09/2017	06/09/2021	Fully effective(1)

Current Status: Medium (12)

Current Risk Severity: 3 - Medium

Current Risk Likelihood: 4 - High

Service Manager: Brian Trebilcock

Review Note: Remote connectivity limits risk/access to staff. Mitigations in place at Leisure Centres, e.g. removing door access requirements and broadband for kit run off separate adsl lines.

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Corporate Risk Management Report - Appendix 6 2021-2022

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	27/04/2022	Satisfactory(2)
In progress	Medium term planning	Work to close is on-going. 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	27/04/2022	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	27/04/2022	Satisfactory(2)

Current Status: High (15)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 3 - Medium

Service Manager: Paul Deal

Review Note: The 2022/23 Finance Settlement was better than forecast, but failed to provide any information about the future funding for Local Government. At the time of review, the S151 is confident that we will balance the 2022/23 budget without significant management action required. However, a budget deficit is still forecast in future years than must be addressed. The 2023/24 progress will need to begin promptly and thoroughly review all aspect of the budget. All options identified will be Cabinet and PDG's in the Autumn 2022.

Corporate Risk Management Report - Appendix 6 2021-2022

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.	Paul Deal	28/05/2013	27/04/2022	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.	Paul Deal	28/05/2013	27/04/2022	Satisfactory(2)
No Data available	Reserves	Cabinet have taken the decision to recommend a minimum general reserve balance of 25% of Net annual budget.	Paul Deal	28/05/2013	27/04/2022	No Score(0)
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.	Paul Deal	28/05/2013	27/04/2022	Fully effective(1)

Current Status: High (20)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 4 - High

Service Manager: Paul Deal

Review Note: At the time of review, the S151 is confident that we will balance the 2022/23 budget without significant management action required. However, a budget deficit is still forecast in future years than must be addressed. The 2023/24 progress will need to begin promptly and thoroughly review all aspect of the budget. All options identified will be Cabinet and PDG's in the Autumn 2022.

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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	25/04/2022	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 2021-2022

Risk: Resourcing Risk If the Council fails to recruit and/or retain sufficient, suitable staff it may not be able to maintain essential and/or statutory services.

Service: Human Resources

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Turnover Figure	<p>The actual turnover figure came in as 21.23% which was an increase from 14% in the year 2020/2021. The council is currently able to continue business whilst carrying a number of vacancies.</p> <p>You would expect to have a reasonable turnover during the financial year, it is natural to have a number of leavers and gives opportunities to bring in to the Council different skill set and knowledge</p>	Matthew Page	14/04/2022	14/04/2022	Satisfactory (2)

Current Status: No Data

Current Risk Severity: 4 - High

Current Risk Likelihood: 3 - Medium

Service Manager: Matthew Page

Review Note: The vacancy rate for the organisation is around 10% with turnover looking to come in at 18% for the 21/22 financial year. Sickness has been fairly low to date given the rise of the Omicron variant but we expect this to be more challenging in quarter 4.

Corporate Risk Management Report - Appendix 6 2021-2022

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

For MDDC the impacts will be:

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

Not receiving the forecast additional income

Not supporting corporate objectives.

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Board report and action plan recommendations	The Board of 3 Rivers deliver a bi-monthly report to the Cabinet which provides progress still ongoing. All 33 governance and finance recommendations from the action plan are completed.	Andrew Jarrett	28/04/2022	28/04/2022	No Score (0)
Completed and evaluated	Cabinet	Regular meetings with Shareholder Representatives and updates to Cabinet on progress with the recommendations action plan and projects.	Andrew Jarrett	09/11/2020	28/04/2022	Satisfactory(2)
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	28/04/2022	Satisfactory(2)

Corporate Risk Management Report - Appendix 6 2021-2022**Current Status: High (16)****Current Risk Severity: 4 - High****Current Risk Likelihood: 4 - High****Service Manager: Paul Deal**

Review Note: The MDDC accounts (which includes 3R within the Group Accounts) was audited and no issues were identified. The company's latest business plan was recently approved by Cabinet and continues in line with that plan.

Corporate Risk Management Report - Appendix 6 2021-2022

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	28/04/2022	Satisfactory(2)

Current Status: High (15)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 3 - Medium

Service Manager: Stephen Walford

Review Note: With matters of governance 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 regular updates at Cabinet continuing, alongside auditing, members have structurally embedded a range of mechanisms to give confidence in the governance, oversight and assurance process.

Corporate Risk Management Report - Appendix 6 2021-2022

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	29/04/2022	Satisfactory(2)
In progress	continue to work with traders on promotion	To increase footfall.	Adrian Welsh	10/06/2019	29/04/2022	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	29/04/2022	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	29/04/2022	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 Market Manager is embarking on a number of initiatives to attract more traders and customers to the market.

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

July 2022

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)
Progress against the Corporate Plan To consider the progress made against Corporate Plans aims (taking into consideration the views of the PDGs) and agree actions for the remaining life of the plan.	Environment Policy Development Group	24 May 2022	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open
	Economy Policy Development Group	26 May 2022			
	Scrutiny Committee	30 May 2022			
	Homes Policy Development Group	31 May 2022			
	Community Policy Development Group	7 Jun 2022			
	Cabinet	12 Jul 2022			

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 A361 Junction HIF Scheme To consider the outcome of the tender process.	Cabinet	12 Jul 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Part exempt
Crediton Neighbourhood Plan To agree the Examiner's modifications and proceed to referendum.	Cabinet	Not before 12th Jul 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
UK Shared Prosperity Fund To consider a plan for approval.	Cabinet	12 Jul 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Corporate Plan Mid Point Review Report to consider the outcome of discussions at the Policy Development Groups with regard to	Cabinet	12 Jul 2022	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	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)
reviewing the progress of the Corporate Plan					
3 Rivers Developments Ltd - Revised Business Plan To consider a revised business plan.	Cabinet	12 Jul 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt
South West Mutual Bank Update To receive an update	Cabinet	12 Jul 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Sullompton Town Centre Masterplan and Delivery Plan SPD To consider the masterplan	Cabinet Council	12 Jul 2022 31 Aug 2022	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
3 Rivers Developments Limited - Annual Report To receive the annual report from the company	Cabinet	12 Jul 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt

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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)
Play Area Safety Inspection Policy To receive the 3 yearly review of the Play Area Safety Inspection Policy and if appropriate make recommendations to Cabinet on 9 August 2022	Environment Policy Development Group Cabinet	19 Jul 2022 9 Aug 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
Economic Recovery Plan To receive the draft Local Economic Recovery Plan	Economy Policy Development Group Cabinet	21 Jul 2022 9 Aug 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Shopfront Enhancement Scheme To receive a report regarding the Shopfront Enhancement Scheme	Economy Policy Development Group Cabinet	21 Jul 2022 9 Aug 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Market Environmental Strategy To receive a report regarding the Market Environmental	Economy Policy Development Group	21 Jul 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration	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)
Strategy	Cabinet	9 Aug 2022		(Councillor Richard Chesterton)	
Meeting Housing Needs SPD To recommend a draft for consultation to the Cabinet	Homes Policy Development Group Cabinet	26 Jul 2022 9 Aug 2022		Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
Neighbourhood & Community Standard Policy To consider a revised policy.	Homes Policy Development Group Cabinet	26 Jul 2022 9 Aug 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
HRA Fees and Charges To consider fees and charges.	Homes Policy Development Group Cabinet	26 Jul 2022 9 Aug 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
Mid Devon as a Trauma Informed Council To receive details of how the Council can become Trauma Informed and the steps required and costs	Community Policy Development Group Cabinet	2 Aug 2022 6 Sep 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884	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)
associated with this and whether to recommend the approach to the Cabinet.			244615		
Culm - Garden Village Masterplan To consider a masterplan for consultation.	Cabinet	9 Aug 2022	Tina Maryan, Area Planning Officer	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Overton Neighbourhood Plan To consider the examiners report	Cabinet	Not before 9th Aug 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Non Statutory Interim Policy Statement on Planning for Climate Change To consider the policy statement	Cabinet	9 Aug 2022	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Crediton Masterplan - Procurement To consider the procurement of services for the Crediton Masterplan.	Cabinet	9 Aug 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Part exempt
Crediton NHS Hub Phase 2 To consider a funding request.	Cabinet	6 Sep 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt
Air Quality Supplementary Planning Document for Consultation To consider an Air Quality SPD	Cabinet	Not before 9th Aug 2022	Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Tiverton EUE Area B Masterplan To consider the outcome of the playing pitch and sports provision review	Cabinet	6 Sep 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Tiverton Town Centre Masterplan To agree the draft masterplan for public consultation.	Cabinet	Not before 6th Sep 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Data Protection Policy To consider a revised policy	Cabinet	6 Sep 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Clive Eginton)	Open
Freedom of Information Policy To consider a revised policy	Cabinet	6 Sep 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Clive Eginton)	Open
Records Management Policy To consider a revised policy	Cabinet	6 Sep 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Clive Eginton)	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)
			01884 234981		
Review of Development Management - Discretionary Fees To consider a review of discretionary fees	Cabinet	6 Sep 2022	Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Asbestos Management Plan To consider a revised plan.	Homes Policy Development Group Cabinet	20 Sep 2022 4 Oct 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
Housing Assistance Policy To consider a revised policy.	Homes Policy Development Group Cabinet	20 Sep 2022 4 Oct 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
Private Sector Housing Fees and Charges To consider revised fees and charges.	Homes Policy Development Group Cabinet	20 Sep 2022 4 Oct 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	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)
Town and Parish Charter To receive the 3 yearly review of the Town and Parish Charter	Community Policy Development Group Cabinet	27 Sep 2022 1 Nov 2022	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Channel Access Policy To consider a revised Policy	Cabinet	4 Oct 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Clive Eginton)	Open
Medium Term Financial Plan To consider the Medium Term Financial Plan	Cabinet	4 Oct 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Strategic Allocations Policy & Strategic Tenancy Strategy To consider a revised strategy.	Homes Policy Development Group Cabinet	15 Nov 2022 29 Nov 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	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)
Empty Homes Plan To consider a revised plan.	Homes Policy Development Group Cabinet	15 Nov 2022 29 Nov 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
Housing Strategy update and annual review To consider a review of the strategy.	Homes Policy Development Group Cabinet	15 Nov 2022 29 Nov 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
Rivers Development Ltd Business Plan. To receive the company business plan and if appropriate to make recommendations to Audit Committee on 22 November and / or Cabinet on 29 November.	Scrutiny Committee Audit Committee Cabinet	14 Nov 2022 22 Nov 2022 29 Nov 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt
Mid Year Treasury Management Report To receive the mid year report.	Cabinet	29 Nov 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	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)
Post Hill Tiverton–Tender results and project award for 70 Council homes To consider the outcome of the tender process.	Cabinet Council	29 Nov 2022 14 Dec 2022	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Part exempt