

Public Document Pack

Mid Devon District Council

Community Policy Development Group

Tuesday, 7 June 2022 at 2.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Tuesday, 2 August 2022 at 2.15 pm

PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are encouraged to attend via Zoom wherever possible. The Protocol for Hybrid Meetings explains how this will work. Please do not attend Phoenix House without contacting 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 Mrs C Collis

Cllr W Burke

Cllr L J Cruwys

Cllr R J Dolley

Cllr R Evans

Cllr B Holdman

Cllr S Pugh

Cllr Mrs E J Slade

Cllr Mrs M E Squires

A G E N D A

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

- 1 **Election of Chairman (Chairman of the Council in the Chair)**
To elect a Chairman for the municipal year 2022-2023.
- 2 **Election of Vice Chairman**
To elect a Vice Chairman for the municipal year 2022-2023.
- 3 **Apologies and Substitute Members**
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 4 **Declarations of Interest under the Code of Conduct**
To record any interests on agenda matters.
- 5 **Minutes of the Previous Meeting** (*Pages 5 - 8*)
To consider whether to approve the minutes as a correct record of the meeting held on 22nd March 2022.
- 6 **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
Note: A maximum of 30 minutes is allowed for this item.
- 7 **Chairmans Announcements**
To receive any announcements that the Chairman may wish to make.
- 8 **Start Time of meetings**
To agree the start time of meetings for the remainder of the municipal year.
- 9 **The Crediton Area History & Museum Society** (*Pages 9 - 10*)
To receive a business case requesting funding for a summer 2023 exhibition by the Crediton Area History and Museum Society.
- 10 **Revenue and Outturn report** (*Pages 11 - 52*)
To receive the Revenue and Outturn report for 2021-2022.
- 11 **Unauthorised Encampment Policy** (*Pages 53 - 122*)
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.
- 12 **Corporate Plan Mid Point Review** (*Pages 123 - 138*)
To receive a mid point review of the Corporate Plan previously presented to the Cabinet.

13 **PDG work programme and policy development for 2022/23** (Pages 139 - 146)

To receive a report from the District Solicitor and Monitoring Officer on the role of the PDG including the results of the residents survey

Stephen Walford
Chief Executive
Thursday 26th May 2022

Covid-19 and meetings

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.

Please read the new meeting protocol which is available here: [REVISEDMeetingProtocolupdateMay2022.docx.pdf \(middevon.gov.uk\)](#)

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the last working day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

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

Tel: 01884 234209

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 22 March 2022 at 2.15 pm

Present

Councillors Mrs M E Squires (Chairman)
W Burke, Mrs C Collis, L J Cruwys,
R J Dolley, B Holdman, S Pugh and
Mrs E J Slade

Apologies

Councillor(s) G Barnell

Also Present

Councillor(s) Mrs C P Daw, R M Deed, C J Eginton, D J Knowles and
B G J Warren

Also Present

Officer(s): Jill May (Director of Business Improvement and Operations), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Nicola Cuskeran (Interim Corporate Performance Manager & Safeguarding Officer), Julia Ryder (Community Safety & Emergency Planning Officer), Clare Robathan (Policy and Research Officer), Carole Oliphant (Member Services Officer) and Jessica Watts (Member Services Apprentice)

53 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.19)**

Apologies were received from Cllr G Barnell

54 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.31)**

Members were reminded of the need to make declarations where appropriate.

55 **MINUTES OF THE PREVIOUS MEETING (0.04.00)**

The Minutes of the Meeting held on 25th January were approved as a correct record and **SIGNED** by the Chairman.

56 **PUBLIC QUESTION TIME (0.04.21)**

There were no members of the public present.

57 **CHAIRMAN'S ANNOUNCEMENTS (0.04.34)**

The Chairman had no announcements to make.

58 **SAFEGUARDING CHILDRENS AND ADULTS AT RISK POLICY AND PROCEDURES (0.13.49)**

The Group had before it a *report from the Director of Business Transformation & Operations providing an update on Safeguarding Children's and Adults at Risk Policy and procedures and a review of best practice.

The Corporate Safeguarding Officer provided an overview of the report and stated that there had been no amendments this year and that the audit findings had demonstrated 'reasonable assurance'.

Consideration was given to:

- That the process was outlined in the Policy and Guidance
- There were specific processes when housing known sex offenders which included robust risk assessments for each individual case

It was therefore **RECOMMENDED** to the Cabinet that the Safeguarding Children's and Adults at Risk Policy and Procedures be adopted.

(Proposed by the Chairman)

Reason for the decision: To ensure that the Council met its legal obligations in respect to safeguarding and child protection

Note: *report previously circulated and attached to the minutes

59 **SINGLE EQUALITIES POLICY AND EQUALITY OBJECTIVES (0.13.49)**

The Group had before it a *report from the Director of Business Improvement and Operations providing the Single Equality Scheme and the Equality Objectives for 2022-2023.

The Interim Corporate Performance Manager outlined the contents of the report and stated that there were no significant changes but that two additional objectives had been included.

Consideration was given to:

- Age was not a barrier to employment with the Council and recruiters were not provided with an applicant's age during the recruitment process
- Wellbeing Ambassadors were staff members trained to assist colleagues with issues and was closely linked with the Menopause policy
- The Council was doing all that it could to raise diversity issues

It was therefore **RECOMMENDED** to the Cabinet that the Single Equality Scheme and the Equality Objectives for 2022-2023 be adopted.

(Proposed by the Chairman)

Reason for the decision: To ensure that the Council was in compliance with the Equality Act 2010

Note: *report previously circulated and attached to the minutes

60 **COMMUNITY SAFETY PARTNERSHIP (0.24.44)**

The Group had before it, and **NOTED**, a *report from the Corporate Manager for Public Health, Regulation and Housing providing an update on the Community Safety Partnership (CSP) priorities and the planned activities of the partnership over the coming year.

The Corporate Manager for Public Health, Regulation and Housing outlined the contents of the report and stated that the review included recent and pending changes including funding options.

He explained that the CSP would no longer receive direct funding from the Police and Crime Commissioner (PCC) to distribute to partner agencies but that these agencies would now have to apply directly to the PCC for funding. The CSP would now shift to assisting its partner agencies to access this direct funding.

The officer explained that due to the Domestic Abuse Act there was a pending new duty regarding serious violence and that the PCC had provided funding directly to the CSP for 12 months.

The CSP had agreed two new themes which were:

1. Violent Crime
2. Youth Risk and Vulnerability

In response to questions asked the Corporate Manager for Public Health, Regulation and Housing stated:

- That he would provide an update on the Tiverton Police desk at the next meeting
- That the CSP would need to bid for funding in the future as it would not be provided directly from the PCC
- The CSP had a different duty than the Police who would look at criminal acts. The CSP would look at the circumstances leading up to the act to establish if any lessons could be learned by a multi-agency review

Note: *report previously circulated and attached to the minutes

61 **TRAUMA INFORMED REVIEW (0.39.20)**

The Group had before it a *report from the Corporate Manager for Public Health, Regulation and Housing providing an outline to becoming a Trauma Informed Council.

The Corporate Manager for Public Health, Regulation and Housing provided an overview of his report and explained that the Community Safety Partnership Working Group had recommended that the Council explore becoming Trauma Informed.

He recognised that to become Trauma Informed would require a significant amount of work and he requested that the PDG agreed to the principle that it be investigated in more depth and a further report be brought back in August with specific recommendations.

In response to a question asked he confirmed that Mid Devon District Council (MDDC) were at the forefront of the work and that no other local District Councils had yet adopted a Trauma Informed approach but that others were looking at what MDDC were doing.

The Group therefore **AGEED** that:

1. The Council explore further potential benefits, challenges and implications of Mid Devon District Council becoming a Trauma Informed Council
2. That a further report was received by August 2022 in respect of specific considerations.

(Proposed by the Chairman)

Note: *report previously circulated and attached to the minutes

62 **CHAIRMAN'S ANNUAL REPORT (0.51.57)**

The Group had before it, and **NOTED**, *the Chairman's Annual Report.

Note: *report previously circulated and attached to the minutes

63 **WORK PLAN AND WORK PROGRAMMING SESSION (0.52.22)**

The Group had before it, and **NOTED**, the Community PDG work plan

The Policy and Research Officer explained that the Scrutiny Committee had agreed the recommendations of the Motion 564 review. The PDG requested that the report be presented to them so that it could investigate the communication aspect of the review.

Note: *work plan previously circulated and attached to the minutes

(The meeting ended at 3.11 pm)

CHAIRMAN

Crediton Area History & Museum Society (CAHMS) Business Case Presentation to MDDC PDG, June 2022

Brief Description of Project

To deliver the Summer 2023 Exhibition for Crediton Museum on the theme, “*Dispute, Disaster, Recovery : Crediton and the Great Fire of 1743*”.

Aims & Objectives

The project will engage a range of local people in the creation and display of an exhibition which aims to reveal new insights relating to a dramatic episode of Crediton’s heritage. We are and will be working with local schools to engage with young people and their families; with the business community to encourage win-win relationships to promote the town, and in particular the High Street; and with local third sector groups (e.g. u3a, Crediton Arts Centre, Crediton Library) to explore opportunities for developing extra strands to the project; volunteering; and providing feedback to shape and hone our proposals.

Although the immediate aim is to mount a temporary exhibition, the project will also create legacy materials including a book and a range of online resources which will be available to the public after the exhibition closes.

Timeline (Jun 2022 – Dec 2023)

Research : ongoing, but with bulk of work complete by Nov 2022

Project Finance : aim to clarify anticipated funding levels by July 2022 (NB some elements will remain fluid until the end of the project)

Book : first draft July – Nov 2022. Draft final by Mar 2023. To be published Apr 2023

Portable Antiquities Scheme : Schools Visit(s) Oct 2022; Finds Day Nov 2022

Design of exhibition material : Oct 2022 – Feb 2023

Production of exhibition material : Nov 2022 – Mar 2023

Exhibition Open to the Public : Apr – Oct 2023

Financials

What we get free-of-charge : all members of the Project Team are volunteers, making no charges for their time in researching, writing, designing, organising or delivering the project. There will be a large body of volunteer stewards while the exhibition is open to the public, all of whom will give their time without charge. The exhibition will also benefit from the use of Crediton Museum’s (rented) premises and facilities, none of which are chargeable to the project.

Funding required : Please see the income and expenditure summaries below.
 NB All figures are anticipated outturns, including both sums received / spent to date and estimates of future income / expenditure.

- **Income**

- Local Authority funding (£1,500 received to date). We have received grants through the good offices of the County Councillors for (1) Crediton and (2) Creedy, Taw & Mid-Exe. To date, we have received no confirmation of any funding from either Mid Devon District Council or Crediton Town Council. **We would be pleased to receive any financial support which may be available from MDDC.**
- Local Businesses (£1,500 received to date) We have been pleased by the amount of sponsorship offered locally. We do not anticipate any substantial increase on the estimate shown below.
- We will be seeking subscriptions (none sought or received to date) towards the cost of publishing the proposed book. We anticipate further donations from members of the public; and income from book sales during and after the exhibition.

- **Expenditure**

- We will be using some copyright material with the permission of the copyright holders.
- We will be using substantial amounts of display material designed and produced specifically for this project.
- We will be offering interactive displays and IT-based research opportunities in our “Research Corner”.
- We will be publishing a book to accompany the exhibition, using a local printing house.

Income (estimates as at June 2022)		Expenditure (estimates as at June 2022)	
Local Authority Grants	£ 2,250	Copyright fees and expenses	£ 200
Sponsorship, local businesses	£ 1,600	Display equipment, materials and artwork	£ 2,000
Donations and subscriptions	£ 750	IT equipment	£ 1,500
Book Sales (excluding subscriptions)	£ 600	Book publishing	£ 1,500
	TOTAL £ 5,200		TOTAL £ 5,200

Tony Gale for CAHMS
 June 2022

COMMUNITY POLICY DEVELOPMENT GROUP 7 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 Community PDG notes and reports and feeds back to Cabinet any areas of concern.

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 Committee 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 drawn down 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-imbusement 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
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 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:

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.

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

Appendix 1a – General Fund Revenue Account Outturn Summary 2021/22

	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

Code	Corporate Management	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
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

Code	Car Parks	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
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

Code	Customer Services	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
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)	£ (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 Budget £	2021/22 Actual £	Variance £	Variance %
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	
	Release EQ838 GF Shop EMR for works to Market Walk flat windows & Unit 17		
PS992	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)	£ (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	36,000
	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)	
					(434,800)
	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

Code	Housing Revenue Account	2021/22 Budget £	2021/22 Actual £	Variance £	Variance %
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)
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)	} Net underspend of £44k will remain in the EMR
CG208	Loans Scheme - Lendology	0	150,000		(150,000)	0	
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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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 telephones 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 carparks, 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 fourth (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.

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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

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- (d) Stage 4 – Action by Local Authority – Enforcement
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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, which 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

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



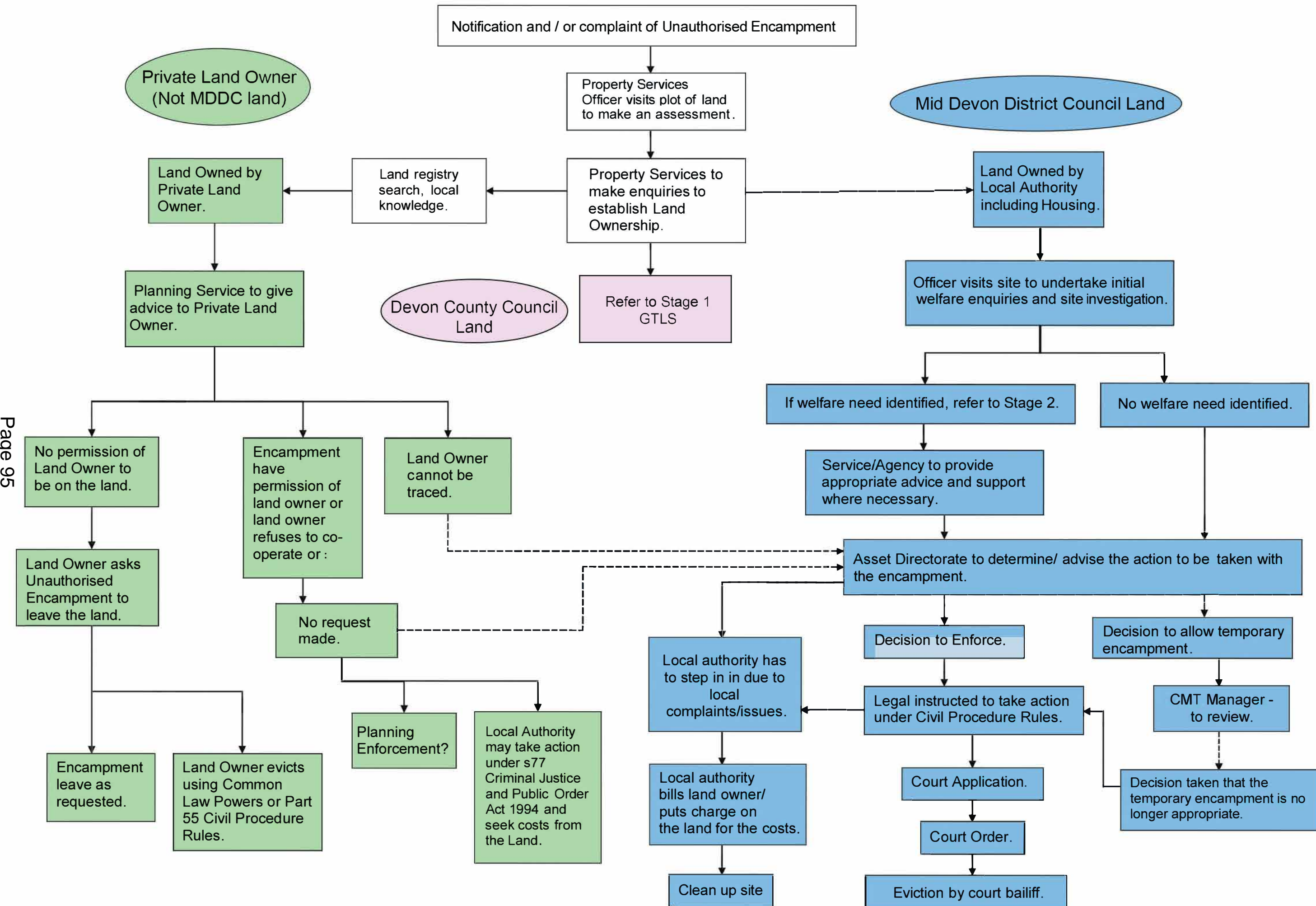
Planning enforcement alert via Communications

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.

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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>
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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
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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:	<input type="checkbox"/> YES <input type="checkbox"/> NO	CODE OF CONDUCT ISSUED	<input type="checkbox"/> YES <input type="checkbox"/> NO
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

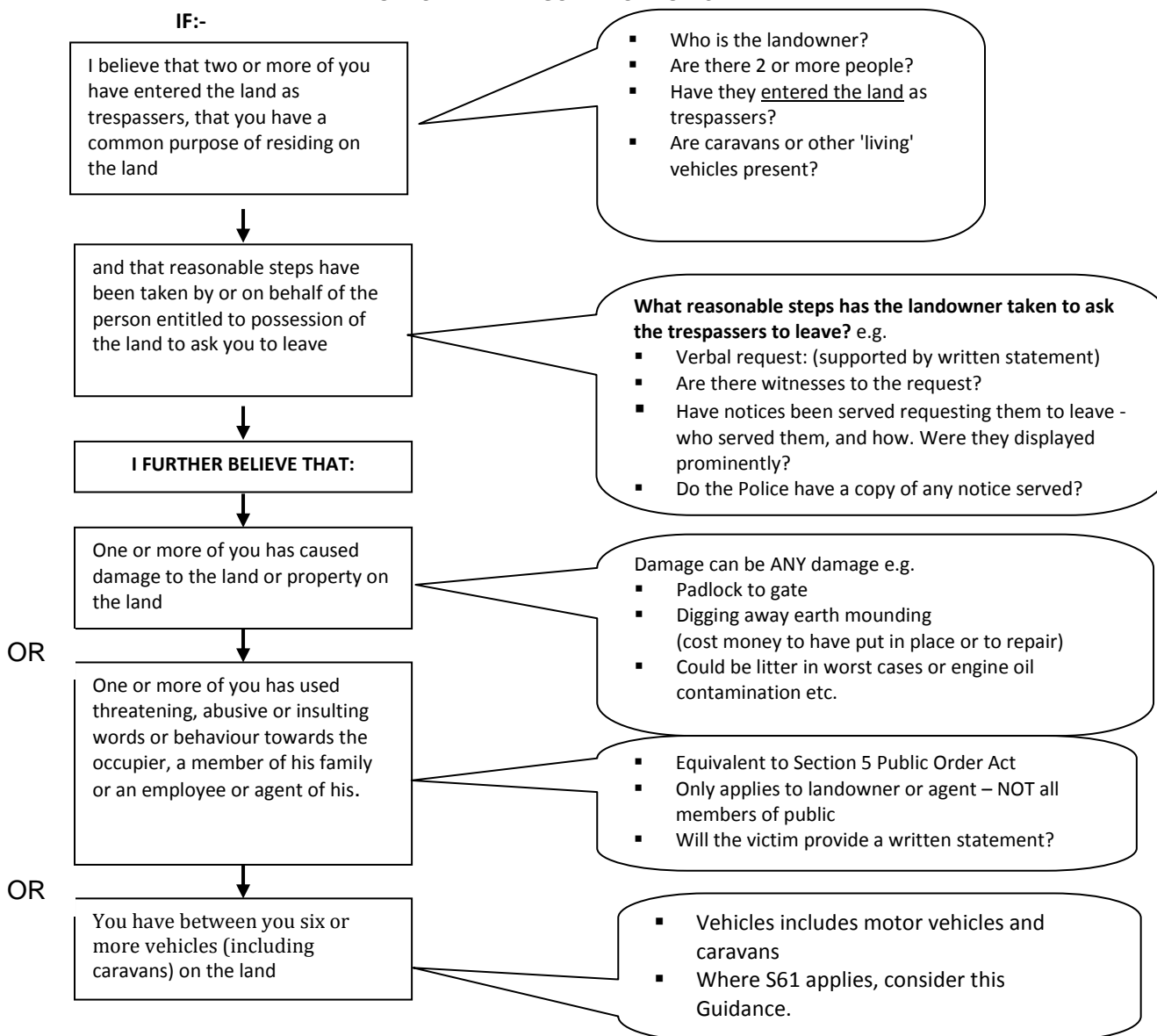
1. Location: Date first to notice of Police: Land Owner: Encampment Reference No:	
2. General Information / Summary:	
<i>Where/what/when/why/how was the encampment established, who owns the land, how are they and others affected? Any previous history of the site and / or occupants?</i>	
3. Factors relating 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 SECTION 61 CJPOA 1994 DAMAGE THREATS ETC 6 VEHICLES OR MORE	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <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



THEN S61 MAY BE APPLIED. IF IT IS,

- S61 Notices must be served and copies kept (carbon)
- Details of people and vehicles must be recorded
- A 'reasonable' time (in the circumstances) must be given for them to leave the land
- Trespassers welfare issues must be taken into account

FAILURE TO COMPLY

- Power of arrest - any person who fails to comply without reasonable excuse to leave the land
 - Power to seize any vehicle not removed

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
5 APRIL 2022

Corporate Plan 2020-24 – Mid Point Review

Cabinet Member(s): Leader, Cllr Bob Deed
Responsible Officer: Chief Executive, Stephen Walford

Reason for Report: To consider the progress against delivery for the Corporate Plan 2020-2024 at its midway point. This report reflects on performance against achievement of the priorities over the past two years, undertakes a brief gap analysis to understand where delivery is untracked via existing KPIs, identifies a range of challenges to delivery moving forward and, ultimately, recommends a refreshed corporate plan be brought back to cabinet for consideration and onward recommendation to full council as appropriate.

RECOMMENDATIONS:

- 1. That the Cabinet notes the progress on delivery of the Corporate Plan.**
- 2. That an updated version of the Corporate Plan be brought back to Cabinet in due course, reflecting the known gaps and refreshed delivery priorities.**

Relationship to Corporate Plan: This report provides an update on the current corporate plan 2020-2024.

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 improved 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.

Equalities Impact Assessment: Customer feedback can help the council identify any groups of people who may potentially be experiencing our services differently 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.

Risk Assessment: Any areas at risk of missing target are highlighted within this report. Members are asked to consider these areas and consider any proposed remedial actions.

Climate Change: There are no direct climate change implications arising from this report. However, some individual supporting projects reflect specific elements of the council's climate change agenda as set out in the corporate plan.

1.0 Introduction

- 1.1** It is now two years since the Council adopted its second Corporate Plan, a period in which there have been major changes locally, nationally and globally. The Corporate Plan was adopted a matter of weeks before the pandemic

struck, therefore it is safe to say that the first half of this plan period is not quite what the council may have envisaged at the time of its approval in February 2020. It is therefore appropriate to take some time to reflect on the progress against the Council's Corporate Plan, to review our successes and to review the priorities where necessary as we move into the second half of the Corporate Plan (2022-2024).

- 1.2 Additionally, it has created an opportunity for the business planning and performance framework to be reviewed and realigned to the needs of the council at this point in time as it reflects on the successes of the past two years and the challenges going forward.

2.0 Background

- 2.1 The Council's Corporate Plan included at Appendix A, was adopted by the Council in February 2020. It set out the Council's aims and priorities, and expanded on these with an explanation of the Council's thinking and the key actions that would deliver on these priorities.

- 2.2 The Corporate Plan is a document which sets out what the council want to achieve in the district to support and enrich our communities and businesses and the environment we live in. The Plan retained the four key priority areas that were identified in 2016 and these continue to 'map' onto the thematic 'Policy Development Groups' (PDGs) that make up part of the council's governance structure to enable targeted focus by elected members in each of those areas.

3.0 Pandemic Delivery

- 3.1 The global pandemic has clearly impacted on virtually all aspects of life over the last two years. Mid Devon District Council has played an important role in responding to this challenge, along with our partner agencies to develop 'Team Devon' and support our business communities and the welfare of our residents.

- 3.2 During the pandemic the council facilitated the Mid Devon Shielding Hub for the Clinically Extremely Vulnerable and has been managing the Covid Financial Hardship Fund. With support from officers across the council (including from Leisure, Housing and Customer First) the Community Support Hub has provided essential food supplies, practical support and advice to 585 vulnerable households in need of help and during the national lockdowns delivered 236 emergency food parcels.

The Council has also administered a financial hardship fund, in partnership with CHAT and Navigate charity, with funding from Devon County Council and Central Government. The scheme has received a large number of applications, with a total of 554 applications to the fund, and has distributed over £48k in emergency relief as well as providing signposting to other emergency support and money and debt advice.

- 3.3 The council has also administered the COVID Test and Trace mandatory scheme (where of 925 applicants 42.49% received support) and the discretionary scheme (where of 827 applications 41.89% received support).
- 3.4 The pandemic led to a step change in the way the council works, with services able to continue being delivered digitally and remotely. Officers (and councillors) have made use of modern technology for example by having virtual meetings instead of face to face meetings. The Council implemented virtual meetings live streamed to the public with recordings placed on our website, making the decision process transparent and accessible. While legislation allowing remote votes has since lapsed, the council continues to broadcast its meetings and holds many non-decision making meetings in a digital way to minimise travel requirements, improve sustainability and fit better with the range of other time commitments of its members (as well as increasing public access and engagement).
- 3.5 Officers have continued to show a high level of dedication and flexibility with many taking on additional duties or being redeployed as necessary to support the numerous front line activities required as part of the response.
- 3.6 To achieve our strategic priorities within the current financial constraints, and while we continue to emerge from the pandemic, it was necessary to continue to reform how key services and activities are designed and delivered, and also how we work across the local public sector system and with our partners in the most efficient and effective way. This learning continues and while in some areas a reversion to a pre-pandemic 'normal' is returning, in others the last two years have opened a window into a new way of working that is being felt across the country from both a business and employment perspective.

4.0 Gap Analysis

- 4.1 There is a requirement to review our use of internal and external sources of data to ensure our performance can be appropriately benchmarked, compared and assessed in a specific, measurable, achievable, realistic and timely (SMART) way. A large amount of the council's operational performance (and hence strategic delivery) is tracked via a basket of key performance indicators (KPIs) reported to members regularly.
- 4.2 What is clear is that there are a range of aspects in the corporate plan where no specific KPI (or suitable proxy indicator) exists to measure performance. As part of this review, a short gap analysis was undertaken to review the existing framework and highlight any gaps that will not be addressed without intervention outside of the existing performance management framework.
- 4.3 The gap analysis can be located at Appendix B.

5.0 Risks

- 5.1 Throughout the planning and performance management cycle, risks are identified, assessed and appropriately managed. Mid Devon District Council has a comprehensive risk management framework in place with clear governance, including reporting of strategic level risks to Cabinet and the Audit

Committee. Strategic risks and operational risks are reviewed regularly, with high-scoring risks reported through the relevant corporate and council channels.

- 5.2 The latest high-scoring risks, alongside a report on performance went before the Audit Committee on 22 March 2022.

6.0 Successes

- 6.1 Given the background of significant challenges posed by the pandemic, the Council has made significant progress against the aims in the plan. Achievements include:

6.2 Homes

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.

- Planning consent has been secured to deliver a number of new zero carbon council houses and construction / delivery of these will take place later this year
- The creation of a multi-disciplinary Housing Strategy Delivery team
- A 5 year rolling development programme for 1-4-1 receipts
- An additional, emerging 5 year non-1-4-1 development programme
- Identification for potential areas/sites for up to 500 new social and affordable homes
- 2019-2020 – brought 138 empty homes back into use and in 2020-2021 brought back 101 empty homes, strong performance against a target of 72 each year
- Commissioned a major new Housing Revenue Account scheme of 70 new affordable homes at Post Hill and will be added to our Council Housing Stock, now at RIBA Stage 2-3;
- Regular engagement with Homes England and the Affordable Homes Programme, and
- Initiatives to focus on brownfield regeneration and sustainable development - including meeting life tenure needs through physical adapted standards and emerging neuro-diversity work to support the most vulnerable customers

6.3 Environment

One of the most notable initiatives is related to the commitment to increase recycling rates and reduce the amount of residual waste being generated and collected through our waste services.

A trial of three weekly residual waste collection in parts of the District took place between July and October 2021 – demonstrating 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.

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. Plans are progressing to roll out district wide 3 weekly collections. It is estimated that this will generate significant improvements in recycling rates and put us on track to meet national targets, as well as delivering a reduction in operational carbon emissions from council vehicles and deliver a revenue saving of up to £143k per annum.

Key objectives are now to ensure the communication plan effectively prepares and educates the public for the change in service delivery accompanied by in-person guidance and assistance for anticipated areas of challenge. Wider consideration of how we mobilise our workforce and transport to deliver services to expanding areas of housing development and population over the coming months and years will be an important area of efficiency planning.

The Litter Strategy was approved by Cabinet in February 2022 which asserts the importance of Education and Enforcement working hand in hand to improve public behaviours and attitudes towards litter collection and management. The new Environment and Enforcement Manager has this high on his agenda in terms of implementation.

The recruitment and retention of the workforce in this service area remains an urgent priority due to the external environment and pressures of the labour market e.g. high demand for loaders and drivers with some private firms offering an extensive range of incentives and benefits – often making direct approaches to staff while on rounds. This makes our own position challenging and the consideration for how we respond to these challenges vital.

With the Culm Garden village, various initiatives are underway; the mobility strategy seeks to identify and promote options to reduce and design-out car dependency alongside wider initiatives to reduce commuting for work and connectivity with historic Cullompton to retain the ethos of buy locally and boost the high street.

6.4 Economy

The Council and Somerset West and Taunton Council together secured a portion of £5 million of funding through the 'Restoring your Railway' fund to progress plans for the re-opening of Cullompton railway station – supporting wider development initiatives within the town and the Culm Garden Village, and working in conjunction with other rail initiatives across the wider south-west network.

Work to enhance Cullompton high street have commenced and is backed by Historic England through a Heritage Action Zone. The Council was not successful in securing Levelling Up funding for the Cullompton Town Centre relief road however progress is being made to support the economic development initiatives such as the local farmers markets, and facilitating investment in many of the historic buildings making them more suitable for modern use whilst preserving them for the future.

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 – this Eden-led component having considerable scope to create a significant destination at Junction 27, creating a gateway to Devon / North Devon in a highly accessible location on the strategic highway network.

The economic development team have been promoting a campaign to shop local, 'Taste Mid Devon' seeks to encourage local producers and suppliers to interact with consumers by organising special events and local farmers markets.

Mid Devon District Council was one of 14 councils in England chosen to take part in a fully-funded pilot programme to test the Government's new National Model Design Code, the code is to give planning authorities a set of design principles to consider for new developments such as street character, building type, as well as environmental, heritage and wellbeing factors. The shortlisted councils all took part in a six-month testing programme to explore how the code could be applied in their area.

6.5 Community

The council has set their own local target, following the climate declaration in 2019, where the council is aiming to become carbon neutral by a more ambitious date of 2030. We have invested in specific plant at our 3 leisure centres to reduce our utility consumption (this included a biomass boiler at one of the sites). Recently, the council has secured in excess of £300k of government funding towards decarbonising our 3 leisure centres and have circa £5 million of bids at various stages of deployment to further reduce the carbon emissions from our corporate estate and our 3,000 council houses.

The Council will hold a public 'State of the District Debate' purely on the Climate Agenda on 5 April 2022. The public will be encouraged to explore topics to reduce individual and communities' carbon footprint as the council aims for Net Zero by 2030.

The council has launched a consultation on 'Plan Mid Devon' as it works towards planning the future of Mid Devon for decades to come; the current Local Plan was adopted by the Council in July 2020 and has a lifespan up to 2033. This plan helps guide multi-million pound investment across the district and provides greater certainty about where new homes, employment, schools, roads and other supporting infrastructure will be located. It will also help us regenerate our town centres and protect and enhance those parts of Mid Devon where we do not wish to see unplanned development taking place, including the open countryside and high quality landscapes. Consultation closed at the end of March 2022.

7.0 **Peer Review**

7.1 The council has recently participated in a peer challenge review under the auspices of the Local Government Association's sector-led improvement process. These reviews are an established tool that supports councils across

the country to drive improvements and efficiency in specific areas, including finance, communications, health and wellbeing, equalities, housing, planning etc.

- 7.2 These reviews are undertaken typically every 4-5 years and the council had its previous review back in early 2017. The peer team included experienced officers and members spending significant time with us to identify and address issues and challenge progress across themes including local priorities and outcomes, organisational and place leadership, governance and culture, financial planning and management and capacity for improvement.
- 7.3 This peer-led process acts as a critical friend providing feedback on how the council is performing and delivering for its communities. As a follow up to the time spent on site the council will receive a comprehensive report and recommendations which will be shared widely in order to encourage participation in opportunities for improvement.

8.0 Challenges

- 8.1 The lifting of all remaining covid restrictions on 24 March 2022 could impact our service delivery; the government has removed the legal requirement for self-isolation and free testing. The focus on prevention moves to individuals and communities, and the Council has seen an increase in the number of cases both across its workforce and across Devon as a whole. The emergence of new variants will be a significant factor in determining the future path of the virus.
- 8.2 Employers across the public and private sectors continue to face growing skills shortages due to what has widely been described as a perfect storm of pressures arising from the pandemic, a change in employment priorities for many people, a reduction in foreign labour arising from Brexit, and a resultant fiercely competitive jobs market, so it's more important than ever to try and retain existing talent. Mid Devon District Council's turnover figure for 2021/2022 is approximately 20%.
- 8.3 Like many councils, our largest cost is manifested in our workforce through whom council services are delivered. We have recently experienced severe difficulties in recruiting officers in several service areas. This has led to temporary engagement of agency workers at much greater cost which is unsustainable in the long term. It is also likely to be exacerbated in the coming months as inflationary (cost of living) pressures force people to seek better paying jobs, with local government unlikely to be able to offer the same rises in salary as other sectors (and all sectors unlikely to be able to offer salaries that keep pace with inflation).
- 8.4 The council continues to face a number of challenges in the way it is funded, how it is able to manage demand for services and demographic pressures, and how it responds to policy and legislative changes. At the same time, new technology and ways of working represent opportunities to transform our business processes and systems, to work in more modern and productive ways.
- 8.5 The council began a Parish Review (formally known as a Community Governance Review) in November 2021, and the first public consultation

finished on 28 February 2022. The review is taking into consideration a number of options, for example looking at the number parishes, creating, merging, altering or grouping parishes and the number of parish / town councillors to improve the effectiveness and convenience of local government at the most local level. Any changes as a result of the review will come into effect for 2023 all out elections.

- 8.6 The challenges of unknown or unplanned tasks or priorities continues to ensure that the deployment of council resources is more reactive than we would like. The most recent example being that of government asking councils to process and deliver the £150 council tax rebate for Band D and below households; this rebate is to assist with the energy costs crisis.
- 8.7 A further challenge over the coming months is likely to be the work required to support and assist with the Ukrainian refugee crisis under the Homes for Ukraine scheme. Team Devon authorities have pledged to work together to support Ukrainian refugees seeking sanctuary in the UK, albeit it remains unclear quite how significant these demands on resources could be. This is in addition to the work that continues on supporting other refugees and asylum seekers under previous national schemes.
- 8.8 Finally on the challenges, we are currently working through the Devon, Plymouth and Torbay 'county deal' devolution conversation with government to understand where there is potential to secure meaningful devolved powers, funding, influence and control closer to the democratic decision-making in Devon. This is the subject of a separate report being brought to Cabinet, however it represents an additional new workstream that may be of significant benefit to the people of Devon.

9.0 Business Transformation Update

- 9.1 During the past two years there has been a significant programme of transformation taking place across our services which have looked at how we deliver our services, how we have developed our customer focused processes and systems, and how we have been meeting customer expectations and accessibility needs throughout the pandemic.
- 9.2 Appendix C outlines the achievements that various services have made during the past two years whilst dealing with a range of new challenges and finding innovative ways to deliver essential services.

10.0 Conclusion

- 10.1 In conclusion, good progress has been made against many of the objectives identified in the current Corporate Plan. A key element of any plan review is to ensure it remains relevant, current, and continues to identify the key priorities.
- 10.2 In addition to considering the information contained within this report, members are asked to consider whether the proposed actions as projected/anticipated are adequate and appropriate to address concerns and improve performance to the desired level. Or, alternatively, to provide a steer on delivery priorities for the remaining two year period so that officers can bring back an updated corporate

plan for review to give clarity on delivery objectives over the remaining life of this corporate plan.

Appendices

Appendix A - Corporate Plan 2020-24 (hyperlinked)

Appendix B - The Corporate Plan Gap Analysis

Appendix C - Business Transformation and Improvement Activity – Corporate Plan 2020-2024

Appendix A – Corporate Plan 2020-24

[Corporate Plan 2020-2024](#)

Appendix B - Corporate Plan Gap Analysis

Corporate Plan 2020-2024 Aims with limited data available or without progress/mitigation tracking via KPIs (SPAR)

Portfolio	Aim	Deliverable in next 2 years?		Comments/updates/mitigation
		YES	NO	
Climate Change	1 Facilitate networking across volunteer and community groups to spread knowledge, expertise and awareness on climate issues	✓		Actively engaging with groups and individuals on work ranging from the Sustainable Mid Devon website (events, resource map, etc), to tree planting at the Tiverton Community Orchard, to public art ideas. The 2022 State of the District Debate. Groups and networks e.g. Exeter Community Energy, CAG Devon, Blackdown Hills Transition, Sustainable Bradninch, Sustainable Crediton, Sustainable Tiverton, Uffculme Green Team.
	2 Promote sustainable farming practices in partnership with local farmers, District and County Councils; including research into best practice re better soil management and animal husbandry	✓		Research begun - calls and correspondence with local farmers, growers, land owners / managers, advisors. Initial report due soon to Environment PDG, work expected to expand; albeit the MDDC role is likely best promotional of good practices and facilitative of existing networks and services rather than to develop and implement.
	3 Use new development as opportunities to help communities to become increasingly sustainable and self-sustaining at neighbourhood level (district heating, energy use, recycling/re-use systems etc)	✓		Strategic partnership opportunities to be identified. Neighbourhood Plans being developed in many areas; presents some opportunities. A Sustainability Strategy is being developed for the Culm Garden Village. MDDC housing being retrofitted with insulation and low-carbon tech to improve sustainability and affordability of energy consumption. MDDC new housing projects seek to achieve and set high standards, e.g. modular homes with Net Zero annual energy performance; looking into designs such as Passivhaus. Private development is harder to influence, but action through the LPA and other council services/communications can make people aware of opportunities and encourage a shift towards more sustainable living.
	4 Enable communities to deliver their own projects to reduce carbon emissions	✓		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.
Environment	5 Consider promoting the designation of the Exe Valley as an Area of Outstanding Natural Beauty (AONB)		✓	Preliminary research project could be devised to understand the scope and scale of the challenge, albeit early estimates suggested a timeframe of many years and a cost in excess of £250k. No budget or resource has been identified for this work and it is not currently being progressed.
Homes	6 Lobby to see the abolition of the 'Right-to-Buy' or the devolvement of discounting powers to individual local housing authorities	✓		Opportunities are being taken to lobby government for positive change via operational/technical routes (service-led) and through strategic influencing routes such as MPs and the emerging county deal conversation. However, as a flagship government policy it is unlikely that radical change is on the cards; we are probably realistically aiming for greater local influence on parameters and variables rather than the policy concept itself.
Economy	7 Use car park pricing mechanism to effectively balance the needs of vehicular access with those of reducing car use.		✓	Cross-cutting between economy, community, climate change - so this work needs to be coordinated with the other travel / transport / sustainable community aims. Until travel patterns (re)stabilise in the wake of the pandemic, it is unclear how much pricing policy levers are needed to influence a change / reduction in car use.
	8 Work with developers and DCC to deliver strategic cycle routes between settlements and key destinations		✓	This is a transport authority function, but opportunities will be taken to try and influence transport policy and planning priorities where possible in order to encourage active travel and healthier travel options.
	9 Promote the development of the farming economy and local food production	✓		The Economic Development team has been working on a 'Taste Mid Devon' initiative to promote the farming economic and local food production. Opportunity exists to develop this initiative further – once the team returns to full strength in light of other community priorities.
	Working in partnership with farmers to develop		✓	No budget or resource has been identified for this work and it is not currently being progressed.

Portfolio	Aim	Deliverable in next 2 years?		Comments/updates/mitigation
10	and grow markets on the principle of reducing carbon emissions and sustainability			
11	Facilitate the creation of exciting new commercial opportunities within strategic developments at Culm Garden Village and Tiverton Eastern Urban Extension	✓		Work is underway to consider how commercial development could come forwards in conjunction with the development of the new garden village at Culm and how development can also support the existing town centre in Cullompton. Discussions are also underway in relation to Tiverton EUE in terms of both community assets and employment opportunities.
12	Promote zero carbon exemplar sites within commercial settings	✓		The Council continues to support carbon exemplar sites within the commercial settings.
13	Work with local stakeholders to initiate delivery of the new garden village at Culm	✓		Culm Garden Village has a comprehensive governance arrangements which facilitates the involvement of key stakeholders – allowing them to participate in shaping the future community and support delivery.
Planning 14	Work with developers to secure our ambitious plans for J27 'Devon Gateway' development site	✓		Work is underway to engage landowners in relation to development at Junction 27. It will be necessary to reflect on plans for the development in light of the effects of covid-19 – but this work will be undertaken in the coming months.
Community 15	Work with education providers to secure appropriate post-16 provision within the district to minimise the need to commute out for A/T level studies	✓		Work is underway to consider skills provision within the district and what interventions could be supported or promoted to support improvement or retention within the district. Early conversations around localised skills development funding is taking place as part of the devolution conversation i.e. devolving decision making a funding on skills development.
16	Work with the NHS and other health bodies to promote use of our leisure centres	✓		Leisure has been working with local GP surgeries in order to identify Covid safe systems for the provision of elements of NHS referrals during the pandemic. This conversation has also been taking place at a regional level through the Active Devon group, supported by Sport England, to ensure a consistent approach to this important although non-statutory element of the Leisure provision. Our efforts to increase the number of Referrals is on-going.
17	Lobby DCC and others to introduce 20 mph speed limits where children play, and take opportunities to pilot car-free days/routes	✓		Would need agreement from members on specific locations to target for 20mph zones or decisions on days for traffic to be restricted. No work is yet taking place on this.
18	Promote new approaches to Rural Transport in partnership with Town and Parish Councils through the deployment of emerging technologies	✓		There may be some locations where MDDC can do more by facilitating opportunities for transport hubs in larger settlements (Tiverton, Crediton and Cullompton) by considering what interventions could be delivered as we develop and deliver against masterplans for these towns. However, rural transport provision remains the responsibility of the transport authority.
19	Work with County, Town and Parish Councils to identify safer walking journeys to school	✓		We will participate as part of the consultation on safer routes to schools projects and programmes (or their equivalents) as appropriate.
20	Work with Parish and Town councils to promote the development and retention of parks and play areas across the district	✓		Work on this continues and talks with Town and Parish Councils are on-going.
Corporate 21	Produce business plans for the creation of a commercial Economic Development function perhaps in partnership with other agencies		✓	This concept has not been revisited since it was last considered (2018/19?) and with priorities in the economic development team this is unlikely to be taken forward in the near future.

Appendix C

Business Transformation and Improvement Activity – Corporate Plan 2020-2024 Mid Point Assessment

Revenues

- Provision of Citizen Access portal enabling 24/7 access to account information and ability for customers to self-serve such as, apply for discounts, moves in and out of district, apply for Council Tax Reduction, set-up Direct Debits
- Pilot of Revenues Information Service role with a view to improving customer resolution at first point of contact “there and then” service
- Service restructure and cross-training of staff to improve resilience and responsiveness
- Creation of Customer Welfare Officer

Planning

- Management changes to address perceived failures and service review in progress (planning performance now among the best in the south west for delegated decisions)
- Increased enforcement resources to address outstanding issues
- S106 - relocation of resource and responsibility to revenues - improving recovery and oversight

HR

- Improved quality and return rate of Appraisal/Personal Development Review through online portal.
- Successful introduction of Evolve project, commencing with revised staff competency measure that were recorded in online portal.
- Mobile/hybrid contract clause negotiated and agreed with Union in new staff contract to allow it to become a permanent fixture.
- Independent and online external staff survey instigated which gave comparative sector results on leadership, communication, development and wellbeing.
- New HR structure brought in including the introduction of an HR Service Desk that can provide instant advice and information to customers and employees.
- New Union Recognition agreed with the Union to prioritise meaningful consultation on all relevant employment issues.

ICT

- Restructure completed
- Skills and resource analysis - resulting in additional training and resources procured
- Review of ageing network infrastructure and replacement project underway
- Improved and improving system/data backups for resilience
- Support of hybrid working and mobilisation of workforce
- Identification of additional communication tools and work programme devised
- Provision of accessible websites and content, including Climate and infrastructure projects

Customer Services

- Increased scanning at post opening
- Removal of waste calendars with online (and downloadable/printable) alternatives
- Increased outsourcing of correspondence printing

- Customer Satisfaction Survey
- Enabling working from home
- Implementation of appointment based visits
- Facilitating changing/identified business needs with staff secondments and flexing resources e.g. Customer Welfare, Revenues Information Officer and various Grant work during pandemic.

Waste/Street Scene

- Pilot of 3 weekly waste collections gauged through online feedback portal to assess resident views.
- Recycling rates assessed and reported using national Waste data flow tool. This is then available for viewing to the general public.
- Online transport portal used to collect key documents from drivers including car insurance and other information.
- Update current software in relation to vehicle tracking to improve efficiencies in relation to performance and environment targets.
- Review of some enforcement practice arising from different cases undertaken e.g. abandoned vehicles and future practice to be strengthened led by the Environment and Enforcement Manager.
- Review of Transport practice e.g. future use of electric vehicles to be led on by new Transport Manager working with Environment Officer.

Property

- Multi-Storey Car Park refurbishment
- Migration of play areas to parishes
- CCTV Policy and procedures
- Capital asset/S106 spend improvements by regular stakeholder engagement (Capital Strategy Asset Group meetings)
- Revised Capital Strategy Asset Management Plan 2021-2025
- Recruitment of a Climate & Sustainability Specialist with Policy and Action Plan been costed
- Securing circa £3.1 Million from the Business, Energy and Industrial Strategy (BEIS) fund
- Merging front of house duties to the property services caretaker function for improved value for money
- Support Housing Revenue Accounts on the provision of additional homes via construction and the purchase of ex Right To Buy properties
- Providing draft plans and options for moving to mobile, agile/hybrid ways of working
- Corporate Health and Safety work on Corporate risk assessments for different ways of working during the pandemic

Housing

- Review of business against new Social Housing White Paper (SHWP) and regulatory framework
- Creation of a single Mid Devon Housing service and combined tenant support team across tenancy and building functions
- Restructure and amalgamation of teams improving knowledge and resilience, new roles in response to SHWP especially regarding decarbonisation, safety, tenant engagement, policy resource and complaints management

- On-going revision and streamlining of policy framework to align with Regulator of Social Housing core standards and emerging new Tenant Satisfaction Measures
- E-lettings
- Revision and significant update to Housing Strategy – working across Planning, Public Health, Sustainability and Asset Management functions
- Innovative, zero-carbon modular social-housing solutions including new St Andrews scheme and 5-year development programme

Public Health

- New 'Report it' and 'Noise' apps for complainants regarding nuisance and Anti-Social Behaviour activity
- Restructure and relocation of Housing Needs into the team
- Developing joint Private Sector Housing and Homelessness working at strategy and delivery level
- The Minimum Energy Efficiency Standard project - must not renew existing tenancies or grant new tenancies if the building has less than the minimum energy performance certificate (EPC) rating of E unless the landlord registers an exemption. For Districts, this applies to private sector residential rental properties and our regulation of housing standards in that sector.
- Covid response lead role externally including new ways of working with businesses, guidance and support via Better Business for All/HotSW working
- Contain Outbreak Management Fund: funding utilisation to support Covid outbreak mgt and enforcement including project and dedicated officer resource
- Review and restructure of technical business support into dedicated areas with improved service request triage and case management

Leisure

- Business adaptation to the on-going changes with the pandemic
- Top level management restructure to create Operations Manager post
- Wider restructure underway for the whole service

Finance and Procurement

- Supported the payments of Covid-19 Support Grants to businesses
- One of the first Councils in the country to publish draft accounts
- Unqualified Accounts
- Balanced the budget – no reductions in service levels
- Successfully implemented software update
- Joined the Devon Procurement Partnership
- Worked fully remotely for 2 years
- Successfully claimed over £2m from Governments Income Compensation Scheme for 2020/21
- Cross training of Exchequer staff
- Team members passed various professional exams

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COMMUNITY POLICY DEVELOPMENT GROUP

7 JUNE 2022

WORK PROGRAMME & POLICY DEVELOPMENT 2022/23

Reason for Report: To identify and prioritise the PDG's work for 2022/23.

RECOMMENDATION: The PDG's work programme (as currently sent out in Appendix A) be updated.

Financial Implications: No direct implications.

Budget and Policy Framework: No direct implications

Legal Implications: None

Risk Assessment: N/A

Equality Impact Assessment: N/A

Relationship to Corporate Plan: The PDG's work programme should be consistent with the adopted Corporate Plan or recommend changes to reflect budget pressures.

Impact on Climate Change: No direct implications for this report.

1.0 **Background**

1.1 The PDG will appreciate that it has a key role in investigating and advising Cabinet on community focused policy matters which:

(a) are pertinent to the Council's existing 'Community' priorities set out in its Corporate Plan at <https://www.middevon.gov.uk/media/348008/20200312corporateplan20-2024v6.pdf>

(b) are pertinent to the PDG's strategic service responsibilities which is wide ranging covering "*any matters that impact on the health, safety and wellbeing of people*" and which includes the following principal service areas:

- Leisure
- Grants and Town and Parish funding
- Community engagement and consultation
- Equalities and safeguarding
- Community safety e.g. anti-social behaviour,
- Digital transformation
- Local welfare assistance e.g. benefits

and

(c) look ahead and in that regard continue to be ambitious but realistic (even if demanding) particularly taking account of:

- the medium term budget forecasts; and
- the needs of and feedback from, the communities within Mid Devon.

- 1.2 Given the huge extent of its terms of reference (see 1.1(b)) as well the other competing priorities for the district's economy, homes and environment, the Community PDG is invited to identify the areas of policy work it would like to concentrate on during 2022/23, being the last year of the current Council term. The current work programme which contains matters carried forward from 2021/22, is set out in Appendix A. It will be noted that some questions have been raised in the final column within the appendix table. These seek to assist the PDG to identify reports which might not need to come to the PDG but could be considered more informally or for example might warrant some additional work in advance.
- 1.3 Examples of possible projects / reviews which the PDG might wish to include in its work programme over the coming months might include one or two of the following which take into account the PDG's strategic service responsibilities (listed in 1.1(b) above).
 - 1.3.1 *An examination of effective community integration and engagement focusing on the topical experiences of refugee or asylum seekers in moving to the district given international conflicts.* This example of a project would cut across the PDG's equality, safeguarding, community safety and welfare assistance service responsibilities. It could seek to identify exemplary as well as routine and practical ways to engage new communities within the district and / or provide examples where better education or support might be needed. It could involve discussions with the police, county council, third and fourth sector organisations as well as individuals, with a view to promoting community resources (not just financial) and highlight methods of effective collaboration between organisations. It could also be a means to develop future community focused policies and / or change existing priorities.
 - 1.3.2 *A review into the impact of the anticipated budget pressures on specific community projects.* If pursued this type of review should be undertaken in advance of the first budget related report tabled for the November meeting. Such detailed work might usefully involve meeting with key stakeholders to discuss projects which are competing for limited funding particularly from the Council. It could help 'prioritise the priorities' of the Community element of the corporate plan and consider how services might be resourced differently (or reluctantly compromised) to secure the timely delivery of the most important community initiative(s) as assessed by the PDG.
 - 1.3.3 *Given its 'Community Engagement and Consultation' role, consideration of the feedback from the 2021/22 residents' survey.* A resume of key points in the survey has been set out in the remainder of this report. Section 2 considers general issues. Section 3 sets out feedback which is specific to the Community PDG's responsibilities.

2. **Residents' Survey**

- 2.1 There were 1161 completed responses to the survey which was accessed by 1682 residents, the survey being open for 1 month in November 2021. A hard copy of the survey was also available and like the survey as a whole, publicised by various means including via parish councils and primary

schools, local press and social media, and the council's 10,000 news subscribers and leisure centres. The following results were obtained.

- (a) 81% of respondents recorded that they were very or fairly satisfied with their local area. For benchmarking, this compares with 78% from the Local Government Association resident satisfaction telephone survey conducted in October 2021 ("LGA survey").
- (b) 45% considered they were very well or well informed by the council (57% LGA survey comparison) while 52% didn't (i.e. 37% not well informed and 14% not well informed at all); with 'don't know' covering the deficit in the 100% response.
- (c) There were 48 comments about increased communication, engagement and consultation with residents. Ideas and comments included:
 - Provide local written updates from the District Councillor e.g. in neighbourhood magazines;
 - Increase interaction with the local community, e.g. community events or walkabouts;
 - Greater consultation about forthcoming changes/regularly seek views;
 - Allow residents to be more involved in decisions that affect them as individuals;
 - Enable citizen participation in working groups; and
 - Revert to pre-covid opening hours of Phoenix House.
- (d) There were 13 comments requesting the Council ensure focus is wider than just on Tiverton. Residents asked for greater focus on rural areas and for other towns, to be treated in line with Tiverton.

3. Residents' Survey: Service Specific Results

Leisure

- 3.1 With regards to satisfaction of leisure services, 38% are either very satisfied or fairly satisfied and 16% fairly and very dissatisfied. (The remainder are neither).
- 3.2 There were 26 comments regarding leisure in the district. Residents would like to see:
 - An increase in leisure facilities;
 - Consideration of a swimming pool in Cullumpton; and
 - Consideration of the value for money of membership, particularly given Petroc gym appears to be cheaper.

Safety

- 3.3 With regards to feeling safe in the local area at night, 19% felt very safe, 42% felt fairly safe, 15% fairly unsafe and 8% felt very unsafe.

- 3.4 In response to a question about feeling safe in the local area at day, 52% felt very safe, 36% felt fairly safe, 3% felt fairly unsafe and 0.5% felt very unsafe.
- 3.5 40 comments were received on community safety and anti-social behaviour, these focused on:
- Tackling ASB – particularly from the night time economy/pubs;
 - Increase in CCTV;
 - Increase police presence; and
 - Dealing with drug issues.

Youth provision

- 3.6 29 comments were received on provision for young people in the district, many stressing that there are very few things for young people to do in the district and the impact this has on anti-social behaviour. Residents requested provision of areas for the youth including social clubs, a skate park in Crediton, boxing clubs, indoor community and leisure spaces.

Promoting community life

- 3.7 18 comments were received around promoting community life in the district. Residents would like to see:
- An increase in allotments;
 - An increase in cultural activities and events, including events on Council land to bring the community together; and
 - Support to help towns/villages to establish community groups and cafes.

Health and wellbeing

- 3.8 47% of people said it is very important to promote activities that improve the public's health and 37% said it is fairly important. There were 5 comments that requested that provision for mental health in the district be increased. There were 9 comments requesting the Council to deal with the issue of flies in one particular parish, with a request for a public consultation on the issue to fully understand how many residents are affected. There were 6 comments on air pollution in the district, particularly around encouraging methods to deal with air pollution and looking at areas where there is excess traffic.

4 Conclusion

- 4.1 Taking account of the matters covered in this report, the PDG is invited to (i) discuss and reflect on specific comments and themes which have emerged from the analysis of the survey results; and (ii) identify policy development projects it would like to undertake in 2022/23 particularly noting the budget pressures and priorities identified in the Corporate Plan.

Contact for more Information:

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COMMUNITY PDG WORKPLAN 2022-2023

Agenda Item	Theme	Lead Officer	Comments
Meeting Date: 2 August 2022			
6 Month Leisure Update on the Leisure Service	6 monthly service update	Leisure Manager	This report is currently provided for information. Do PDG members want it made available as (publicly available) information sheet instead?
Mid Devon as a Trauma Informed Council: To receive details of how the Council can become Trauma Informed (including and the steps required and costs associated with this) and whether to recommend the approach to the Cabinet on 6 September 2022	Policy development	Corporate Manager for Public Health, Regulation and Housing	Do PDG members want any information on such provided in advance (e.g. members' briefing or information sheet)?
Performance and Risk Outturn Report: To Outturn report for 2021-2022 presented to the Cabinet on 17 May 2022.	Annual Review	Corporate Manager for People, Governance and Waste	Do PDG members want to see this previously published Cabinet report?
Town and Parish Charter: To receive the 3 yearly review of the Town and Parish Charter and if appropriate make recommendations to Cabinet on 6 September 2022	3 year policy review	Forward Planning Team Leader	
Update on Tiverton Police Desk: Members to receive an update on the re-opening of the Tiverton Police Desk	Update	Corporate Manager for Public Health, Regulation and Housing	If the report is for information only, do PDG members want information on this in advance informally and for report to be brought forward only if there is potential decision or possible recommendation to Cabinet?

Agenda Item	Theme	Officer Responsible	Comments
Meeting Date: 27 September 2022 – No items programmed			
Meeting Date: 22 November 2022			
<p>Medium Term Financial Plan - General Fund, HRA and Capital Programme: To consider the updated Medium Term Financial Plan 2023/2024 to 2027/2028 and options available in order for the Council to set a balanced budget.</p> <p>Page 142</p>	Medium Term budget review	Deputy Chief Executive (S151)	This provides an opportunity for the PDG to make recommendations to Cabinet on potential MTFP changes. Does the PDG want to start considering prioritisation of relevant service provision / Community focused projects with key stakeholders in advance of this meeting date (i.e. with purpose of enabling the PDG to submit more detailed and prioritised recommendations to Cabinet as part of budget setting process)?
Meeting Date: 24 January 2023			
<p>Budget Update: To receive a report of the Deputy Chief Executive (S151) reviewing the revised draft budget changes identified and discussing further changes required in order for the Council to move towards a balanced budget for 2023/2024.</p>	Annual Budget proposals 2023/2024	Deputy Chief Executive (S151)	This is the final opportunity to make recommendations to Cabinet on budget proposals.

Agenda Item	Theme	Officer Responsible	Comments
Community Safety Partnership: To agree the Action Plan for 2023-2024 and if appropriate make recommendations to Cabinet on 4 April 2023	Action Plan for 2023-2024	Corporate Manager for Public Health, Regulation and Housing	
Regulation of Investigatory Powers: To receive the Annual Review of the Regulation of Investigatory Powers and if appropriate make recommendations to Cabinet on 4 April 2023	Annual Review	District Solicitor and Monitoring Officer	This is an annual report which national guidance advises is annually reviewed by Members. It only needs to go to Cabinet if the PDG decides policy changes are required.
Single Equalities Policy and Equality Objectives: To receive the annual review of the Single Equalities Policy and Equality Objectives and if appropriate make recommendations to Cabinet on 4 April 2023	Annual Review	Corporate Manager for People, Governance and Waste	

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