

Public Document Pack

Mid Devon District Council

Cabinet

**Tuesday, 4 July 2023 at 5.15 pm
Phoenix Chamber, Phoenix House, Tiverton**

**Next ordinary meeting
Tuesday, 1 August 2023 at 5.15 pm**

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

To join the meeting online, [click here](#)

Membership

Cllr N Bradshaw
Cllr J Buczkowski
Cllr S J Clist
Cllr S Keable
Cllr J Lock
Cllr L D Taylor
Cllr J Wright
Cllr D Wulff

AGENDA

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

1. **Apologies**
To receive any apologies for absence.
2. **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
3. **Declarations of Interest under the Code of Conduct**
To record any interests on agenda matters.
4. **Minutes of the Previous Meeting** (Pages 5 - 10)
To consider whether to approve the minutes as a correct record of the meeting held on 6 June 2023.
5. **Corporate Risk Report** (Pages 11 - 28)
Report of the Corporate Manager for People, Performance & Waste
6. **Performance Outturn Report for 2022/23** (Pages 29 - 56)
Report of the Corporate Manager for People, Governance & Waste
7. **Award of Cleaning Contract for HRA Properties 2023-2026** (Pages 57 - 64)
Report of the Corporate Manager for Public Health, Regulation and Housing
8. **ASB Policy & Procedures** (Pages 65 - 106)
Report of the Corporate Manager for Public Health, Regulation and Housing

The Homes Policy Development Group recommended to the Cabinet that the updated Anti-Social Behaviour Policy, Statement, Procedures and Equality Impact Assessment contained in Annexes A,B,C & D respectively be adopted.
9. **Local Development Scheme** (Pages 107 - 128)
Report of the Director of Place
10. **Options for Procurement of Energy** (Pages 129 - 162)
To receive a report from the Corporate Manager for Finance, Property and Climate Change providing an overview of options available to the Council for the supply of Gas and Electricity.
11. **Notification of Key Decisions** (Pages 163 - 174)
To note the contents of the Forward Plan.

Stephen Walford
Chief Executive
Monday, 26 June 2023

Meeting Information

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

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

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Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 6 June 2023 at 5.15 pm

Present

Councillors

L Taylor (Leader)
J Buczkowski, S J Clist, S Keable, J Lock,
J Wright and D Wulff

Also Present

Councillors

D Broom and G Duchesne

Also Present

Officers:

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Matthew Page (Corporate Manager for People, Governance and Waste), Paul Deal (Corporate Manager for Finance), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Jason Ball (Climate and Sustainability Specialist), Andrew Seaman (Member Services Manager) and Sarah Lees (Member Services Officer)

1. APOLOGIES

There were none.

Cllrs N Bradshaw, Cllr Mrs F J Colthorpe, Cllr L Cruwys and F Letch attended the meeting virtually.

2. PUBLIC QUESTION TIME

Nick Quinn asked questions in relation to item six the financial outturn report, his questions were read out by the Leader. Mr Quinn asked for the date of the meeting of the Council, at which the loan impairment stated in the report (more than £4.5m) was considered and this conclusion reached?

It was also asked, which loans to Three Rivers Development Ltd were being impaired and how was the specific amount of this impairment arrived at.

Furthermore, in relation to the £3m leisure VAT refund, it was asked if there was a requirement to have specific approval to use this refund to mitigate the financial impact of the impairment.

The final question was in relation to existing impairments that had been written down over a five year period. It was asked if this impairment was just a way of "writing-off"

another £4.5Million of Public Money loans to Three Rivers Developments Ltd - while some cash was available.

Barry Warren asked questions in relation to items five 2022/23 Annual Treasury Management Outturn Report and six 2022/23 Financial Outturn Report of the agenda, regarding the Council's relationship with Three Rivers Development Ltd. It was asked if the company was currently making interest payments to the Council. In addition a question was asked if the company had not sold a property since The Orchards in Halberton, is it a fact that the company were paying interest on loans from the Council.

Final questions were asked in relation to the commission of an external options appraisal into Three Rivers Development Ltd, with £30k included in the revised 2023/24 budget and for a reviewer to be appointed by 4 May 2023. It was asked if this review had been commissioned by the due date and when would it report; if it had not been commissioned by the due date had it been commissioned since that date and when will it report and finally, were the suggestions in paragraph 3.6.12 of item 6 from Officers or an independent source.

Paul Elstone raised concern over item, 6 Financial Outturn Report over the loan impairments related to Three Rivers Development Ltd and asked if Cabinet would commission a wide-ranging external investigation into what had gone wrong.

In relation to the £3m VAT refund from HMRC that the Council was due to receive, it was asked if Cabinet would reject the report and ask that Leisure Services identified those customers who were wrongly charged VAT and return the overcharged amounts to them.

A final question was asked if Cabinet would implement an external investigation into an increased project impairment not being reported to the Audit Committee amongst others at that time (March 2022).

The Leader explained that written answers to the questions asked would be provided and reassured the questioners that the Cabinet would look into all aspects of Three Rivers Development Ltd.

3. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

None were made, Councillors were reminded to make declarations of interest where appropriate.

4. MINUTES OF THE PREVIOUS MEETING

Due to the new administration, the minutes of the previous meeting were noted. With the addition that former Cllr Wilce attendance be added to the minutes of the previous meeting.

5. 2022/23 ANNUAL TREASURY MANAGEMENT OUTTURN REPORT

Cabinet received a report* which provided Members with a review of activities and the prudential treasury indicators on actuals for 2022/23.

The following was discussed:

- The return rate of return at 1.84% seemed low, it was asked if this was expected at the beginning of the year. The Corporate Manager for Finance explained that next year's return was expected to be better but reassured that this average return was good for this particular financial year.
- Asked whether the Council could mitigate rates set by the Bank of England the Corporate Manager for Finance explained that the Council could not.
- Asked why treasury investments had reduced by £11m, it was explained by the Corporate Manager for Finance that the Council had been holding Government money which made up the majority of that difference.
- It was noted that there seemed to be a discrepancy with the NHS figures. The Corporate Manager for Finance explained that the figures were all correct and the differences were due to loan payments being made.
- In relation to the interest received from Three Rivers Development Ltd it was asked how much was paid from their own earnings. The Corporate Manager for Finance explained that the repayments were based on loans to the company and were classified as working capital.
- It was asked if officers could expand on the credit loss model being problematic. The Corporate Manager for Finance explained that any loan had risk attached to it and with factors such as the pandemic and the cost of living crisis negatively impacting the housing market, the likelihood of repayment was now less likely.
- Concern was raised over the financial management and the impairment of over £4.5m and was noted that this was a quarter of the loans to the company. The Corporate Manager for Finance explained that the Council had agreed to fund existing loans.
- Loans to other authorities was raised with concern that they might be outstanding. The Deputy Chief Executive (S151) explained that these loans were repaid and that there were no concerns of these loans not being repaid.
- It was asked if all members would be involved in decisions relating to Three Rivers Development Ltd, to which the Leader said decisions on this would go to Council and invited Councillors to attend Cabinet meetings to have an input.

RESOLVED:

1. That Cabinet note the treasury activities for the year.
2. That Cabinet approve the actual 2022/23 prudential and treasury indicators in this report.

(Proposed by the Leader)

Reason for Decision: So that the treasury indicators could be approved and the Cabinet were kept updated on the treasury activities for 2022/23.

Note: *report previously circulated and attached to the minutes

6. 2022/23 FINANCIAL OUTTURN

Cabinet received a report* which presented the Revenue and Capital Outturn figures for the financial year 2022/23 for both the General Fund (GF) and Housing Revenue Account (HRA).

The following was discussed:

- Agency costs were raised and it was clarified by the Deputy Chief Executive (S151) that the costs in the report detailed the gross spend.
- Had all grants been paid in their entirety? The Deputy Chief Executive (S151) explained that 90-95% had been paid and that a final settlement was due to be paid.
- Explanation was sought on the slippage within the capital programme. In addition it was asked if there had been no external borrowing. The Deputy Chief Executive (S151) explained that a capital programme was a best estimate and that these estimates were still on track and was likely to roll into the next financial year. In addition it was confirmed that there had been no external borrowing as internal borrowing and cash flow management had been utilised.
- Concern was raised in regards to the improvements in recycling uplift effectiveness of the 'Bin It 1, 2, 3' refuse strategy and whether this strategy had provided good value for money. It was explained that a report due to the Environment PDG would provide more up-to-date data.
- With regards to the Leisure VAT refund a councillor suggested that the Council considered prices be reduced by 20% for the customer due to the overcharging, particularly during a cost of living crisis. The Leader highlighted that this refund, if kept, would not offset the loss made by the loss making leisure centres.
- It was suggested that if Leisure centre prices were to increase, an open and transparent review would be needed.
- Household support fund grant was raised and confirmation was sought over whether air-fryers had been distributed as a scheme and if so why had Councillors not been informed. The Deputy Chief Executive (S151) offered for an officer to clarify this.
- Asked if there was a plan to restore the reserve to £2m, the Deputy Chief Executive (S151) explained that there was a need to find savings, otherwise the Council would be below the recommended threshold of £2m.
- It was felt that the rough sleepers grant was successful, which had prevented 75 people sleeping rough and was noted to be commended.
- The management of staff vacancies was raised and how this was reported to Councillors, to which it was explained that a quarterly report was provided to Councillors, with services managers providing necessary updates.
- On the amount of £2m reserves, it was asked how often the reserve was needed. The Deputy Chief Executive (S151) explained that the last three years had seen the council use roughly £200k each year but could easily be needed unexpectedly.

RESOLVED:

That Cabinet consider the finance position reported and:

1. Note the General Fund Outturn achieved in 2022/23 which shows an overall over spend of £190k (1.38% on the Net Cost of Services Budget) and the Housing Revenue Account which shows an under spend of £312k (2.90% on the Total Direct Expenditure Budget).
2. Approve the transfer of the £190k General Fund over spend to the General Fund Reserve which will decrease the balance to £2,025k; above the minimum recommended level of £2,000k. Similarly, approve the transfer of the £312k Housing Revenue Account surplus to the ring-fenced HRA Earmarked Reserves.
3. Approve the Net Transfers from Earmarked Reserves of £2,496k detailed in the General Fund Service Budget Variance Reports shown in Appendix 1a and 1b and summarised in Appendix 3. Similarly, approve the Net Transfers to HRA Earmarked Reserves of £312k as detailed in the HRA Budget Variance Report shown in Appendix 2 and summarised in Appendix 3.
4. Approve the slippage of £7,229k from the 2022/23 Capital Programme and the £29,940k for the schemes to be delivered in 2023/24 or later years. Also approve the virement as explained in para 7.8 for the amalgamation of budgets for the modular developments.
5. Note the procurement waivers used in Quarter 4 of 2022/23, as outlined in Section 10.

(Proposed by the Leader)

Reason for Decision: The financial resources of the Council impact directly on its ability to deliver the Corporate Plan prioritising the use of available resources carried forward into 2023/24. The Outturn Report indicates how the Council's resources have been used to support the delivery of budgetary decisions.

Note: *report previously circulated and attached to the minutes

7. LOAN TO CREDITON PHARMACY

Cabinet received a report* which considered a long term loan arrangement to help facilitate the construction of a Pharmacy at the NHS Hub building in Crediton.

The following was discussed:

- The pharmacy supported a local community, but concern was raised of the commercial elements.
- Officer reassured Cabinet that there was no conflict of interest with this arrangement.
- Asked why this loan was repayable over 13 years, it was explained that this was the requested timeframe and was not an issue for the Council.

- It was raised that there were already three pharmacies within this area and would not want to see an independent pharmacy disappear, however it was noted that the public wanted an extra pharmacy. It was explained that this was a relocation of an existing pharmacy.

RESOLVED:

1. To delegate approval to the Deputy Chief Executive (S151) of a loan to the GP Practice of £240k repayable over 13 years on an annuity basis at a commercial fixed interest rate, subject to the completion of legal due diligence and documentation.

(Proposed by the Leader)

Reason for Decision: Achieving a greater return on investments would enable additional service provision.

Note: *report previously circulated and attached to the minutes

8. NOTIFICATION OF KEY DECISIONS

The Cabinet had before it, and **NOTED**, the notification of *Key Decisions.

(The meeting ended at 6.31 pm)

CHAIRMAN

**Report for:****Cabinet**

Seen by Audit Committee,
27 June 2023

Date of Meeting:	4 July 2023
Subject:	Corporate Risk Report
Cabinet Member:	Cllr Luke Taylor, Council Leader
Responsible Officer:	Dr Stephen Carr, Corporate Performance and Improvement Manager. Matthew Page, Corporate Manager for People, Performance & Waste.
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1: Corporate Risk Matrix Appendix 2: Corporate Risk Register

Section 1 – Summary and Recommendation(s)

To provide Members with a quarterly update on the Corporate Risk Register.

Recommendation(s):

That Members review the Corporate Risk Register and feedback any areas of concern.

Section 2 – Report

1.0 Introduction

- 1.1 The Corporate Risk Register contains the strategic risks which are most likely to impact the corporate priorities of Mid Devon District Council. It is reviewed at least quarterly by Corporate Managers and the Leadership Team and updated as required. It is then presented to the Audit committee and to Cabinet. Risks are managed on the council's corporate performance and risk management system, SPAR.
- 1.2 The corporate risks are presented on a risk matrix (heat map), Appendix 1. Information on each risk is presented in a standard template, Appendix 2. These risks have been determined by the council's Leadership Team in consultation with Corporate Managers and other council officers.

2.0 Summary of Corporate Risk

- 2.1 There are currently 12 Risks on the Corporate Risk Register (CRR). Please note Corporate Risk 6 has been removed from the CRR as detailed at paragraph 2.3.

Risk Name		Risk Owner	Risk Rating
CR1	Culm Garden Village	Adrian Welsh	16
CR2	Cyber Security	Brian Trebilcock	20
CR3	Failure to meet Climate Change Commitments by 2030	Paul Deal	15
CR4	Homes for Ukraine Scheme	Simon Newcombe	9
CR5	Information Security	Giovanni Wallace	12
CR7	Financial Sustainability	Paul Deal	16
CR8	Quality of Planning Committee Decisions	Angharad Williams	16
CR9	SPV – 3 Rivers – Failure of the Company	Paul Deal	25
CR10	Cullompton Town Centre Relief Road	Adrian Welsh	25
CR11	Cost of Living Crisis	Dean Emery	16
CR12	Housing Crisis	Simon Newcombe	12
CR13	Operation of a Waste Management Service	Matthew Page	8

- 2.2 For each risk the following information is given in Appendix 2:

- Risk name
- Risk description
- Current risk severity and likelihood
- Current risk rating
- Risk Owner
- Risk Type
- Mitigating actions (including name, description, responsible officer, current effectiveness and when it was reviewed)
- Notes.

2.3 Since this report was last presented to committee in March 2023, the following significant changes have been made to the corporate risks being managed:

- Corporate Risk 6: National shortage of chlorine and other chemicals has been removed from the CRR.
- Corporate Risk 11: Cost of Living Crisis has been added to the CRR.
- Corporate Risk 12: Housing Crisis has been added to the CRR.
- Corporate Risk 13: Operation of a Waste Management Service has been added to the CRR.
- The risk rating of Corporate Risk 7: Financial Sustainability has been reduced from 25 to 16.
- The definition of Corporate Risk 3: Failure to meet climate change commitments by 2030 has been amended to include reference to climate change adaptation.

Financial Implications

There are no direct financial implications arising from this report. However, risks which are not mitigated may have financial implications for the council. Equally, the treatment of risk may require resources to be (re)allocated. Having a robust approach to risk management will continue to help the council minimise future financial risks and implications.

Legal Implications

Risk management is an integral part of the Council's Corporate Governance arrangements and there is a statutory responsibility under the Account and Audit Regulations (2015) to put in place risk management arrangements.

Risk Assessment

Failure to take advantage of opportunities and mitigate risks could impact on the Council's ability to deliver its strategic objectives. Assessment of the effectiveness of the framework for identifying and managing risks and for demonstrating clear accountability is a key element of the Council's governance arrangements.

Impact on Climate Change

Corporate Risk 3 relates directly to the council meeting its climate change targets.

Equalities Impact Assessment

Having a council which is resilient to risk means that it is better positioned to support its communities. No issues identified for this report.

Relationship to Corporate Plan

Effective risk management is crucial to enable the council to mitigate risks to achieving Corporate Plan priorities.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer:

Agreed by or on behalf of the Section 151

Date:

Statutory Officer:

Agreed on behalf of the Monitoring Officer

Date:

Chief Officer:

Agreed by or on behalf of the Chief Executive/Corporate Director

Date:

Performance and risk:

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 12/06/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Dr Steve Carr, Corporate Performance and Improvement Manager

Email: scarr@middevon.gov.uk

Telephone: 3CX: 4217

Background papers:

Appendix 1: Corporate Risk Matrix

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	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5
		Risk Likelihood				

Appendix 1: Corporate Risk Register

CR1	Culm Garden Village	Current Severity	Current Likelihood	Current Risk Rating
		4	4	16
Risk Description: Possible discontinuance of Government funding support.				
Risk Owner: Adrian Welsh		Risk Type: Economic/ Financial		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR1.1	Funding opportunities : Lobby for the creation of further funding opportunities and for further rounds of the garden communities capacity funding	Adrian Welsh	Action Required	25/05/2023
CR1.2	Further bids for capacity funding: To continue to secure external funding to support the project	Tristan Peat	Action Required	25/05/2023
Notes:				

CR2	Cyber Security	Current Severity	Current Likelihood	Current Risk Rating
		5	4	20
Risk Description: Inadequate Cyber Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. If the Council fails to have an effective ICT security strategy in place. Risk of monetary penalties and fines, and legal action by affected parties.				
Risk Owner: Brian Trebilcock		Risk Type: Data Protection/Information Security		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR2.1	Audit of Cyber Security: Devon Audit Partnership will be carrying out a cyber security audit during August and September.	Lisa Lewis	Fully Effective	10/05/2023
CR2.2	Awareness training and desktop cyber event testing: National Cyber Security Centre (NCSC) staff/ Member training now mandatory. Cyber SharePoint site created. A cyber desktop exercise planned summer to test Disaster Recovery/Cyber planning/response with Local Government Association/Emergency Planning College will include participation at Director/Member level - schedule tbc.	Lisa Lewis	Satisfactory	10/05/2023

CR2	Cyber Security		Current Severity	Current Likelihood	Current Risk Rating
			5	4	20
	An ICT/InfoGovernance board to commence after the May local elections which will meet quarterly to monitor cyber/data related activities and manage/monitor risk at senior levels.				
Notes: CR2.1: Completed LGA Technical Incident exercise is scheduled for early June 2023. LGA/EPC Organisational Incident response exercise is scheduled for 30 June 2023. Review of mandatory Cyber Awareness training ongoing. The introduction of email 'Phishing' simulations will commence as soon as the ICT security board has been convened and approval has been sought. ICT Security Board will be convened as soon as the new elected members are settled - possibly July					

CR3	Failure to meet Climate Change Commitments by 2030	Current Severity	Current Likelihood	Current Risk Rating
		3	5	15
Risk Description: Due to a variety of factors, there is a risk that the Council will not meet its goal of becoming carbon neutral by 2030. There is also a risk that the Council will not achieve district-wide progress to meet obligations under the Climate Act 2008 for climate adaptation (resilience) and mitigation (emission reductions).				
Risk Owner: Paul Deal		Risk Type: Environmental		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR3.1	Council Policy and Strategy: Policy and strategy relevant to the climate emergency includes: <ul style="list-style-type: none">• Corporate Plan 2020-2024 sets a number of relevant aims;• Climate Strategy and Handbook 2020-2024;• Housing Strategy 2021-2025;• Procurement Strategy (March 2023);• Cabinet adopted a new Climate Emergency planning policy statement (March 2023);	Jason Ball	Action Required	11/05/2023

	• Local Plan 2013-2033 review; Plan Mid Devon sets the Climate Emergency as the top overarching priority for the next Local Plan.			
CR3.2	Oversight and decision-making: To embed a consistent approach to committee reports, project reports and decision-making, considering the potential climate impacts and opportunities and adaptation needs linked to the climate crisis.	Jason Ball	Action Required	11/05/2023
<p>Notes: Climate and Sustainability (C&S) strategy and action plans in place, adopted by Council. Actions in the Climate Action Plan (CAP) 2020-2030 involves all Corporate and Operations Managers and includes estimates of costs and savings in tCO₂e and financial terms. The CAP enables the Council to identify, evaluate and prioritise measures for implementation and monitoring.</p> <p>Risk description amended in May 2023 from “Due to a variety of factors, there is a risk that the Council will not meet its goal of becoming carbon neutral by 2030” to include “There is also a risk that the Council will not achieve district-wide progress to meet obligations under the Climate Act 2008 for climate adaptation (resilience) and mitigation (emission reductions).”</p>				

CR4	Homes for Ukraine Scheme	Current Severity	Current Likelihood	Current Risk Rating
		3	3	9
Risk Description: There is a risk of the ‘Homes for Ukraine scheme’ failing should the host relationship breakdown and re-matching is not an option. Where refugees cannot afford to pay for private accommodation the Council has a Homelessness Duty.				
Risk Owner: Simon Newcombe		Risk Type: Social		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR4.1	Collaboration: Continue to engage with DLUHC, LGA and DCN on scheme roll out, pressures and risks/updated national guidance etc. Reviewing a Devon-wide exit strategy around pending housing/accommodation pressures once hostings end – joint solutions (work in progress).	Simon Newcombe	Satisfactory	26/05/2023
CR4.2	Finance: Funding for Q1 of the scheme received from DCC under agreed financial arrangement based on numbers and payments out. Further Q2-Q4 returns and payments in due course.	Simon Newcombe	Fully Effective	26/05/2023

	60% of £10.5k per refugee (DCC 25%, 15% contingency for all) which includes £200 subsistence payment per head. 100% payment of £640k banked. Committed spend to date inc. some Q2 expenditure and existing staff time is around one-third of funding received so far @ £235k			
CR4.3	Re-matching demand: Re-matching demand is relatively low (host/guest arrangements ending early) and single figures but starting to see increase due to rurality of some hosts and requirement to be closer to employment, services and schools.	Simon Newcombe	Satisfactory	26/05/2023
CR4.4	Team Devon: Petroc offer a myriad of informal network events that will help support transition to sustainable residency (employment, language, skills, accommodation, schools, etc.) and help during summer holiday period – likely to be testing for some host/guest relationships. Negotiated strong Petroc offer for summer holidays and longer-term programme inc. Tiverton campus. Summer programme (get to know – family cookery, arts and crafts, physical activity, trips to local attractions).	Simon Newcombe	Satisfactory	26/05/2023
CR4.5	Team Devon resettlement strategy: Devon strategy agreed with L&Cs to prevent homelessness presentations & TA costs [Existing host support (host monthly payments top-ups)/Re-matching/utilisation of EOIs/Transition to private rental sector (guest and landlord grants, rent assurance)]. Costs within Q1&2 budget-contingency & Q3/4 funds headroom. 12-mths CHAT contract + MDDC PSH/homeless teams. Support beyond formal HfU scheme end (March 23) to Oct. 23. HfU funds c/f into 2023/24. 215 guests/ 92 hosts – new arrivals now 1-2 families per month.	Simon Newcombe	Fully Effective	26/05/2023
Notes: Local Authority Housing Fund decision in place with Cabinet to provide additional, dedicated temporary accommodation. Devon County Council/Team Devon agreement on contingency match-fund support also in place. Contingency adequately in place (EMR) to deliver existing arrangement with full recharge for internal costs and external contracts for 2023/24. PRS transition arrangements and external contracts working well (MDDC/CHAT and CAB). Payment from Government now £5.9k per person but adequate to support delivery on top of EMR. Host payment monies continue to be covered directly by Government irrespective of per person payment. Actions CR4.2 and CR4.5 are complete.				

CR5	Information Security	Current Severity	Current Likelihood	Current Risk Rating
		4	3	12
Risk Description: Inadequate data protection could lead to breaches of confidential information and ultimately enforcement action by the ICO.				
Risk Owner: Giovanni Wallace		Risk Type: Data Protection/Information Security		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
Notes: Potential for improvement with training, data cleansing and correct data retention schedule. Ropa and asset register being updated which will assist.				

CR7	Financial Sustainability	Current Severity	Current Likelihood	Current Risk Rating
		4	4	16
Risk Description: The council faces a range of financial challenges. We are subject to ongoing budget reductions whilst the cost of providing services continues to increase due to a range of inflationary pressures. We are also subject to single year budget settlements which impacts on the ability for medium term financial planning. We need to be able to plan and meet these challenges so that we can continue to deliver effective services and achieve the priorities we wish to.				
Risk Owner: Paul Deal		Risk Type: Economic/Financial		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR7.1	Business Plans: Service Business Plans are reviewed each financial year with suggestions for revised performance targets based on budget to be agreed by Cabinet Member and PDG.	Paul Deal	Satisfactory	24/05/2023
CR7.2	Identify Efficiencies: Taking proactive steps to increase income and reduce expenditure through efficiencies, vacancies that arise and delivering services in a different way.	Paul Deal	Satisfactory	24/05/2023
CR7.3	Reserves: Cabinet have taken the decision to recommend a minimum general reserve balance of £2m.	Paul Deal	Action Required	24/05/2023

CR7.4	Set Budget: Each year as part of the budget setting process, members are consulted via PDGs in time to evaluate savings proposals.	Paul Deal	Satisfactory	24/05/2023
CR7.5	Medium term planning: Work to close the budget gap is on-going. A range of options are being considered but Covid, business rates and uncertainty over fair funding review make the situation extremely challenging. To close the budget gap and maintain services: We continue to work with managers to reduce costs and explore new income streams.	Paul Deal	Action Required	24/05/2023

Notes: Following recommendations to remove income from the original budget agreed on 7 February requiring the utilisation of reserves, there is a need to identify over £1m of ongoing savings in 2023/24 to balance the in-year budget and avoid increasing the MTFP gap still to be identified. Work is underway to identified savings towards the vacancy target. Cabinet have been tasked with identifying options to replenish reserves.

Following a review by Leadership Team, the overall risk rating has been decreased from 25 to 16.

CR8	Quality of Planning Committee Decisions	Current Severity	Current Likelihood	Current Risk Rating
		4	4	16
Risk Description: Planning decisions are monitored at Government level nationally – the risk is to stay significantly below 10%. Over 10% could put a Local Planning Authority into special measures. Links to Performance Indicator measures 11a, 11b, 12a and 12b.				
Risk Owner: Angharad Williams		Risk Type: Reputation		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR8.1	Planning Advisory Service Committee Review being undertaken: To minimise risk associated with decision making and Government targets	Angharad Williams	TBC	08/03/2023
CR8.2	Planning Advisory Service Training being undertaken: To minimise risk associated with Government targets and decision making	Angharad Williams	TBC	08/03/2023
CR8.3	Regular informal planning committee meetings: Keeping planning committee informed of all appeals and upcoming planning policy, and any actions the Council is making.	Angharad Williams	Satisfactory	08/03/2023
Notes:				

CR9	SPV – 3 Rivers – Failure of the Company	Current Severity	Current Likelihood	Current Risk Rating
		5	5	25
Risk Description: This will depend on economic factors and the Company’s success in the marketplace commercially. For MDDC the impacts will be: <ul style="list-style-type: none">• 3 Rivers are unable to service and repay the loan from MDDC• Not receiving the forecast additional income• Not supporting corporate objectives.				
Risk Owner: Paul Deal		Risk Type: Economic/Financial		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR9.1	Cabinet: Regular meetings with Shareholder Representatives and updates to Cabinet on progress with the recommendations action plan and projects.	Andrew Jarrett	Satisfactory	26/05/2023
CR9.2	Regular monitoring: The Board of 3 Rivers deliver a half yearly report to the Cabinet which provides an update on their delivery against their business plan. We charge interest to them at a commercial rate in order to maintain an “arms-length” relationship and the interest provides some mitigation to the outstanding principal.	Andrew Jarrett	Satisfactory	26/05/2023
Notes: Failure to approve a business plan has resulted in the company only being able to continue on existing developments. The Full Council external review has been commissioned.				

CR10	Cullompton Town Centre Relief Road	Current Severity	Current Likelihood	Current Risk Rating
		5	5	25
Risk Description: Inability to deliver the Cullompton Town Centre Relief Road				
Risk Owner: Adrian Welsh		Risk Type: Economic/Financial		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR10.1	Alternative Funding: Alternative funding opportunities continually being explored.	Adrian Welsh	Action Required	25/05/2023
Notes:				

CR11	Cost of Living Crisis	Current Severity	Current Likelihood	Current Risk Rating
		4	4	16
Risk Description: The high rates of inflation experienced in 2022 and 2023 have the potential to impact on council employees, residents, communities and businesses in Mid Devon. In turn this may affect the council in terms of increased costs, reduced council income, and put additional pressure on council services.				
Risk Owner: Dean Emery		Risk Type: Financial, Social		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR11.1	Benefit administration: The council delivers a range of benefits which support the financial position of our residents. This includes the Housing Support Fund, Discretionary Housing Fund, and the Exceptional Hardship Fund.	Fiona Keyes	Fully Effective	07/06/2023
CR11.2	Council Tax Reduction Scheme: The council has introduced a new scheme (from 1 April 2023) which provides a more generous level of support.	Fiona Keyes	Fully Effective	07/06/2023
CR11.3	Shared Prosperity Fund (SPF): The SPF and Rural England Prosperity Fund Investment Plans have a number of projects designed to support businesses and community organisations over Jan 2023 – March 2025. This includes grant schemes to support innovation and decarbonisation projects including those that reduce energy costs and increase productivity.	Zoë Lentell	Fully Effective	13/06/2023
Notes: This risk was added to the Corporate Risk Register in May 2023. Housing Support Fund: Payments are made with funding issued to Devon County Council (DCC) from the Department for Work and Pensions (DWP). Support is made available by issuing vouchers for food and energy costs. Funding is spent within timescales outlined by the DWP. Discretionary Housing Fund: Funding received from DWP and there are legal rules as to how this is distributed, rather than allowing for local policy. Exceptional Hardship Fund: Money from DCC Mitigating actions related to the Shared Prosperity Fund are to follow.				

CR12	Housing Crisis	Current Severity	Current Likelihood	Current Risk Rating
		4	3	12
Risk Description: Failure to supply sufficient housing to meet Mid Devon’s needs leading to increased homelessness and increased temporary accommodation (TA). There may be insufficient TA to meet demand and financial pressure is placed on the Council through increasing volume of and dispersed provision of TA. Co-linked failure to prevent homelessness occurring through increasing demand on resources, poor existing housing and failure to meet prevention duty/deliver mitigating actions including support to vulnerable residents. It is a statutory duty on the Council to prevent and provide relief/assistance to people threatened with or actually presenting as homeless. There is a local, regional and national shortage of affordable housing including social housing at the most affordable social rent level with a significant, growing waiting list of those registered on Devon Home Choice. Together with the current, ongoing cost of living crisis and other pressures this is leading to a growing housing crisis.				
Risk Owner: Simon Newcombe		Risk Type: Financial, Social		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR12.1	MDDC Housing Strategy 2021-2025: Coherent, corporate approach to providing affordable homes and maintaining housing quality	Simon Newcombe	Action Required	06/06/2023
CR12.2	MDDC Homeless Prevention & Rough Sleeping Strategy 2020-2025: Focus on rough sleeping, prevention, accommodation options and client support	Simon Newcombe	Satisfactory	06/06/2023
CR12.3	Strategic lobbying on social housing funding, flexibilities and homelessness pressures: Continued membership of DLUHC LA Strategic Housing Advisory Group	Simon Newcombe	Satisfactory	06/06/2023
CR12.4	Devon Housing Forum: Regional engagement and collaboration on affordable housing delivery and supported housing – continued engagement	Simon Newcombe	Satisfactory	06/06/2023
CR12.5	Local Plan housing delivery: Market provision of affordable homes	Tristan Peat	Action Required	06/06/2023
CR12.6	Mid Devon HRA Development Programme: 500 new homes 2022/23 – 2026/27	Simon Newcombe	Satisfactory	06/06/2023

CR12.7	Temporary Accommodation: Opportunities to purchase HMO or similar shared market accommodation to meet TA needs/successful business cases made into capital programme. Two HMOs recently purchased, available 2023/24	Simon Newcombe	Satisfactory	06/06/2023
CR12.8	Empty Homes: Bringing empty homes back in to use/local leasing scheme for TA (link to CR12.7) or to alleviate wider	Simon Newcombe	Action Required	06/06/2023
CR12.9	Long-term development voids: Effective use of long-term development voids in Mid Devon Housing stock as TA where safe	Simon Newcombe	Fully effective	06/06/2023
CR12.10	Ivor Macey House: Ongoing provision of Ivor Macey House supported TA accommodation (MDH HRA lease to G/F)	Simon Newcombe	Fully effective	06/06/2023
CR12.11	Housing Options team staff case load resourcing: Rolling review and successful vacancy approvals	Simon Newcombe	Satisfactory	06/06/2023
CR12.12	Homelessness Prevention Grant: Full utilisation of Homelessness Prevention Grant	Simon Newcombe	Satisfactory	06/06/2023
CR12.13	Funding applications: Successful bids into DLUHC Rough Sleeper Initiative (RSI). £300k+ RSI secured over 3-year programme from 2022/23	Simon Newcombe	Satisfactory	06/06/2023
CR12.14	Successful drawdown of Local Authority Housing Funding (2023/24): Homes for Ukraine/Afghan Schemes, two properties purchased under Phase 1, Phase 2 under review	Simon Newcombe	Satisfactory	06/06/2023
CR12.15	Private Sector Homes for Ukraine: Team Devon Homes for Ukraine scheme Private Sector Housing transition support	Simon Newcombe	Satisfactory	06/06/2023
CR12.16	Residents Financial Support: Cost of living pressure, grants and signposted support, help with/access to benefits (https://www.middevon.gov.uk/residents/residents-financial-support/)	Dean Emery	Satisfactory	06/06/2023
CR12.17	Housing Assistance Policy (Better Care Funding): living well at home/homeless prevention and Home Start grants/loans	Simon Newcombe	Satisfactory	06/06/2023
Notes: There has been an increase in those seeking assistance from the Council due to homelessness of 52% since 2020/21 (550 presentations vs 837 in 2022/23). The level of case complexity is also increasing, impacting on caseload capacity and ability to seek accommodation and support clients appropriately to develop effective Personal Housing Plans.				

Increased regulation and pressures on private sector landlords are resulting in a fall in available private rented accommodation through sale of homes and/or increased switch to short-term holiday let accommodation or other uses. Resultant supply/demand pressures are driving rents upwards beyond inflationary levels in the remaining stock. This impacts financially vulnerable residents further and reduces options for effective homelessness interventions.

Providing the relevant type and volume of TA to meet our statutory responsibilities continues to become more challenging. Beyond increasing demand there is a reduction in available 'spot purchased' accommodation due to changing accommodation market with fewer hotel/B&B bed spaces available for TA with several major national or regional providers withdrawing availability in recent years. More family group presentations, increased complexity of cases and more vulnerable needs means less accommodation is suitable and/or fewer providers are willing to provide accommodation due to actual or perceived level of risk.

Growing refugee support schemes (e.g. Afghan and Homes for Ukraine) increases risk of homelessness presentations further, notably as schemes end and national support is reduced with a legal duty for housing continuing to be held locally.

Other statutory housing standards work (notably damp & mould/Awaab's law and fire safety) will continue to divert potential resource away from some mitigating actions to proactively reduce this risk.

This risk also has interdependencies with Corporate Risk 11: Cost of Living Crisis.

CR13	Operation of a Waste Management Service	Current Severity	Current Likelihood	Current Risk Rating
		4	2	8
Risk Description: Operating and maintaining a continuous waste management service across Mid Devon within budget faces a range of risks. These include staff recruitment and retention, workforce sickness and the maintenance and operation of fleet vehicles.				
Risk Owner: Matthew Page		Risk Type: Financial, Technical, Reputational		
Mitigating Actions		Responsible Officer	Current Effectiveness	Review Date
CR13.1	Workforce management: Regularly reviewing (Morning Managers’ catch-up calls, monthly budget monitoring and quarterly performance reviews) the state of the workforce and how it is performing in terms of vacancies, recruitment, sickness and the impact it is having on collections and rounds. This also	Darren Beer	Satisfactory	06/06/2023

	includes reviewing our Business Continuity Plan and whether we need to widen the flexible provision of the workforce.			
CR13.2	Employment Trends: Review trends in the wider employment market regarding key workers including HGV drivers and what the Council needs to do to ensure we are industry competitive regarding recruitment.	Darren Beer	Satisfactory	06/06/2023
CR13.3	Fleet Vehicles: Vehicle provision including maintenance and operation is reviewed on a daily basis by the Fleet Manager. Two weekly meetings are set up with SFS (maintenance and lease provider) backed up by quarterly meetings with MDDC and SFS management. Regular meetings are set up with other MDDC services that use the fleet to ensure current contractual guidelines and compliance are adhered to.	Darren Beer	Satisfactory	06/06/2023
Notes: Added to the Corporate Risk Register in June 2023				

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**Report for:****Cabinet**

To be Seen by Audit Committee,
27 June 2023

Date of Meeting:	4 July 2023
Subject:	Performance Outturn Report for 2022/23
Cabinet Member:	Cllr Luke Taylor, Council Leader
Responsible Officer:	Matthew Page, Corporate Manager for People, Governance & Waste. Dr Steve Carr, Corporate Performance and Improvement Manager.
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1: Homes Appendix 2: Environment Appendix 3: Economy Appendix 4: Community Appendix 5: Corporate Performance

Section 1 – Summary and Recommendation(s)

To provide Members with an update on performance against the Corporate Plan and local service targets for 2022/23.

Recommendation(s):

Members review and scrutinise the Performance Indicators and information detailed in this report.

Section 2 – Report

1.0 Introduction

- 1.1 The council's Corporate Plan was adopted in February 2020. It sets out the council's aims and priorities, and provides an explanation of the council's thinking and the key actions it would deliver on these priorities.
- 1.2 This report provides a year end analysis of the overall performance position for the period of 2022/2023. Appendices 1-5 provide Members with details of performance against the Corporate Plan and local service targets for 2022/23.
- 1.3 The Corporate Plan has four themes: Homes, Environment, Economy, and Community. Climate Change is a cross cutting theme of the Plan. Alongside the performance reporting of the Corporate Plan, the council presents performance information on a wide range of corporate performance indicators, these are detailed in Appendix 5.
- 1.4 The Corporate Plan was adopted in February 2020. The three years since the adoption of the plan have seen major changes locally, nationally and globally as a result of the COVID-19 pandemic, war in Europe, and the cost of living crisis (with inflation at 40 year highs).
- 1.5 Given the impact of the COVID-19 pandemic the council conducted a Mid-Point review of the Corporate Plan in April 2022. This found that elements of the Plan were no longer deliverable within the timescales of the Plan, however Members agreed not to make any alterations to the Plan to ensure that line of sight on the priorities was maintained.

2.0 Performance Analysis for 2022/23

Homes Portfolio

- 2.1 The number of empty houses brought back into use for 2022/23 is 14 against a target of 72. A new Housing Initiatives Officer was appointed in 2022 and this post will focus on empty houses, as well as other projects. An additional area of focus for the Housing team in 2022/23 was undertaking inspections of properties for the Homes for Ukraine scheme.
- 2.2 The number of households who considered themselves as homeless that approached the Council's housing advice service for Quarter 4 was 205, a total of 838 households in 2022/23 (compared to 675 in 2021/22), Figure 1.

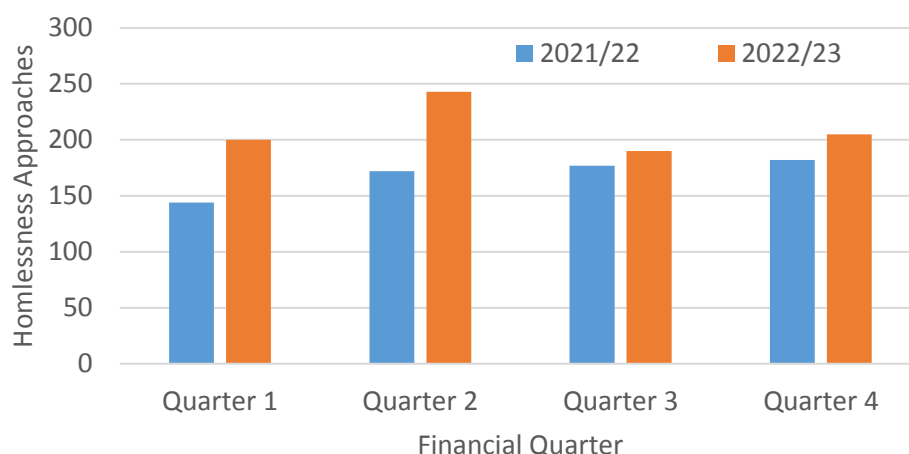


Figure 1: Homelessness approaches per quarter, 2021/22 to 2022/23.

- 2.3 The data for Council Housing shows overall good performance for Quarter 4 2022/23, Table1.

Table 1: Council housing performance indicators, 2021/22 and 2022/23.

Indicator	2021/22	2022/23	Target (2022/23)
Emergency repairs completed on time	100%	99.7%	100%
Urgent repairs completed on time	99.3%	99.0%	95.0%
Routine repairs completed on time	98.8%	98.4%	95.0%
Properties with a valid gas safety certificate	99.4%	99.8%	100.0%
Housing complaints responded to on time	98.8%	100%	100%

Environment Portfolio

- 2.4 Levels of household waste collected performed ahead of target for 2022/23 and was 10.2% lower than in 2021/22, Figure 2.

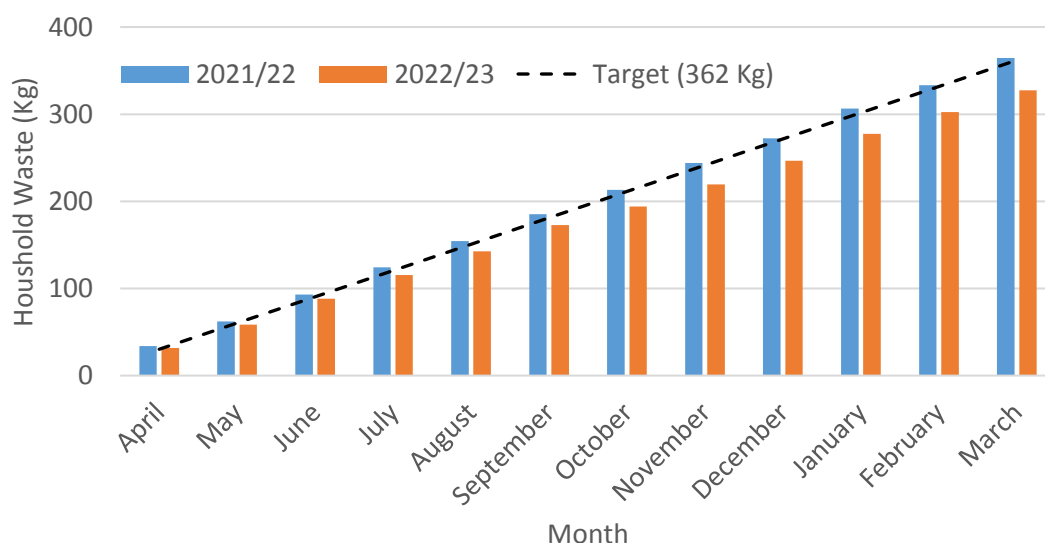


Figure 2: Household Waste per Household (Kg), 2021/22 to present.

- 2.5 The household recycling rate in 2022/23 was 55.4%, above the target set (54.5%). The recycling rate for 2023/24 is forecast to continue to improve and an initial target of 56.5% is in place.
- 2.6 Households opted into chargeable garden waste collections is 12,009 (March 2023) compared to 11,882 last year (March 2022).
- 2.7 Levels of missed bin collections were affected by bad weather conditions in Winter 2022/23 resulting in collections performing below target.
- 2.8 The Council introduced the Bin-It 123 collection cycle in Autumn 2022 which should improve recycling rates, decrease the amount of waste collected and in turn reduce the carbon impact, and decrease emissions from our collection vehicles. It will also help the Council to meet Government guidelines to recycle 65% of household waste by 2035 and Devon's proposed 60% target rate by 2025.
- 2.9 37 fixed penalty notices (Environment) were issued in 2022/23. One of the objectives for the Environment and Enforcement service is to educate the public and ensure a balanced and proportionate approach to enforcement activity. This will enable the service to build public confidence in our enforcement practice.

Climate Change Portfolio

- 2.10 To date, the Council has installed three electric vehicle charger units, each with two charging points. A further five charger units are due to be installed, taking the total to eight (16 charging points). The number of charging point uses in 2022/23 was 4,716 compared to 4,639 in 2021/22, Figure 3.

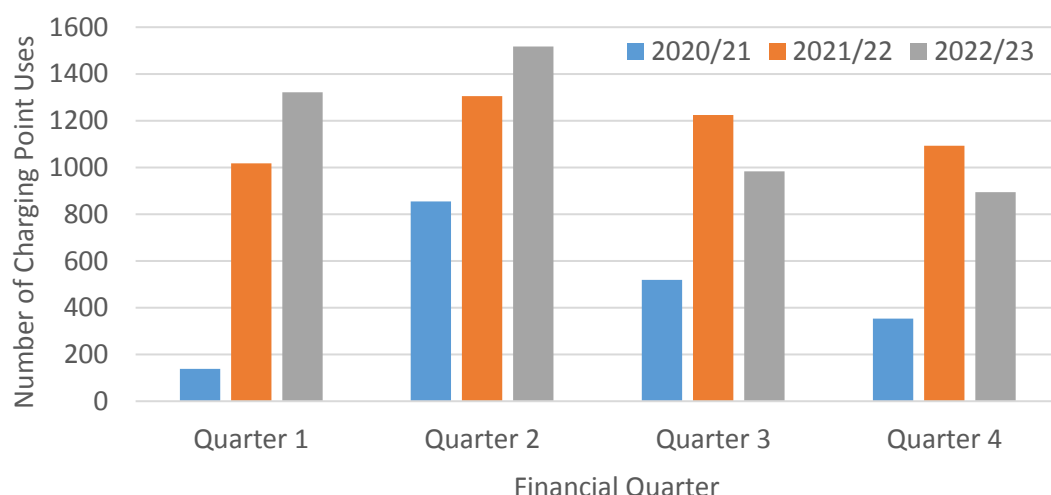


Figure 3: Electric Vehicle Charge Point uses per quarter, 2020/21 to present

- 2.11 Approximately half of Mid Devon District Council's building electricity supply is on a 100% renewable electricity tariff (Phoenix House, Exe Valley, and Tiverton Pannier Market).
- 2.12 The £2.8m renewable heat projects at Exe Valley Leisure Centre and Lords Meadow Leisure Centre are due to be completed Spring/Summer 2023.

Economy Portfolio

- 2.13 The number of empty business properties is measured by the number of national non-domestic rates (NNDR) accounts receiving empty property relief. There were 253 empty business properties in March 2023, Figure 4.

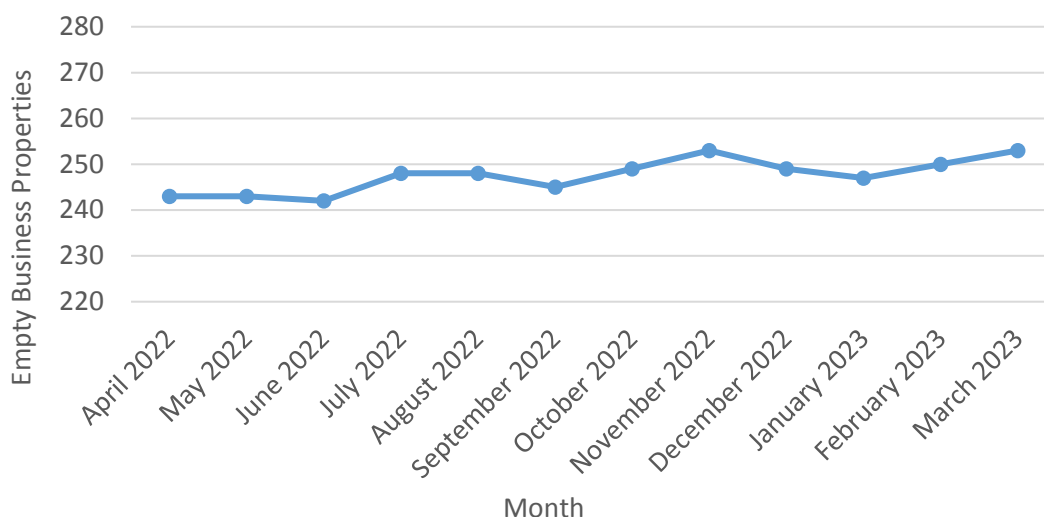


Figure 4: Number of empty business properties, last 12 months.

- 2.14 The Pannier market occupancy rate was 85% for 2022/23, meeting the target of 85%. This represents an increase on the previous year (82%; 2021/22).

Community Portfolio

- 2.15 There were 465 complaints in 2022/23. 92% of complaints were resolved within the relevant target timescales (target was 95%).
- 2.16 Health Referral Initiative starters was 149 in 2022/23, higher than in 2021/22 (102). The number of Health Referral Initiative Completers was 69 and the number of Health Referral Initiative Conversions was 38.

Corporate Portfolio

- 2.17 Total Council Tax collected was 97.1% in 2022/23 (96.7% in 2021/22, target of 97.5%).
- 2.18 96.8% of National Non Domestic Rate (NNDR) was collected in 2022/23 (98.6% in 2021/22, target of 97.0%).
- 2.19 The number of working days/ shifts lost due to staff sickness absence per full time equivalent employee was 3.67% for 2022/23. This is higher than for 2021/22, 2.73%.
- 2.20 Staff turnover at the Council for 2022/23 was 19.3%, Figure 5.

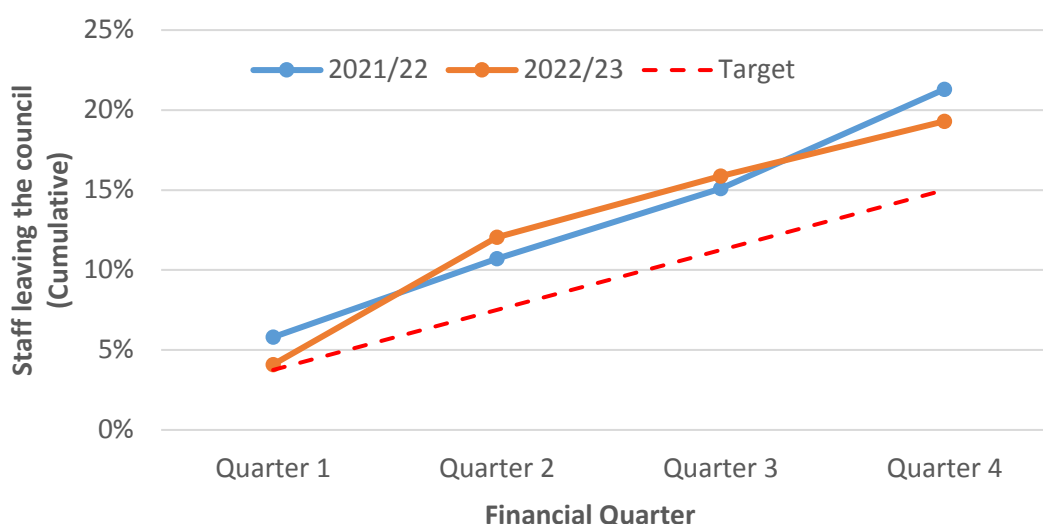


Figure 5: Staff Turnover per financial quarter (Cumulative year to date), 2021/22 and 2022/23.

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 improve performance.

Legal Implications

There are no direct legal implications arising from this report. However, if the performance of some indicators is not at required levels, there is a risk of legal challenge.

Risk Assessment

If performance is not managed we may not meet our corporate and local service plan targets or take appropriate corrective action.

Impact on Climate Change

Several performance indicators are related to our corporate ambition to reduce carbon emissions. Managing the performance of these can help evaluate the impact of Council interventions as well as guide future decisions on spend and investment.

Equalities Impact Assessment

Customer feedback can help the council identify any groups of people who may potentially be experiencing a less satisfactory level of service. When reviewing performance and making recommendations on priorities, the Council should be mindful to consider how services might impact on different sections of the community.

Relationship to Corporate Plan

Corporate Plan priorities and targets are managed and scrutinised on a regular basis using appropriate performance indicators as detailed in this report.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 16 Jun 2023

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 16 Jun 2023

Chief Officer: Andrew Jarrett

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 16 Jun 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 12/06/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Dr Steve Carr, Corporate Performance and Improvement Manager

Email: scarr@middevon.gov.uk

Telephone: 3CX Ext. 4217

Background papers: Corporate Plan 2020-24, Corporate Plan 2020-24 – Mid Point Review.

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Homes Theme 2022/23

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

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Additional homes completed (net)	358	237	*	393	TBC
Self Build Plots	1	12	*	5	TBC
Gypsy and Traveller Pitches completed	1	1	*	2	TBC
Number of affordable homes completed (gross)	30	24	*	94	TBC
Number of homelessness approaches	587	675	838	N/A	N/A

**The officer who collects and manages this data is on long term sick leave. Alternative arrangements are being put in place to collate this data, but it will not be available until Autumn 2023 at the earliest.*

- The number of homelessness approaches in 2022/23 was 838, and increase on previous years.

Aim: Work with Community Land Trusts and other organisations to deliver homes retained in perpetuity for local need and Aim: Support the establishment of Community Land Trusts in partnership with parish councils and other local bodies

The Council's Housing Enabling Officer continues to support Thorverton in taking forward a community housing project. The council has commissioned and completed a new housing needs survey on their behalf, assisted with discussions around funding, land availability, planning issues and Community Land Trust establishment. Officers are also liaising with the group regarding Stage 1 of the Community Housing Fund to assist with community consultation, site feasibility and establishing the group as a legal entity.

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

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Deliver homes by bringing Empty Houses into use	101	54	14	72	Red
Houses in Multiple Occupation (HMOs) investigations	96%	100%	96%	100%	Amber
Landlord Engagement and Support	14	14	9	9	Green

- A new Housing Initiatives Officer post was appointed and started in summer 2022. This post is focusing on bringing empty houses back into use as well as other projects.
- The council completed investigations on 96% of notified potential HMOs in 2022/23, less than the target of 100%. This is due to a need to prioritise staffing resources towards the Homes for Ukraine schemes.
- Nine landlord engagement and support activities were undertaken in 2022/23

Aim: Lobby to see the abolition of the ‘Right-to-Buy’ or the devolvment of discounting powers to individual local housing authorities

- Ongoing active participation in Department for Levelling Up Housing and Communities (DLUHC)/ Local Government Association Local Authority Strategic Housing Advisory Group nationally. Recent additional flexibilities announced by DLUHC including 100% retention of Right-To-Buy receipts for 2-years and reduced Local Authority social housing borrowing costs under PWLB.

Aim: Promote the regeneration of our town centres by working with landlords and property developers to improve and increase the supply of quality housing

- Performance for this aim is captured within the Economy Aim: “Identify strategic and tactical interventions to create economic and community confidence and pride in the places we live. This includes a continued focus on Town Centre Regeneration.”

Aim: Introduce zero carbon policies for new development

- Policy development in this area is subject to Planning Policy/ Law.
- The Local Plan includes policies making clear development will be expected to: meet the challenge of climate change by supporting a low carbon future, energy efficiency and increasing the use and supply of renewable and low carbon energy. The council's recently updated validation checklist for planning applications introduces the local requirement for a statement to identify how the applicant has addressed impacts of their development proposal in relation to climate change. This includes requiring evidence as to how carbon emission reductions will be delivered through design, construction and operational systems. The preferred approach will be through the completion of the Climate Emergency - Planning Application Checklist.

Aim: Encourage the piloting of Modern Methods of Construction (MMC) and self-build opportunities

- Modern methods of construction is a process which focuses on off-site construction techniques, such as mass production and factory assembly, as alternatives to traditional building. It is a fast way of delivering new buildings, by maximising the efficiency of material and human resources. Mid Devon Housing modular housing programme is planned at 80% modular MMC properties. Post Hill development is also MMC non-modular specification. Over 400 units in 500 unit/5-year social housing programme are therefore MMC.

Aim: 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)

- Proposed 70-unit Post Hill development specification for tender is for zero-carbon, Passivhaus properties. Ongoing wider modular Mid Devon Housing social housing development programme is 80% modular certified zero-carbon, with the remainder traditional build properties. These will be high energy efficiency properties (A+ EPC rated) increasing overall sustainability of programme with ultra-low energy consumption and costs for tenants.

Aim: Work with local stakeholders to initiate the 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.

Aim: Support and grow active tenancy management

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Emergency repairs completed on time	104.2%	100.0%	99.7%	100.0%	Green
Urgent repairs completed on time	99.9%	99.3%	99.0%	95.0%	Green
Routine repairs completed on time	99.6%	98.8%	98.4%	95.0%	Green
Properties with a valid gas safety certificate	99.4%	99.4%	99.8%	100.0%	Amber
Housing complaints responded to on time	100.0%	98.8%	100.0%	100.0%	Green

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Environment Theme 2022/23

Aim: Encourage retro-fitting of measures to reduce energy use in building

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Corporate Renewable Energy Projects	1	8	5	4	Green
Housing Assistance Policy (Retro-fit schemes supported)	5	28	11	5	Green
Home Improvement Loans sanctioned	10	5	14	10	Green

- 100% renewable electricity tariff (Renewable Energy Guarantees Origin backed) for approximately half of council building supply (comprising 3 supply locations: Phoenix House; Exe Valley; Pannier Market).
- Retrofit LED lighting units installed in progress for all-weather pitches at leisure centres.
- The £2.8m dual projects at Exe Valley Leisure Centre and Lords Meadow Leisure Centre is due to be completed Spring/Summer 2023. Retrofit installation of Air Source Heat Pump (ASHP) and Ground Source Heat Pump (GSHP) completed; a new, larger buffer vessel was installed to optimise biomass boiler at Lords Meadow; new buffer vessels and cooling circuits at Exe Valley; solar PV panel arrays being extended; final commissioning of combined heating/cooling systems being done.

Aim: Encourage “green” sources of energy, supply new policies and develop plans to decarbonise energy consumption in Mid Devon

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Electric Car Charger usage (Number of uses)	1,867	4,639	4,716	2,300	Green
Electric Car Charger Units	3	3	3	8	Red

- During 2020 we had 3 rapid chargers - each with 2 charge points - installed at council leisure centres: Culm Valley, Exe Valley, Lords Meadow. These are owned and operated by Instavolt through a lease with the council.

- During 2022 through participating in Devon's DELETTI partnership we secured at least 5 rapid chargers - each with 2 charge points - which will be installed at council car parks: Crediton Market Street, Crediton High Street, Cullompton Forge Way; Tiverton William Street; Tiverton Pannier Market; Tiverton Westexe South. These will be owned and operated by Wenea/Gamma through a lease with the council. Leases being finalised for the first phase of installations.

Aim: Identify opportunities to work with landowners to secure additional hedgerow planting, biodiversity and reforestation

- Community climate and biodiversity grants: Submitted as apriority for budget spend in 2022/23.

Aim: Consider promoting the designation of the Exe Valley as an Area of Outstanding Natural Beauty (AONB)

- This aim was determined as not deliverable within the period of the Corporate Plan as part of the Mid-Point review.

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.

Aim: Encourage new housing and commercial developments to be “exemplars” in terms of increasing biodiversity and reducing carbon use.

- The Local Plan includes policies making clear development will be expected to: meet the challenge of climate change by supporting a low carbon future, energy efficiency and increasing the use and supply of renewable and low carbon energy; and minimising impacts on and providing a net gain in biodiversity.
- The council's recently updated validation checklist for planning applications introduces the local requirement for a statement to identify how the applicant has addressed impacts of their development proposal in relation to climate change, including evidence how reductions in carbon emissions will be delivered through design, construction and operational systems. The preferred approach will be through the completion of the Climate Emergency - Planning Application Checklist. Officers are working with Devon County Council's Ecologist to put in place arrangements for technical support to deliver the implementation of biodiversity net gain through the development management process.

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

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Household waste collected per household (kg)	364.5	364.5	327.3	362.0	Green
Household recycling rate	53.5%	53.4%	55.4%	54.5%	Green
Households on Chargeable Garden Waste	11,653	11,882	12,009	11,300	Green
Missed refuse/food/garden collections - collection crew error	0.02%	0.02%	0.04%	0.03%	Red
Missed Recycling/Food Collections - collection crew error	0.02%	0.03%	0.05%	0.03%	Red
Fixed Penalty Notices Issued (Environment)	10	0	37	N/A	N/A

- Over the past year the amount of household waste collected per household has decreased from 364.5 kg to 327.3 kg. This improvement can be attributed to the introduction of 3 weekly bin collections in October 2022 alongside education and enforcement activity
- Related to the above, the household recycling rate has increased to 55.4% (2022/23). A target has been set of 56.5% for the next financial year.
- Missed bin collections were higher in 2022/23 than in previous years and exceeded our performance target. Missed collections increased across the winter period due to extreme bad weather.

Aim: Explore large-scale tree-planting projects and re-wilding to enhance biodiversity and address carbon pressures

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Corporate Tree Planting Scheme	0	650	1,192	500	Green

- On MDDC land: 30 maiden orchard trees (Oak Close community orchard in Tiverton); 33 standards, 5 donated trees, 5 at Tiverton Cemetery, 7 orchard trees planted by volunteers at Newton St Cyres (General Fund land), 12 planted by volunteers (General Fund land). On private land: 1,100 whips planted, achieved through partnership work with Aggregate Industries UK and local volunteers. Total = 1,192 trees.

Aim: 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

- Reports provided to Environment PDG and to Economy PDG. Engagement supported in partnership through e.g. Connecting the Culm; and at the Mid Devon Show 2021 and 2022. Councillors with farming interests attended the MDDC tent and we hosted farmer advisors with expertise on landscape-scale recovery, natural capital, water catchment conservation, climate adaptation.

Aim: 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, the latest meeting taking place on 8 June 2023.

Aim: Support community activities that improve the environment such as litter picks, guerrilla gardening, or community adoption of assets.

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Community Schemes (Environmental)	0	8	14	4	Green

- Actively engaging with community projects/ networks/ groups/ individuals - also local farmers and other enterprises with a green agenda/ project/ exemplar. Proactively promoting the sustainability projects and activities of community schemes on the Sustainable Mid Devon website (resource map, events and news, etc.).
- Community liaison a range of stakeholders, including: Aggregate Industries UK (community tree planting); Blackdown Hills Transition; Connecting the Culm; Creedy Catchment Crayfish Project; Exeter Community Energy; Mid Devon Parish Wildlife Warden Scheme; New Prosperity Devon; Newton Environmental Wellbeing; Sustainable Bradninch; Sustainable Crediton; Sustainable Tiverton; Uffculme Green Team; Community Action Groups (CAG) Devon.
- The Climate and Sustainability Specialist was involved in the concept stages of the 'Net Zero Visions' public artwork project hosted by the council near the Pannier Market (led by Sustainable Tiverton).
- The Climate and Sustainability Specialist developed and coordinated the MDDC 2022 State of the District Debate which involved pre-event engagement with networks/ groups/ individuals/ local farmers/ farming advisors/ enterprises/ partnerships. Pre-event workshops and event debate involved e.g. Carbon Savvy, Heathcoat Fabrics Ltd, Exeter Community

Energy, bike shops, tourism sector, Co-Cars, growers and farmers, farming advisors, the Soil Association, community food growing and composting, local food suppliers, and several of the community groups listed earlier.

- Devon County Show: worked with Recycle Devon and Devon Climate Emergency. Topical theme: re-use, repair, exchange, upcycle.
- Mid Devon Show: Councillors joined multiple staff teams to promote sustainability messages on: sustainable farming and landscapes (nature-based solutions for climate adaptation and flood resilience at a landscape scale); housing (passivhaus design in proposed affordable and social housing); waste and recycling (Bin-It 123); active travel; what the council is doing to reduce its carbon footprint; what makes up your carbon footprint. Teamwork with Westcountry Rivers Trust, Connecting the Culm, FreeTrike, Mid Devon Housing.
- Sustainable procurement promoted to staff and communities by highlighting bid opportunities and workshops by New Prosperity Devon.

Other Performance Indicators

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Council Carbon Footprint (tCO ₂ e)	17,406	20,503	TBC	17,807	TBC

The council's carbon footprint report is commissioned in May (work completed by University of Exeter) and data will be available later in the financial year.

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Economy Theme 2022/23

Aim: Work with developers to secure our ambitious plans for the J27 ‘Devon Gateway’ development site

- Consultants LSH are currently engaged with preparing a Retail, Leisure and Tourism Study for Mid Devon, which will include a critique of current Local Plan and stakeholder proposals for the future development of land adjacent to Junction 27. Engagement with stakeholders will take place in the Autumn 2023.

Aim: Consider acquiring or creating new business parks to accelerate economic growth, and creating new opportunities for incubator and start-up space

- Incubator and Start-up Space has been a major feature of Mid Devon’s UK Shared Prosperity Fund Investment Plan. Two businesses assisted through Shared Prosperity Fund to provide new/ improved flexible workspace, works expected to be completed later in 2023.
- No sites have been acquired for commercial development. Should a site appropriate for commercial development materialise, this would be reported through the applicable committee.

Aim: Identify strategic and tactical interventions to create economic and community confidence and pride in the places we live. This includes a continued focus on Town Centre Regeneration

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Business rate accounts (number)	3,356	3,426	3,556	3,150	Green
Business rates (Rateable Value)	£45.6M	£46.3M	£47.1M	N/A	N/A
Empty Business Properties	244	231	253	253	N/A
Pannier market occupancy rate	53%	82%	85%	85%	Green

- A report on the Tiverton Town Centre Masterplan was considered by the Economy Policy Development Group in January 2023, and by Cabinet in February 2023. Adoption expected at the end of 2023.
- The Planning Policy Advisory Group considered the Cullompton Town Centre Masterplan in January 2023, and it was further considered by Cabinet in February 2023. Adoption expected at a future Council meeting.
- Cabinet considered a report regarding the commissioning of the Crediton Town Centre Masterplan in November 2022.

Aim: 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 Eastern Urban Extension in terms of both community assets and employment opportunities.

Aim: Produce business plans for the creation of a commercial Economic Development function perhaps in partnership with other agencies

This aim was determined as not deliverable within the period of the Corporate Plan as part of the Mid-Point review:

“This concept has not been revisited since it was last considered (circa 2018/19) and with priorities in the economic development team this is unlikely to be taken forward in the near future.”

Aim: Explore commercial opportunities that deliver new or innovative services for customers that can generate revenue for the council

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Industrial Units Cullompton – Kings Mill Industrial Estate (Unit Occupancy)	15	14	14	15	Amber

Aim: Promote zero carbon exemplar sites within commercial settings

- The Council remains supportive of commercial exemplars. The Exe Valley and Lords Meadow leisure centres will be promoted as low carbon exemplar commercial settings.

Aim: Use car park pricing mechanism to effectively balance the needs of vehicular access with those of reducing car use

- New Car Park and Permit tariffs coming in from the 29th June 2023 following publication of advanced notice on Tuesday 5th June 2023. Paper going to June Economy PDG confirming that a consultative working group will be set up which can feed into future permit and tariff setting which involves the community.

Aim: 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.

Aim: Working in partnership with farmers to develop and grow markets on the principle of reducing carbon emissions and sustainability

- This aim was determined as not deliverable within the period of the Corporate Plan as part of the Mid-Point review. No budget or resource has been identified for this work and it is not currently being progressed.

Aim: Support the creation of South West Mutual Bank and seek opportunities to encourage new branches being opened in areas that aren't well-served by existing banking services providers

- After a recent strategic progress review in light of the changing macro-economic environment, the decision has been taken by the SW Mutual Board to suspend all current activities. Therefore it looks increasingly likely that the company will need to be wound up.

Aim: Develop and deliver regeneration plans for all three main towns in partnership with town and parish councils, private and third sector, and communities

- Performance for this aim is captured within the Economy Aim: "Identify strategic and tactical interventions to create economic and community confidence and pride in the places we live. This includes a continued focus on Town Centre Regeneration."

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Community Theme 2022/23

Aim: Work with developers and Devon County Council to deliver strategic cycle routes between settlements and key destinations

- This aim was determined as not deliverable within the period of the Corporate Plan as part of the Mid-Point review:

“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.”

Aim: Secure decent digital connectivity for all of Mid Devon

The Connecting Devon and Somerset (CDS) programme continues through Devon County Council. Connecting Devon and Somerset (CDS) is a local government-led partnership which helps to deliver next generation broadband infrastructure to areas where the market has failed to invest.

Over 315,000 homes and businesses already have access to superfast broadband as a direct result of investment by CDS – that’s more than any other broadband programme in England.

Aim: 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 experience provision underway with 13 people due to undertake work experience at the council over the coming months. Career fairs being run in local schools (next date is 7th July at Tiverton High), and Development Sessions have been delivered by the Training and Development Officer to year 7s and year 10s, and also at school assemblies. The Department for Work and Pensions have been partnered with to explore opportunities for younger people. Internships supported at Bicton College for disabled students. T level placements now available with one student about to complete and the other due to start in September 2023.

Aim: Lobby Devon County Council and others to introduce 20mph 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.

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

The council have commissioned a review of our Leisure Service. This started formally in June 2023 and the report should be ready in August 2023.

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

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Annual Community Safety Partnership (CSP) Action Plan	12	15	12	12	Green

A number of relevant activities were undertaken in 2022/23, including:

- Safe foundation support for young people project
- Contribution from the Violent Crime Funds was made to South Devon & Dartmoor CSP for the Lets Talk Teenagers Project.
- As part of Anti-Social Behaviour Awareness week, the council did joint visits with the police to our estates and offered support and advice to residents.
- Space (formerly Devon Youth Services) were funded to provide positive summer activities for young people in the Tiverton area over the summer holiday period
- Crediton Community Youth Work - provided schools transition support for Yr 11 pupils
- Mid Devon District Council agreed to become a Trauma Informed council
- Focus group on Sexual exploitation
- Body worn cameras for Street Scene
- Warm spaces project
- Initial review of safeguarding policy
- Attended Let's Talk next steps work shop with a view to introducing the scheme in Mid Devon

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

We continue to proactively engage with communities and promote their ideas and projects e.g. active travel; local food; avoiding food waste; self-build and Modern Methods of Construction; repair cafes.

Aim: Facilitate networking across volunteer and community groups to spread knowledge, expertise and awareness on climate issues

We continue to proactively engage and facilitate between community partners and volunteers - a wide range of groups. Actively promoting networks on the Sustainable Mid Devon website. Public art ideas were realised as the Net Zero mural project created by Sustainable Tiverton - artist collaboration and hosted by the council.

Aim: Work with the NHS and other health bodies to promote use of our leisure centres

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Health Referral Initiative starters	6	102	149	15	Green
Health Referral Initiative completers	0	58	69	10	Green
Health Referral Initiative conversions	0	33	38	5	Green

Aim: Promote community involvement in council activity

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Complaints resolved within timescales (10 days - 12 weeks)	90%	91%	92%	95%	Amber
Complaints (Number)	273	404	465	N/A	N/A

Aim: 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 Mid Devon District Council 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.

Aim: 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.

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Corporate Performance 2022/23

Alongside the performance reporting of the Corporate Plan, the council presents performance information on a wide range of corporate performance indicators. These are listed below.

Performance Indicator	2020/21	2021/22	2022/23	Target (2022/23)	Performance
Sickness Absence	2.10%	2.73%	3.67%	2.78%	Red
Sickness Absence (days)	5.8	7.8	9.9	7.0	Red
Staff Turnover	24.5%	21.3%	19.3%	15.0%	Red
Appraisals completed	97%	62%	94%	100%	Amber
Council Tax Collected	97.0%	96.7%	97.1%	97.5%	Amber
National Non-Domestic Rates (NNDR) Collected	96.8%	98.6%	96.8%	97%	Green
New Performance Planning Guarantee determine within 26 weeks	100%	100%	99%	100%	Amber
Major applications overturned at appeal (over last 2 years)	4.8%	5.5%	2.9%	10%	Green
Major applications overturned at appeal (% of appeals)	0.1%	2.3%	3.0%	10%	Green
Minor applications overturned at appeal (over last 2 years)	2.5%	0.4%	0.8%	10%	Green
Minor applications overturned at appeal (% of appeals)	1.7%	0.8%	0.9%	10%	Green
Response to FOI/EIR Requests (within 20 working days)	100%	100%	99%	100%	Amber

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Report for: Cabinet

Date of Meeting: 4 July 2023

Subject: Award of Cleaning Contract for Housing Revenue Account (HRA) Properties 2023 – 2026

Cabinet Member: Cllr Simon Clist, Deputy Leader and Cabinet Member for Housing and Property

Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Exempt: Annex A – Part II

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local

Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Annex A – Part II (Contractor details and pricing submission)

Section 1 – Summary and Recommendation(s)

To advise Members on the results for the tendering of the Cleaning Contract for HRA Properties 2023 – 2026 (+1+1) and confirm the award of the contract.

Recommendations:

- 1. That Cabinet approve the new three year Cleaning Contract for HRA Properties 2023-2026, with the option to extend for two additional one year periods, be awarded to Contractor 1.**
- 2. Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing and Property Services) to complete the associated Cleaning Contract for HRA Properties 2023-2026 (+1+1).**

Section 2 – Report

1 Introduction

- 1.1 Mid Devon Housing (MDH) has a requirement to maintain Health and Safety and meet the Decent Homes Standard. This contract will support this duty by reducing the risk of fire in the communal blocks of flats, enabling our homes to be cleaned ready to be let to tenants and maintaining the cleanliness of the Housing (Building Services) office space at Old Road.
- 1.2 The tenders were done on a worst case scenario basis covering all relevant elements of cleaning although in real terms we will not require these at each site but need to have each potential aspect priced. We anticipate that the actual spend will be within the annual budget £100,000.00.
- 1.3 The term of this contract is three years with the option to terminate the contract at the end of each year subject to performance. There is also an option to extend the contract after three years for a further two, one year periods.
- 1.4 Due to the nature and value of this procurement, the appropriate procedure was an open tender process. This means that anyone who expressed an interest in the contract would be invited to tender

2 Procurement Process

- 2.1 Expressions of interest were invited via a notice in the Advantage South West Procurement Portal published on the 9 January 2023.

- 2.2 Evaluation criteria set out in the ITT:

Quality	60%
Skill, Knowledge, Expertise and Capacity	20%
Communication	20%
Environmental Benefits	20%
Price	40%

- 2.3 Responses were required by midday on 10 February 2023.
- 2.4 There were a total of 52 expressions of interest of which 10 submitted their tenders on time, 3 of these were incomplete, 6 opted out and 36 did not respond. The main reasons given for opting out were due to being unable to meet our requirements and unable to supply in our area.
- 2.5 Evaluations were carried out during March 2022, by representatives from MDH (Building Services).

2.6 The price was based on a schedule of rates within the tender. The lowest priced tender was awarded 40% and the higher priced tenders were awarded the percentage difference. Contractor 1 scored highest on quality, as set out below.

2.7 The outcome of the evaluation is shown below:

CONTRACTOR	SCORE		TOTAL
	QUALITY	PRICE	
Contractor 1	40.00%	25.00%	65.00%
Contractor 2	28.00%	8.00%	36.00%
Contractor 3	28.00%	35.00%	63.00%
Contractor 4	12.00%	7.00%	19.00%
Contractor 5	16.00%	40.00%	56.00%
Contractor 6	28.00%	22.00%	50.00%
Contractor 7	20.00%	17.00%	37.00%

3 Conclusion

3.1 The outcome of the tender process shows Contractor 1 as the winning bidder.

3.2 Approval is required from Cabinet for this contract to be formally awarded.

3.3 Following the decision, there will be a compulsory 10-day standstill period after which the contract will be awarded.

3.4 The contract will not commence until after the 1 August 2023.

4 Recommendations

4.1 The following recommendations are made:

1. That Cabinet approve the new three year Cleaning Contract for HRA Properties 2023-2026, with the option to extend for two additional one year periods, be awarded to Contractor 1.
2. Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing and Property Services) to complete the associated Cleaning Contract for HRA Properties 2023-2026 (+1+1).

Financial Implications

The HRA budget for the works is £100,000.00 per annum. Specialist cleaning services to the Council's HRA properties will result in a lower cost in the coming years, which will enable the Repairs team and wider service to operate more effectively. Further information is provided in the report and as set out fully in Part II Annex A.

Legal Implications

We have a legal duty to reduce the risk of fire in the communal areas of our flats, which contributes to the Decent Homes Standard, and maintain the health and safety of our employees and tenants. The conditions of engagement are based on a bespoke services contract, combined with the contractual requirements, prepared by a firm of specialist contract solicitors. This provides a robust framework for managing and controlling the performance of the contractor to meet our legal obligations.

Risk Assessment

The principal risk is failing to limit costs due to additional works and delivery of the programme. The performance of the contract shall be monitored monthly; corrective action will be taken where performance falls below Key Performance Indicator Targets. These also include: 1) Customer satisfaction; 2) Variations and extras; 3) Delivery of programme; 4) Number of defects; 5) Managing Health and Safety

Poor customer satisfaction will also impact on mandated performance reporting within the new Tenant Satisfaction Consumer Standard introduced by the Regulator for Social Housing (RSH). The standard applies from 1 April 2023 and sets out 22 new Tenant Satisfaction Measures (TSMs) all large social housing providers are required to report on annually with the first report to the RSH in April 2024. Of the 22 measures, the following are most applicable to the cleaning contract:

- TP01: Overall satisfaction % (annual tenant perception survey)
- TP04: Satisfaction that the home is well maintained % (annual tenant perception survey)
- RP01: Homes that do not meet the Decent Homes Standard % (annual management data)
- TP05: Satisfaction that the home is safe % (annual tenant perception survey)

Impact on Climate Change

The environmental impact was included as a major part of the contractor evaluation.

Equalities Impact Assessment

All staff have undertaken equality and diversity awareness training. MDCC discuss equality and diversity at the progress meetings and encourage the contractor to carry out awareness training. Nonetheless, there is no specific requirement for an equalities impact assessment in relation to the award of this contract.

Relationship to Corporate Plan

To contribute towards meeting our obligations relating to Health and Safety and the Decent and Affordable Homes target by making best use of the existing stock.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 20 Jun 2023

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 20 Jun 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 13 June 2023

Performance and risk:

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 20 June 2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Mike Lowman, Operations Manager for Building Services mlowman@middevon.gov.uk or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing – snewcombe@middevon.gov.uk

Background papers:

None

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

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**Report for:****Cabinet**

Seen by Homes Policy Development Group,
13 June 2023

Date of Meeting:	4 July 2023
Subject:	MID DEVON HOUSING ANTI-SOCIAL BEHAVIOUR POLICY UPDATE (INC. POLICY STATEMENT, PROCEDURES AND EQUALITY IMPACT ASSESSMENT)
Cabinet Member:	Councillor Simon Clist, Cabinet Member for Homes
Responsible Officer:	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing
Exempt:	None
Wards Affected:	All Wards
Enclosures:	Annex A – Anti-Social Behaviour Policy Annex B – Anti-Social Behaviour Policy Statement Annex C – Anti-Social Behaviour Procedures Annex D – Anti-Social Behaviour Equality Impact Assessment

Section 1 – Summary and Recommendation(s)

Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhood's associated with their homes. Registered suppliers are required to publish a policy on how they work with relevant partners to prevent and tackle Anti-Social Behaviour (ASB). An updated, draft policy on ASB within the Council's housing stock is presented to Members. This has been developed following an in-depth review of the policy by the Community PDG ASB working group and through tenant and partner consultations.

Recommendation(s):

That the PDG recommends that Cabinet adopt the updated Anti-Social Behaviour Policy, Statement, Procedures and Equality Impact Assessment contained in Annexes A, B, C & D respectively.

Section 2 – Report

1.0 Introduction

- 1.1 Mid Devon Housing (MDH), as a provider of social housing (RP), is subject to the provisions of the regulatory framework for social housing, which is issued by the Regulator for Social Housing (RSH).
- 1.2 The Neighbourhood & Community Standard is one of the consumer standards and are therefore applicable to the work of MDH. These Standards require RPs to publish a policy on how they work with relevant partners to prevent and tackle Anti-Social Behaviour (ASB).
- 1.3 The Social Housing White Paper and pending legislation (Social Housing Bill) present a significant shift the regulation of the social housing sector towards a proactive, consumer led regime with increased powers being granted to both the RSH and Housing Ombudsman. The White Paper sets out a charter that is leading towards clear standards that every social tenant in England is entitled to expect from their landlords.
- 1.4 These new standards are there to ensure people feel safe and secure in their homes with no significant issues or safety concerns when they take on a new tenancy. They are also there to ensure problems are fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. Of the seven chapters within the White Paper, several are particularly relevant to the aims of this policy:
 - To be safe in your home (Chapter 1)
 - To know how your landlord is performing (Chapter 2)
 - To have your complaints deal with promptly and fairly (Chapter 3)
 - To have a good quality home and neighbourhood to live in (Chapter 6)
- 1.5 As part of the new consumer regulation regime, from April 2023, the RSH is introducing a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance which will include responsible neighbourhood management including ASB.
- 1.5 The TSM measures under responsible neighbourhood management, particularly ASB, include:

- TP12: Satisfaction with the landlord's approach to handling anti-social behavior
 - NM01: Anti-social behaviour cases relative to the size of the landlord
- 1.6 The new TSMs will form part of the key benchmark for all major registered providers of social housing including MDH. The emphasis behind these measures is firmly on tenant experience or satisfaction and how tenants perceive we are performing alongside management information/data on repairs, safety, complaints and anti-social behaviour.
- 2.0 **The updated MDH Anti-Social Behaviour Policy, Statement and Procedures.**
- 2.1 Overall the revised Anti-Social Behaviour Policy, Statement and Procedures aim to ensure that everyone has the right to live in the way they want as long as it does not unlawfully spoil the quality of life of others, or breach the terms of their tenancy agreement.
- 2.2 MDH aims to provide the right level of support to empower our tenants to tackle issues themselves, wherever possible.
- 2.3 The Housing Ombudsman has issued guidance to all RP's that noise complaints should not be treated as ASB as this was unfair to the complainant and the complained about. It suggested that noise complaints should be handled under the Neighbourhood Management function and MDH have taken on board this advice and have removed noise complaints from the ASB Policy and included them within the Neighbourhood Management Policy.
- 2.4 The Policy describes what is and what is not ASB and provides the tenant with a clear overview of how their complaint will be dealt with so that expectations can be met.
- 3.0 **Key Changes to Policy**
- 3.1 The Housing Ombudsman has issued clear guidance to all Housing Providers that neighbour disputes and everyday living noise complaints should not be treated as ASB as this is unfair on the complainant and the complained about.
- When every dispute was treated as ASB the expectations of tenants were unrealistic and previous policies reinforced that with actions that could be taken in all cases of ASB, such as seeking eviction.
- The ASB Policy now details the actions that will be taken in relation to serious cases of ASB. If a complaint is ASB there are specific timeframes that have to be adhered to. Some of these timeframes are a statutory requirement and the Council will be deemed as failing if it does not meet them.
- The ASB Policy now incorporates the Domestic Violence and Harassment Policies which were previously standalone Policies. This is to ensure that our tenants have the information they need accessible in one place.

The revised Neighbourhood Management Policy will detail the actions that will be taken in relation to neighbour disputes and everyday living noise complaints that are not classed as ASB. The timeframes for these are the same as any other complaint or enquiry raised by a tenant. The revised Neighbourhood Management Policy is currently out for tenant and partner consultation will be presented to the PDG in August 2023.

4.0 Historic Performance

- 4.1 Mid Devon Housing have recently won a National Award for Resolving Community Safety Issues and the achievement is a significant milestone and a clear demonstration of our commitment to providing quality housing and ensuring the safety and well-being of residents in the district.

The Council's housing service has won a 'Team of the Year' award for its outstanding efforts to tackle community safety issues and anti-social behaviour in the district.

Mid Devon Housing was recognised for its partnership approach with neighbourhood policing, mental health services, and social services to tackle 'County Lines' drug issues. The team has been working closely with residents to address issues of anti-social behaviour and take enforcement action as part of targeted interventions.

The Housing team's successful submission to the awards program highlighted the importance of working together with the community to tackle ASB issues, as well as the significance of raising awareness of ASB reporting to ensure community safety.

The award was presented by Resolve, an anti-social behaviour help organisation that deals with community safety and ASB issues through training, support, guidance, and sharing best practice.

The award is a testament to the hard work and dedication of the Mid Devon Housing team, which has consistently gone above and beyond to address community safety issues in the district. The award ceremony was held on 30 March 2023 in Birmingham, where MDH were announced as winners.

- 4.2 In the pilot Tenant Satisfaction Measures (TSM) survey undertaken at the end of 2022, the response to the relevant question was as follows:

TP12 - 47% of those who responded to our survey expressed satisfaction with our service relating to the management of ASB. The low response may be because few tenants actually had any experience of ASB.

A further TSM requires the provision of data relevant to ASB. This was populated alongside the pilot survey as follows:

NM01 – Anti-social behaviour cases relative to the size of the landlord 2022-2023:

No. of new ASB cases (1 relating to hate): 57

No. of properties:	2960
No. of ASB case per 1000 properties:	19.26
Of which are hate incidents	0.34

Given the TSMs were not formally introduced until April 2023 with the first full year of reporting in April 2024 then no TSM benchmark data is available for NM01 presently.

- 4.3 The last monthly performance report for 2022/23 showed the following with regard to ASB incidents in more detail. It should be noted that this data applied a different definition of an ASB under previous guidance so the total number of cases is higher than under the new TSM above. The TSM and new guidance apply an updated definition which includes discounting domestic noise complaints (e.g. children, washing machine noise etc) as directed by the Housing Ombudsman.

Measure	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	YTD
No. New ASB Instances in period	0	6	11	9	4	5	10	3	6	7	5	6	72
No. Live ASB Incidents	44	45	53	60	56	53	60	59	61	50	46	42	42
No. Closed Incidents	1	5	3	2	8	8	3	4	4	18	9	10	75
% Closed Anti-social Behaviour Incidents Resolved	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100%
No. Closed Resolved ASB Incidents	1	5	3	2	8	8	3	4	4	18	9	10	75

5.0 Review Highlights

- 5.1 The Community PDG established an Anti-Social Behaviour Working Group in 2021 to investigate how the wider Council handled complaints on ASB within the District. As part of their investigations the Working Group scrutinised the MDH Anti-Social Behaviour Policies and Procedures with any recommendations being presented to the Homes PDG.

- 5.2 One of the recommendations of the Community PDG ASB Working Group was:

That Members of the ASB working group feed into the review of the MDH ASB policy (to be incorporated into Neighbourhood and Community Standard Policy) through an informal, in-depth discussion with the Corporate Manager for Public Health, Regulation and Housing and other officers.

Rationale for involvement of the Community PDG Working Group was that the policy was due to be reviewed in 2022 and would need to be adjusted to include new legislation that had recently come into force. Given the involvement of the Members in ASB, it was useful for those members to be involved in that process. This took place in an informal, remote meeting where the revised draft Policy and Procedures were presented to the members of the ASB working group on 6th April 2023 and were recommended for approval. The members of the working group were Cllrs Mrs M E Squires, S Pugh, B Holdman, R Dolley and W Burke.

5.3 In addition to the review by the Working Group the draft Policy and Procedures went out for tenant consultation between 13th April and 19th May 2023. No comments were received from tenants.

5.4 The following Partners were also consulted on the draft documents between 13th April and 30th April 2023:

- CHAT
- Citizens Advice
- Police
- Navigate
- Town Councils

5.5 One response was received; Inspector Lee Groves from Devon and Cornwall Police stated:

'I have reviewed the documents that you attached and feel they are informative. I particularly like the SLA regarding the contact time in days depending on the type/risk of incident alleged.

I note the mention of ABC which factor into our joint ASB strategy.

There is nothing on the document that would cause me concern in relation to our joint agency working practices or ASB decision making'.

Financial Implications: The activity of the landlord service, known as Mid Devon Housing (MDH) is accounted for within the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. There is a budget set aside within the Housing Revenue Account for managing ASB. This is important because small changes, such as the erection of a fence, can help to stop minor nuisance escalating into a bigger problem. Furthermore, the costs associated with legal action can be very high.

However, sometimes such action may be necessary in order to reinforce our commitment to tackling ASB.

Legal Implications:

The Council is required, under Section 12 of the Anti-social Behaviour Act 2003, to prepare a policy and procedure on ASB and to publish the following documents:

- Statement of policy on ASB;
- Statement of procedure on ASB;
- Summary statement of current policy and procedures on ASB

Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Bill is currently on its way through Parliament and, once implemented, this will impact the regulatory framework for social housing. One aim of the new legislation is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.

The existing Neighbourhood and Community Standard which forms part of the regulatory framework for social housing is also relevant to discussion about how the Council manages ASB.

Risk Assessment: The Council needs to take a robust approach to the management of anti-social behaviour because the housing stock is a valuable asset and because nuisance and ASB can blight the lives of other tenants. Failure to tackle problems could lead to innocent victims experiencing harassment, alarm and distress and there is a reputational risk if the Housing Service fails to address the issues.

Impact on Climate Change: None directly relevant to this report.

Equalities Impact Assessment: There is a suite of housing related policies, the use of which helps to ensure that service delivery is consistent and fair. There is also a regulatory requirement for registered providers of social housing to tailor their service to meet the needs of the tenants and diversity data is requested from tenants at sign up to enable compliance to be monitored. Within this overarching context, nothing has been identified in the draft, updated Anti-Social Behaviour Policy and Procedures is likely to directly or indirectly disadvantage any incoming or outgoing tenant on the basis of any legally protected characteristics that may be relevant.

The Equalities Impact Assessment is attached to this report in Annex D.

Relationship to Corporate Plan: A stated aim of the Council is to deliver sustainable communities.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 30 May 2023

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 30 May 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 29 May 2023

Performance and risk:

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 05 June 2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Carole Oliphant, Policy Officer or Simon Newcombe Corporate Manager for Public Health, Regulation and Housing

Email: coliphant@middevon.gov.uk / snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Current MDH Anti-Social Behaviour Policy 2015

<https://www.middevon.gov.uk/media/1184/asb-policy-v1-4-approved-by-pdg-160615.pdf>

Current MDH Anti-Social Behaviour Procedures 2015

<https://www.middevon.gov.uk/media/191676/asb-procedures.pdf>

Current MDH Domestic Abuse Policy

<https://www.middevon.gov.uk/media/114710/domestic-abuse-policy-v0-5.pdf>

Current MDH Harassment Policy

<https://www.middevon.gov.uk/media/348647/harassment-policy.pdf>

The Charter for Social Housing Residents – Social Housing White Paper

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936098/The_charter_for_social_housing_residents_-_social_housing_white_paper.pdf



ANTI-SOCIAL BEHAVIOUR POLICY 2023

1 Introduction

- 1.1 Our policy sets out how Mid Devon Housing (MDH) manages anti-social behaviour (ASB). This policy applies to anyone living in, or visiting a property that is owned by us.
- 1.2 This policy does not apply to anyone living in, or visiting a property that is not owned by us.
- 1.3 MDH believes that everyone has the right to live in the way they want as long as it does not unlawfully spoil the quality of life of others, or breach the terms of their tenancy agreement.
- 1.4 We recognise that ASB can have a disruptive effect on neighbourhoods and communities, we are therefore committed to tackling ASB through early intervention and enforcement action.
- 1.5 MDH is committed to delivering an excellent service, working with and alongside our tenants to help prevent ASB.
- 1.6 This is an update to the ASB Policy 1.40 which was approved in 2015

2 Legal Framework and Context

- 2.1 Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes. Registered providers are required to publish a policy on how they work with relevant partners to prevent and tackle ASB. In addition, registered providers shall demonstrate:

- Tenants are made aware of their responsibilities and rights in relation to ASB
- Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- A strong focus on preventative measures tailored towards the needs of the tenants and their families
- Prompt and appropriate action to deal with ASB before it escalates, with focus on resolving the problem and having regard to the full range of tools and legal powers available

- All tenants can easily report ASB, are kept informed of the status of their case where responsibility rests with the Council and are appropriately signposted where it does not

2.2 The ASB Act 2003 inserted a new section into the Housing Act 1996 – s218A. Subsection (2) requires a social landlord to publish policies and procedures relating to ASB. Subsection (7) requires social landlords to have regard to relevant guidance issued by the Secretary of State when preparing or reviewing their ASB policies and procedures.

2.3 Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Bill is on its way through Parliament at the point of review and update to this policy and has been taken into account. It is expected to become law in 2023 and once implemented will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.

These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. Of the seven chapters within the White Paper, several are particularly relevant to the aims of this policy:

- To be safe in your home (Chapter 1)
- To know how your landlord is performing (Chapter 2)
- To have your complaints dealt with promptly and fairly (Chapter 3)
- To have a good quality home and neighbourhood to live in (Chapter 6)

2.4 As part of the new consumer regulation regime, from April 2023, the RSH is introducing a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social landlords in England are doing at providing good quality homes and services. The TSMs include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants' views on our performance which will include responsible neighbourhood management including ASB.

2.5 The TSMs under responsible neighbourhood management, particularly ASB, include:

- TP12: Satisfaction with the landlord's approach to handling ASB
- NM01: ASB cases relative to the size of the landlord

3 Policy Aims and Objectives

Aims

- 3.1 Within the legal framework and context set out in section 2, this policy aims to ensure that everyone has the right to live in the way they want as long as it does not unlawfully spoil the quality of life of others, or breach the terms of their tenancy agreement.
- 3.2 MDH aims to provide the right level of support to empower our tenants to tackle issues themselves, wherever possible.

Objectives

- 3.3 Our relationship with our tenants is a two way process with responsibility on both sides. We ask that our tenants take responsibility, with our support if needed, for looking after their home and respecting their neighbours, their community and our staff.

4 What is Anti-social Behaviour?

- 4.1 The ASB Crime and Policing Act 2014 Section 2 (1) defines ASB as:

“conduct that has caused, or is likely to cause, harassment, alarm or distress to any person; conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or conduct capable of causing housing related nuisance or annoyance to any person”

Types of ASB	Examples of ASB incidents
Verbal abuse, intimidation, threatening behaviour and harassment	Threats to cause harm to an individual(s), persistent behaviours which cause harm or upset
Hate Crimes	Hate crime incidents based on race, sexual orientation, belief, gender, disability
Domestic Violence	Abuse of a partner or household member
Noise nuisance	Where there is a noise from persistent dog barking, loud music, DIY or loud music during unsociable hours

Communal nuisance	Where people are congregating near and around our properties and are causing rowdy/threatening behaviour or vandalism to MDH property
Animal related problems	Animals fouling in communal areas and animals not under proper control
Neighbour disputes	Two neighbours have a disagreement – for example over noise, boundaries, the communal area
Environmental abuse	Fly-tipping in communal areas, bonfires, graffiti, tagging etc.
Drugs, substance or alcohol abuse	Use and supply of illegal drugs. Alcohol related ASB. Cuckooing, prostitution and related behaviours
Vehicle related nuisance	Abandoned cars, unnecessary noise pollution from cars and car repairs on communal land
Other criminal behaviour	Violence against people and property. Arson, prostitution and other sex related offences, gang-related activities, gun and knife crime, social media abuse.

5 What is not ASB?

5.1 It is important to be tolerant of other people's lifestyles and to be understanding of these possible differences. Behaviour that results from different lifestyles, or which would not be considered unreasonable by most people is not ASB. Examples of this might include (This is not an exhaustive list):

- Lifestyle clashes
- Children playing or youths innocently congregating
- Ball games
- Parking disputes
- One off party
- Reasonable living noise such as lawn mowing, household DIY, hoovering, toilets flushing, doors banging, noise from household appliances, cooking smells

- 5.2 Where MDH believe the behaviour does not constitute ASB, advice will be given to enable self-resolution.
- 5.3 Tenants should refer to the MDH Neighbourhood Management Policy to establish ways to reduce complaints from your neighbours and prevent low level situations escalating into ASB complaints

6 Avoiding ASB and Neighbour Complaints

The recommended action would be to consider what might cause a nuisance to others and act accordingly. For example:

- Be considerate of your neighbours
- Do not carry out repairs or other works late at night
- Talk to your neighbours if you intend to have a party
- Do not play music, TV or instruments too loudly
- Keep dogs and other pets under control
- Be aware of where your children are playing, who is supervising them and what they are doing

7 Tenant responsibilities

- 7.1 Our tenancy agreement contains a section relating to the community obligations of tenants. This makes it clear that tenants must respect other people who live in their neighbourhoods. It clearly states: "Your home will be at risk if you cause anti-social behaviour, nuisance/ annoyance or carry out any illegal activities". The tenancy conditions also prohibit tenants from inflicting violence or abuse or threatening behaviours against family members or other people. In addition, tenants are not allowed to abuse, assault, threaten, harass or obstruct our employees or agents, or Councillors whether in person, by telephone, in writing or in any other way (e.g. on social media), and whether at the property or elsewhere such as at our offices, in public or in the locality.
- 7.2 As a Tenant, you are also responsible for the actions of members of your Household (i.e. all persons living at the property) and Visitors (including children and pets) to your property and the locality. This means they too have to respect the terms and conditions of your tenancy agreement and if any of these are breached, this may impact on your tenancy.

8 Reporting ASB

- 8.1 Where it is possible, and safe to do so, it is always best to try and resolve situations yourself. Before reporting ASB, we ask that tenants review our ASB toolkit on our website, which is available at [Anti-social Behaviour Toolkit - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/anti-social-behaviour-toolkit). This will enable you to determine what is classified as ASB and what steps you may need to take before reporting incidents to us.

The toolkit provides some useful self-help tools, advice and guidance on how you as tenants can manage low level issues, typically those that would not be classed as ASB and dealt with by MDH.

- 8.2 When further action is needed, the Officer dealing with the case will look at all the evidence and, taking this into account, will work out what action is needed to ensure that there is a reasonable and proportionate response to the issues reported. The aim will be to resolve the case. We will always offer mediation as a first step to resolve the issue unless the case is High risk.
- 8.3 MDH requires full cooperation from those reporting ASB to enable a full investigation to be completed. This will include providing information regarding incidents, dates and times and could include completing diary sheets if necessary. MDH would expect you to fully cooperate in order to resolve any issues or dispute, this could be by attending mediation, providing witness statements or attending court as requested. Where the situation is more serious and may involve criminal activity, or where there is a requirement for MDH's involvement, then reports can be made in a number of ways including in person, by email, on the telephone or via direct message on social media.
- 8.4 We expect a reasonable level of tolerance between neighbours and will make fair evaluations on whether a complaint of ASB is reasonable. Please refer to the MDH Neighbourhood Management Policy for instances of neighbour disputes which are not determined as ASB and therefore do not form part of this policy.
- 8.5 There are some examples of what MDH would not generally consider to be ASB, as detailed in the Neighbourhood Management Policy. However, repeated low level incidents, that in isolation would not appear to be serious, may have a detrimental impact on a complainant. If repeated incidents are having a harmful impact, or causing a risk, we may investigate in accordance with this policy.
- 8.6 MDH tenants who, with MDH's permission, have installed CCTV or camera doorbells, should ensure that they respect people's privacy rights and take steps to minimise intrusion to neighbours. Further information can be found in the MDH CCTV policy.

9 Response Times and Risk assessments

Category	Definition (examples are not exhaustive)	Response Time
High	<ul style="list-style-type: none"> • Reports involving serious risk to individuals or the neighbourhood. This may include a serious threat of violence • Reports of offensive graffiti • Reports of domestic abuse <p>Incidents that are of a serious nature and involve threats of violence or abuse, assault, criminal activity or drug dealing must be reported to the Police by phoning 101 or 999 (in an emergency) or reporting online</p>	1 working day
Medium	<ul style="list-style-type: none"> • Reports of behaviour that is persistent* and unreasonable and where mediation would not be an option 	3 working days
Low	<ul style="list-style-type: none"> • Initial reports of neighbour disputes or nuisance <p>MDH will not get involved with incidents such as:</p> <ul style="list-style-type: none"> • Parking issues outside your home • Civil disputes between neighbours. Day to day noise – e.g. washing machine, vacuum cleaners, babies crying • DIY • Ball games or children playing (unless they are causing a nuisance) <p>Boundary Disputes:</p> <ul style="list-style-type: none"> • Home owners whose properties share a boundary with one of our homes are advised that they should seek their own independent legal advice in the event of any queries on boundaries • We will try to clarify any queries by provision of a boundary plan and owner occupiers are advised 	5 working days

	to take their own legal advice if they have any concerns	
Anonymous Complaints	<ul style="list-style-type: none"> Generally, these complaints will be recorded as information only. In the event of serious allegations, MDH will involve other agencies in order to take appropriate action 	Recorded only – no further action

* Persistent for MDH means occurring 3 or more times over a period of 6 months

9.1 Once an incident has been reported to MDH, the Neighbourhood Officer for that area will be the point of contact throughout the case. A risk assessment will be completed to identify any vulnerabilities and an action plan created for the case.

9.2 Referrals will be made to appropriate support agencies, where necessary after completion of the risk assessment.

9.3 The Neighbourhood Officer will advise of the next steps and provide regular progress updates.

10 MDH's approach to tackling ASB

10.1 When we receive a report of ASB, we will consider if the behaviour complained of amounts to ASB and what action, if any, we can take. If we do not consider the report to be ASB, we will explain why and give appropriate advice on what action the customer may wish to take.

10.2 MDH has a commitment to try to prevent ASB and we do so in the following ways:

- At the point of signing up a new tenant, we will refer you to the terms and conditions of the tenancy agreement, including terms relating to ASB. Our tenant expectations and the consequences of adhering to the terms and conditions are made clear within the standard document. There is a video available which summarises the rights and responsibilities of our tenants and this can be found online at: [Moving in - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/moving-in) (see MDDC tenancy guide).
- MDH works closely with partner agencies to refer or signpost where appropriate.
- MDH actively publicises our commitment to tackling ASB through our social media posts, website and newsletters.

- MDH are signed up to Devon Home Choice (DHC), which is the choice-based lettings system that we use to allocate our properties. In line with the DHC policy, we refuse applicants to apply who have a history of serious ASB within the last 2 years.
- MDH ensures that comprehensive training is given to new Officers, and refresher training is provided regularly to ensure our staff are equipped with the necessary skills and knowledge to manage a variety of ASB issues.
- MDH will take a customer focused approach to tackling ASB, working together with the complainant we aim to agree actions, manage expectations and ultimately close the case within an appropriate timescale.
- MDH will investigate complaints of ASB, evaluate the evidence and work with complainants to agree an appropriate action plan.
- We will also work with the perpetrator to resolve matters.
- We will use the tools and powers available to us under the ASB, Crime and Policing Act 2014.
- We consider the Public Sector Equality Duty when taking legal action.

10.3 MDH recognises the importance of early intervention. There are several approaches that we may use, such as:

- Signposting to support agencies/services
- Written and verbal warnings
- Acceptable Behaviour Contract (ABC)
- Mediation
- Warning letters
- Community Protection Warning (CPW)

10.4 There are occasions where early interventions fail and therefore, more serious action is required. MDH work closely with other statutory agencies to take legal action. Some examples include:

- Community Protection Notice (CPN)
- Notice Seeking Possession (NOSP)
- Injunctions
- Closure Orders
- Forfeiture of lease action
- Seeking mandatory possession (ground 7a of the ASB, Crime and Policing Act 2014)
- Eviction

10.5 MDH will take all reasonable steps before taking legal action and any court action will be a last resort. Tenants should refer to the [Corporate Enforcement Policy](#) which details the factors which will impact the decision to take court action.

10.6 Legal action will take into account an alleged perpetrator's capacity as well as any issues raised under the Equality Act 2010 and will only be taken once a proportionality assessment has been conducted.

11 Supporting Tenants

11.1 MDH understands that ASB can have a detrimental impact on people's lives. We also understand that people are reluctant to report ASB for many reasons and therefore we aim to support complainants throughout the process.

11.2 MDH can:

- Arrange interpreters, if required
- Make referrals to support services
- Access noise monitoring equipment to gather evidence of noise nuisance
- Accompany those attending Court to give evidence on our behalf, and arrange transport to and from any hearings, as required

11.3 We aim to make the process of reporting incidents and gathering information as straightforward as possible.

12 Working with alleged perpetrators

12.1 MDH will interview alleged perpetrators to make them aware of issues being reported. MDH will aim to arrange a meeting with the alleged perpetrator to give them an opportunity to respond to the reported allegations.

12.2 After interviews with the complainant and the alleged perpetrator, the Neighbourhood Officer will make an informed judgement and decide on the most appropriate course of action for the case.

12.3 Where it is apparent through observations, direct reporting or third-party reporting that someone is in immediate danger or risk of harm, MDH will take appropriate action which may include the following:

- Informing emergency services

- Visiting/phoning the complainant to carry out a risk assessment and agreeing an action plan
- Making social services aware if there are any safeguarding issues
- Securing the address with additional security if needed. For example, panic alarms, additional locks.

12.4 Whilst conducting interviews, the Neighbourhood Officer will ensure that early detection of vulnerabilities are assessed through a risk assessment. Any additional support needs will be met and referrals to support agencies completed where appropriate.

12.5 MDH work in conjunction with the East and Mid Devon Community Safety Partnership (CSP) and the tiered process adopted across the whole of Devon by all key partner organisations. In cases of a serious nature, we may ask the CSP to arrange a multi-agency meeting.

13 Partnership working

13.1 ASB cannot be dealt with by any one organisation or agency working in isolation. As stated above MDH works in conjunction with the CSP and other agencies and residents to tackle ASB together. This may include the Police, and formal groups convened to respond to issues associated with serious domestic abuse.

13.2 MDH uses formal information sharing protocols and partnership agreements which allows us to respond quickly to ASB.

14 Community Trigger

14.1 The ASB, Crime and Policing Act 2014 introduced the “Community Trigger”. This gives members of the public the right to request a case review, where the threshold for a review has been met. For more information on the community trigger process, please visit [Community Trigger \(Anti-social behaviour case review\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/community-trigger-anti-social-behaviour-case-review)

15 Domestic abuse

15.1 MDH believes that all our tenants should live without fear of abuse from a spouse, former spouse or partner, or another member of the Household. The government’s definition of domestic abuse is, “any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality”. The abuse can encompass, but is not limited to:

- Psychological
- Physical

- Sexual
- Financial
- Emotional
- Coercive control
- Harassment and stalking
- Online or digital abuse

15.2 MDH is committed to offering victim-centred accessible support to any of our tenants suffering from domestic abuse.

15.3 We will aim to contact any tenant who is a victim/survivor of domestic abuse within 24 working hours of the abuse being reported.

15.4 Where our property has been damaged and the safety of the occupant(s) is at risk we will carry out emergency repairs within 24 hours.

15.5 All domestic abuse cases will be recorded on our systems and victims/survivors will be flagged as vulnerable, and perpetrators flagged for any potential risk.

15.6 Where it is apparent through observations, direct reporting or third-party reporting that someone is in immediate danger or risk of harm, MDH will take appropriate action which may include the following:

- Informing emergency services
- Visiting/phoning the complainant to carry out a risk assessment and agreeing an action plan
- Making social services aware if there are any safeguarding issues
- Securing the address with additional security if needed. For example, panic alarms, additional locks.

15.7 As detailed in your tenancy agreement, you must not inflict violence or abuse, threaten violence or abuse against your Partner or former Partner, your children, your Partner's children or any other person living in your property or in another MDH property, such that the person can no longer live peacefully in the property. This includes all forms of abuse as set out above.

15.8 All staff receive mandatory training and will be expected to support our commitment to managing domestic abuse.

15.9 All information that we gather when managing cases of domestic abuse will be stored on our systems securely. We may have to share information with agencies including the Police or social services when a child or adult is at potential risk of harm.

15.10 For cases which meet the multi-agency risk assessment conference (MARAC) risk rating threshold or if we have child protection concerns, we have a legal duty to share this with other agencies. In cases where the threshold is not met, with the agreement of the victim/survivor, we will make referrals to other support services.

16 Harassment

16.1 As detailed in your tenancy agreement, you must not harass or threaten to harass on the grounds of race, age, gender reassignment, marriage or civil partnership, pregnancy and maternity, religion and belief, sex, sexual orientation, disability, or any other reason that may interfere with the peace and comfort of, or cause offence to other persons residing, visiting, working or otherwise engaging in lawful activity in the neighbourhood or to any tenant, our employees or agents whether in the neighbourhood or elsewhere (for example at our offices). Nor must you allow, fail to prevent or incite anyone living with you (including children) or your Visitors to do any of these things.

16.2 Harassment can take many forms and can occur in a variety of settings. Some examples include:

- Verbal abuse
- Bullying or intimidation
- Hoax calls, abusive phone calls or texts messages
- Online abuse on social media platforms
- Malicious complaints
- Threats of violence

16.3 Where it is apparent through observations, direct reporting or third-party reporting that someone is in immediate danger or risk of harm, MDH will take appropriate action which may include the following:

- Informing emergency services
- Visiting/phoning the complainant to carry out a risk assessment and agreeing an action plan
- Making social services aware if there are any safeguarding issues
- Securing the address with additional security if needed. For example, panic alarms, additional locks.

16.4 Secondary actions that may follow an immediate response could be:

- Working with the complainant to compile evidence of harassment to support an application for rehousing through the Devon Home Choice scheme
- Providing advice and support for rehousing options
- Referrals to supporting agencies
- Enforcement action against alleged perpetrators where they are tenants of MDH

17 Confidentiality and data protection

17.1 MDH will explain to complainants that it may be necessary to disclose information to other statutory agencies such as the Police. Information will be shared with other agencies where there is a duty to do so, and/or whether information sharing protocols are in place.

18 Publicity

18.1 When appropriate, MDH may publicise successful ASB action to:

- Increase community confidence
- Inform stakeholders of our commitment to tackling ASB
- Deter offenders from committing acts of ASB

19 Complaints

19.1 We try to get things right the first time and when we do, we would love you to let us know. It's great for us to receive positive comments or feedback, so if you wish to complement our staff for doing a great job, we would love to hear from you.

19.2 If things do go wrong the council is committed to:

- Dealing with complaints and comments quickly and effectively; and
- Using complaints, comments and compliments to review and improve our services.

19.3 When you contact us to tell us you are dissatisfied with the service we have provided, we will offer you the choice to have an informal conversation to see if we can put things right quickly, without the need for a formal investigation.

19.4 The Housing Ombudsman Service advise that a complaint must be defined as:

‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents’.

- 19.5 Where a tenant considers that the Council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved ‘there and then’ by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.
- 19.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint (stage 1), which can be escalated to stage 2 if they are still not satisfied with the response. If having been through stages 1 and 2 they are still not satisfied, the tenant may contact the Housing Ombudsman Service.
- 19.7 MDH’s complaints procedure is detailed on the Council website: [Feedback and Complaints](#)

20 Equality Impact Assessment

- 20.1 MDH complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us make sure our decision making is fair and does not present any barriers or disadvantage to customers from any protected group (including disability) under the Equality Act 2010.

21 Review and version control

- 21.1 MDH will review this policy every 5 years and as required to address legislative, regulatory, best practice or operational issues.
- 21.2 This policy was produced in 2023 and is version 1.5
- 21.3 This policy was adopted by Cabinet on xxxx



ANTI-SOCIAL BEHAVIOUR STATEMENT OF POLICY AND PROCEDURE 2023

1 Introduction

- 1.1 The Anti-Social Behaviour Act 2003 inserted a new section into the Housing Act 1996 – s218A. Subsection (2) requires a social landlord (SL) to publish policies and procedures relating to ASB. Subsection (7) requires SL's to have regard to relevant guidance issued by the Secretary of State when preparing or reviewing their ASB policies and procedures.
- 1.2 Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes. Registered suppliers are required to publish a policy on how they work with relevant partners to prevent and tackle ASB.

2 Scope and Purpose of the Statement

- 2.1 This Statement sets out our policies and procedures on ASB in relation to our role as landlord of Council homes and mainly applies to Council tenants and leaseholders.
- 2.2 We share the importance that the Government places on dealing with ASB. Publication of our policies and procedures will enable residents and staff alike to understand what is meant by ASB and the commitments we are making to deal with it.
- 2.3 The Statement of policy outlines our general approach to ASB and the specific policies we have for dealing with it.
- 2.4 The Statement of procedures outlines what we do when ASB occurs. It enables everyone to understand how we will deal with a complaint of ASB and what is expected of residents.

3 Policy Statement

- 3.1 We believe that residents have the right to live in their home in peace and free from fear, disturbance, distress or harm. No one should be expected simply to 'put up' with ASB. So we are committed to taking or supporting the full range of effective action to deal with ASB, whether this is by mediation, enforcement, prevention, diversion or rehabilitation.
- 3.2 There are many forms of ASB and MDH have a number of policies which detail the approach to these.

Type of ASB	Description	Relevant Policy
Domestic Violence	Abuse of a partner or household member	MDH ASB Policy
Verbal abuse, intimidation, threatening behaviour and harassment	Threats to cause harm to an individual(s), persistent behaviours which cause harm or upset	MDH ASB Policy
Neighbour Disputes	Two neighbours have a disagreement – for example over noise, boundaries, communal area	MDH Neighbourhood Management Policy
Noise nuisance	Where there is a noise from persistent dog barking, loud music, DIY or loud music during unsociable hours	MDH Neighbourhood Management Policy
Hate Crimes	Hate crime incidents based on race, sexual orientation, belief, gender, disability	MDH ASB Policy
Communal nuisance	Where people are congregating near and around our properties and are causing rowdy/threatening behaviour or vandalism to MDH property	MDH ASB Policy
Animal related problems	Animals fouling in communal areas and animals not under proper control	MDH Neighbourhood Management Policy
Environmental abuse	Fly tipping in communal areas, bonfires, graffiti, tagging etc.	MDH Neighbourhood Management Policy
Vehicle related nuisance	Abandoned cars, unnecessary noise pollution from cars and car repairs on communal land	MDH Neighbourhood Management Policy
Drugs, substance or alcohol abuse	Use and supply of illegal drugs. Alcohol related ASB. Cuckooing ,prostitution and related behaviours	MDH ASB Policy
Other criminal behaviour	Violence against people and property. Arson, prostitution and other sex related offences, gang, gun and knife crime, social media abuse.	MDH ASB Policy

4 Procedure Statement

- 4.1 The ASB procedures have been written and developed to support Mid Devon Housing's Anti-social behaviour policy.

- 4.2 It aims to provide clarity and consistency on the reporting, recording, monitoring and reviewing of ASB cases received by MDH
- 4.3 After reviewing the ASB service and collating information from our tenants, we have been able to tailor the ASB service and ensure that tenants feel safe in their homes and communities.



ANTI-SOCIAL BEHAVIOUR PROCEDURES 2023

1. Introduction

- 1.1 The Anti-Social Behaviour (ASB) procedures have been written and developed to support Mid Devon Housing's (MDH) Anti-social behaviour policy.
- 1.2 It aims to provide clarity and consistency on the reporting, recording, monitoring and reviewing of ASB cases received by MDH.
- 1.3 After reviewing the ASB service and collating information from our tenants, we have been able to tailor the ASB service and ensure that tenants feel safe in their homes and communities.

2. ASB Definition

- 2.1 MDH uses the ASB, Crime and Policing Act 2014, section 2 (1) to define ASB as:

“conduct that has caused, or is likely to cause, harassment, alarm or distress to any person; conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or conduct capable of causing housing related nuisance or annoyance to any person”

- 2.2 MDH’s procedures aim to provide a framework for tenants and other users to:

- **Understand what is, and what isn’t classed as ASB**
MDH’s ASB toolkit is a useful tool to determine what is, and what isn’t classed as ASB. The toolkit is available to view [Anti-social Behaviour Toolkit - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/anti-social-behaviour-toolkit)
If a complainant is still unsure as to whether their issue is ASB, they should ring in and speak to their Neighbourhood Officer.
- **Support and empower tenants to deal with issues affecting them**
MDH provides support and information in order to empower tenants to deal effectively with issues around ASB, such as the ‘Dear Neighbour’ cards or the Noise App.
- **Ensure tenants are listened to**
MDH will take time to understand the effect and impact an issue is having on our tenants. Officers will triage calls appropriately and manage the expectations of the tenant and deliver successful outcomes.
- **Support tenants to get the correct help**
MDH will signpost tenants to appropriate support services, when appropriate. Tenants will be advised of additional support available, if MDH are not able to proceed with a case.
- **Ensure tenants feel safe in their homes and communities**

MDH works with tenants and partner agencies to prevent and tackle ASB in the community. ASB cannot be tackled in isolation and therefore, a combined approach with other agencies is necessary.

- **Keep tenants informed**

From the initial report of ASB, the complainant will be informed how and when they will be updated on the case, through an action plan. The action plan will be personal to the complainant and will determine how a complainant will be contacted and the frequency of contact.

3. MDH Response times

Category	Definition (examples are not exhaustive)	Response Time
High	<ul style="list-style-type: none"> • Reports involving serious risk to individuals or the neighbourhood. This may include a serious threat of violence • Reports of offensive graffiti • Reports of domestic abuse <p>Incidents that are of a serious nature and involve threats of violence or abuse, assault, criminal activity or drug dealing must be reported to the Police by phoning 101 or 999 (in an emergency) or reporting online</p>	1 working day
Medium	<ul style="list-style-type: none"> • Reports of behaviour that is persistent* and unreasonable and where mediation would not be an option 	3 working days
Low	<ul style="list-style-type: none"> • Initial reports of neighbour disputes or nuisance <p>MDH will not get involved with incidents such as:</p> <ul style="list-style-type: none"> • Parking issues outside your home • Civil disputes between neighbours – e.g. boundaries / fences • Day to day noise – e.g. washing machine, vacuum cleaners, babies crying • DIY • Ball games or children playing (unless they are causing a nuisance) 	5 working days
Anonymous Complaints	<ul style="list-style-type: none"> • Generally, these complaints will be recorded as information only. In the event of serious allegations, MDH will involve other agencies in order to take appropriate action. 	Recorded only – no further action

* Persistent for MDH means occurring 3 or more times over a period of 6 months

3.1 MDH recognises that there will be behaviour and/or activities in the community, which may be considered as anti-social as defined above, and may also be a breach of tenancy conditions, but does not meet the threshold for formal, legal action if pursued. For this reason, complaints may be considered as 'low level' or 'low risk' which do not have the same impact on the complainant and/or the wider community. The Neighbourhood Officer will assess the level of ASB and this will inform the response and actions available to resolve the issue.

3.2 MDH recognises the importance of pre-tenancy work as an important element of setting up successful and sustainable tenancies. This may include but is not limited to:

- Ensuring that a house is suitable for the applicant
- Checking they are able to access necessary services
- Investigating whether there are any previous issues relating to tenancy management that need to be addressed

4. Reasonable Adjustments

4.1 MDH aims to adapt our service to provide additional support to tenants or customers with a physical, developmental or mental health condition; with learning or communication difficulties; or with sensory impairments such as sight or hearing difficulties.

4.2 MDH Officers are trained to routinely ask if a person requires any reasonable adjustments.

4.3 A risk assessment will be completed for every opened case. This enables Officers to score the vulnerability of the complainant.

4.4 MDH Officers ensure that information is recorded on our Housing Management System and shared appropriately and will:

- Use a preferred method of contact where possible.
- Not require information in writing where this could create a barrier or difficulties for the tenant.
- Offer translation services where English is not the first language.

5. Contacting alleged perpetrators

5.1 MDH will contact the alleged perpetrator initially by phone, letter, email or visit detailing the allegations that have been made. If evidence exists that the allegations are proven, MDH will make it clear to the perpetrator what they need to do to prevent further action being taken. For example, this could include, stopping loud music playing past a certain time in the evening. In most cases, bringing the complaint to the attention of the alleged perpetrator will be enough to stop the behaviour. For this reason, we will, where appropriate, encourage our tenants to address the issue directly, before reporting it to MDH, as often, this may resolve the situation.

6. Gathering Evidence

6.1 MDH encourages the reporting of ASB incidents in a variety of ways and the most convenient way for the complainant. Reports can be made:

- Verbally (either face to face or over the telephone)
- Via email
- Via the online reporting form
- Via a third party on behalf of the person affected

When reports are received, they should contain as much relevant and factual information as possible to ensure that Officers can gather as much evidence at the initial point of contact as possible.

The initial contact provides an opportunity for the person contacting and the Officer collecting the information, to understand the impact the issues are having and for the Officer to provide initial advice and assistance.

Reports should include information such as (this is not an exhaustive list):

- What is happening
- Where and when it is happening
- How regularly it is happening or is it a one off incident
- Who is the person(s) involved
- What, if any steps have they taken to address the matter?
- Have they reported it to any other agencies, such as the Police or Environmental Health

When receiving a report, it will be triaged, categorised and recorded onto the Housing Management System.

It is important to note that case categories may change. An initial report may appear to have been resolved with advice only, or was a low level complaint, which escalates, and then can be re-categorised. Also, the reverse may happen where a case appears to be high-risk, de-escalates and then can be re-categorised on the Housing Management System.

7. Ways MDH will tackle ASB

Non-legal Remedies	
Mediation	Mediation is a voluntary process in which trained and experienced mediators act as a neutral third party to help people who are in dispute, work together to solve their problem
Environmental Health	If the ASB is viewed as a statutory nuisance by Environmental Health e.g noise, an abatement notice may be issued
Acceptable Behaviour Contract (ABC)	An ABC can be an effective way to deal with ASB. ABC's are written in agreement with the perpetrator and set out terms which must be adhered to.
Legal Remedies	
<p>It is imperative to consider before going down the legal route:</p> <ol style="list-style-type: none"> 1. if the action is proportionate to the scale of behaviour, and 2. whether all non-legal remedies been considered where appropriate. 	
Notice Seeking Possession (NOSP)	MDH can serve a NOSP if no other remedy is appropriate or has not worked. All details of the types of nuisance being caused should be included in the NOSP. If the tenancy is joint, a NOSP must be served on both tenants. MDH will follow relevant procedures (whether statutory or not) when seeking possession.
Notice before Proceedings for a Demotion Order	Section 83 Housing Act 1985 requires the giving of at least 28 days' notice of MDH's intention to seek a demotion order.
Injunctions	An injunction is a court order which requires a person to either do a specific act or acts, or to refrain from doing a specific act or acts.
Demoted Tenancies	Demotion is an alternative option to requests for possession orders and may be considered appropriate for more low-level forms of ASB
Possession	MDH can request possession of a property through the Courts (see Grounds for Possession – Supplement 1). MDH will follow relevant procedures (whether statutory or not) when seeking possession.

8. Monitoring and Reviewing

8.1 The cases recorded should be reviewed and monitored on a regular basis to determine if the appropriate actions and interventions have been applied to actively manage the case. When cases are reviewed if recent activity or action has occurred, they will be considered 'Active', if there is no current activity in relation to the case, then it may be considered 'Inactive'.

When reviewing the case, MDH may consider the guidelines below:

Case Reviews:

1. How long has it been active	Has the case been continually active or have there been patterns of activity?
2. What is being reported	Is it the same issue as at the beginning or has it changed?
3. What actions have been undertaken	What were the outcomes; what were the barriers, how were barriers overcome, or not?
4. Have actions, which have been previously agreed, been undertaken on both sides	Is the action plan working?
5. What advice has been provided	How successful was this advice; did it help the situation?
6. Is the information complete	Have actions, which have been previously agreed, been undertaken on both sides?
7. Quality of the information held	If the case is to be progressed to formal/legal action, is everything available to ensure there is sufficient evidence and a trail of steps undertaken?
8. Satisfaction	Has a satisfaction survey been completed; what was the feedback; how could we have delivered the service differently; what did we do well; what could we have done better?
9. Other Support	Have all other avenues of support been explored, both internally and externally?
10. Does the situation reach the threshold for a wider Community Trigger response?	Is all the relevant information collected and easily accessible?

Supplement 1 – Grounds for Possession

Section 84A of the Housing Act 1985 - Absolute ground for possession for anti-social behaviour

If the court is satisfied that any of the following conditions is met, it must make an order for the possession of a dwelling-house let under a secure tenancy:

Condition 1 is that:

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence, and
- (b) the serious offence—
 - (i) was committed (wholly or partly) in, or in the locality of, the dwelling-house,
 - (ii) was committed elsewhere against a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (iii) was committed elsewhere against the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and directly or indirectly related to or affected those functions.

Condition 2 is that a court has found in relevant proceedings that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, other than a provision requiring a person to participate in a particular activity, and—

- (a) the breach occurred in, or in the locality of, the dwelling-house, or
- (b) the breach occurred elsewhere and the provision breached was a provision intended to prevent—
 - (i) conduct that is capable of causing nuisance or annoyance to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (ii) conduct that is capable of causing nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

Condition 3 is that the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under section 30 of the Anti-social Behaviour, Crime and Policing Act 2014 consisting of a breach of a provision of a criminal behaviour order prohibiting a person from doing anything described in the order, and the offence involved—

(a) a breach that occurred in, or in the locality of, the dwelling-house, or

(b) a breach that occurred elsewhere of a provision intended to prevent—

(i) behaviour that causes or is likely to cause harassment, alarm or distress to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or

(ii) behaviour that causes or is likely to cause harassment, alarm or distress to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

Condition 4 is that—

(a) the dwelling-house is or has been subject to a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, and

(b) access to the dwelling-house has been prohibited (under the closure order or under a closure notice issued under section 76 of that Act) for a continuous period of more than 48 hours.

Condition 5 is that—

(a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under—

(i) section 80(4) of the Environmental Protection Act 1990 (breach of abatement notice in relation to statutory nuisance), or

(ii) section 82(8) of that Act (breach of court order to abate statutory nuisance etc.), and

(b) the nuisance concerned was noise emitted from the dwelling-house which was a statutory nuisance for the purposes of Part 3 of that Act by virtue of section 79(1)(g) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance).

Condition 1, 2, 3, 4 or 5 is not met if—

(a) there is an appeal against the conviction, finding or order concerned which has not been finally determined, abandoned or withdrawn, or

(b) the final determination of the appeal results in the conviction, finding or order being overturned.

Discretionary grounds: antisocial behaviour

For secure tenancies, the grounds for possession are set out in Schedule 2 of the Housing Act 1985. Ground 2 is a discretionary ground, which applies to nuisance or annoyance to neighbours or the landlord, or using the premises for illegal or immoral purposes. Ground 1 for breach of the tenancy agreement may also be used.

For assured tenancies, the grounds for possession are set out in Schedule 2 of the Housing Act 1985. Ground 14 is a discretionary ground, which applies to nuisance or annoyance to neighbours or the landlord, or using the premises for illegal or immoral purposes. Ground 12 for breach of the tenancy agreement may also be used.



Decant Policy - Equality Impact Assessment (EIA)

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

MDH is required by law to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- Foster good relations between people who share a protected characteristic and people who do not share it.

EIA will be carried out by MDH in respect of new or revised policies and a copy of the assessment will be made available. Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action will be necessary.

Service:	Mid Devon Housing	
Name of policy being assessed:	Domestic Abuse Policy	
Lead officer responsible for EIA:		
Is this a new or existing policy:	Revision of existing policy	

1. What are the aims and objectives of the policy?

The policy aims to promote a zero tolerance of domestic abuse. It sets out MDH's responsibilities, identifies help and support that can be accessed and the partnership agencies that work alongside us.

2. What outcome do MDH want to achieve from this policy?

To ensure that we provide a framework that safeguards individuals, families and communities from the impacts of domestic abuse.





3. Who is intended to benefit from the policy?

All residents and families in Mid Devon

4. Who are the main stakeholders in relation to the policy?

- All tenants
- Household members
- Family members of tenants
- Residents of Mid Devon

5. On the basis of the analysis above, what actions, if any, will MDH need to take in respect of each of the equality strands?

Characteristic:	Impact:		Comments/Action:
	Please  the relevant box		
Age:	Positive		The policy will have no impact. Tenant profiling completed at sign up and bi-annually.
	Neutral		
	Negative		
Disability: You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.	Positive		The policy will have no impact.
	Neutral		
	Negative		
Gender:	Positive		The policy will have no impact.
	Neutral		

	Negative		
Gender reassignment:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Marriage and civil partnership:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Pregnancy and Maternity:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Race:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Religion and Belief:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Sexual Orientation:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		

Result		
Are there any aspects of the policy, including how it is delivered or accessed, that could contribute to inequality?	Yes	No ✓
Will this policy have an adverse impact upon the lives of people, including employees and service users	Yes	No ✓

Monitoring and Review: MDH will regularly review the EIA, in line with legislative changes or good practice, or if the policy impacts any group directly. Operations Manager for Housing: Mrs Claire Fry Signed:
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Report for: Cabinet

Date of Meeting:	4 th July 2023
Subject:	Local Development Scheme Update 2023
Cabinet Member:	Councillor Steven Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place
Exempt:	None
Wards Affected:	All Wards
Enclosures:	Appendix 1 – Local Development Scheme 2023 Appendix 2 – diagram showing the updated timetable for the production of a new Local Plan for Mid Devon

Section 1 – Summary and Recommendation(s)

To update the Local Development Scheme and provide an updated timetable for the production of a new Local Plan for Mid Devon.

Recommendation(s):

That the revised Local Development Scheme (Appendix 1) be approved for the period from 12th July 2023.

Section 2 – Report

1.0 Introduction

- 1.1 Local Planning Authorities are required to prepare and keep up to date a development plan for their area. It is important that the development plan is kept up to date to ensure that it reflects recent changes in the planning system, the Council's current corporate objectives and provides a sound basis for decision making.
- 1.2 The development plan for Mid Devon includes the Mid Devon Local Plan which was adopted by the Council on 29th July 2020, the Devon Minerals and Waste Plans (prepared by Devon County Council), and adopted ('made') Neighbourhood Plans (prepared by Town and Parish Councils with local communities). Mid Devon District Council is the local planning authority responsible for preparing the district-wide local plan (excluding a small part of Mid Devon at Cheriton Bishop which falls within the Dartmoor National Park).
- 1.3 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires local authorities to prepare and maintain a Local Development Scheme (LDS) for the district. The LDS provides interested people and organisations with the Council's project plan for the preparation of local development documents, which for Mid Devon District Council is the local planning authority. The Council's adherence to the LDS is part of the legal compliance check applied to Local Plans at their examinations. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 has introduced a legal requirement to review local development documents within certain time periods. In respect of a local plan, a review must be completed every five years starting from the date of adoption of the local plan to assess whether its policies need updating. The Local Plan does not become out-of-date automatically after 5 years. However, the review process is needed to ensure that the plan and the policies within it remain effective.
- 1.4 A review of the adopted Mid Devon Local Plan has indicated that an updated / new Local Plan is needed for the following reasons:
 - The Local Plan was prepared in the context of the 2012 National Planning Policy Framework (the 'NPPF') and examined through transitional arrangements. The NPPF has since been updated, with the July 2021 version currently in force. The NPPF is also currently being updated by the Government. There is a need to update the Local Plan to ensure the consistency of its policies with the latest NPPF.
 - There have been changes in local circumstances making the update necessary. Significant economic changes have occurred through the impact of the Covid 19 pandemic, the United Kingdom leaving the European Union, and the energy and cost of living crisis, which may have impacted on viability and potentially, the deliverability of key site allocations. Refreshed technical evidence has been completed which points to changes in need for local

housing and economic development. Additionally, the Government has introduced the standard method for calculating an authority area's local housing need. New environmental priorities have also arisen following the Council's signing of the Devon Climate Emergency Declaration in May 2019 and its aim to become carbon neutral by 2030, and the need to implement the national requirement for securing biodiversity net gain through new development.

- 1.5 The Cabinet will note that in terms of housing land supply, the Council can continue to demonstrate a 5 year supply of deliverable sites for housing. This is currently 5.44 years. Additionally, the Housing Delivery Test performance continues to exceed 100%. Therefore, the adopted Local Plan remains up-to-date for the purpose of policies relating to housing land supply.
- 1.6 Consequently, this LDS review incorporates a timescale for the production of a new local plan.

2.0 Current Local Development Scheme

- 2.1 The current LDS was approved by the Cabinet at its meeting on the 4th January 2022 (minute 120). This includes the following programme for key milestones for the preparation of the new Local Plan:

Current approved LDS	
Stage	Date
Regulation 18 Issues Consultation	January – March 2022
Draft Policies and Site Options Consultation	June – July 2023
Regulation 19 Publication (Proposed Submission) consultation	May - June 2024
Submission	September – October 2024
Examination and Main Modifications	November 2024 – May 2025
Adoption	July 2025

- 2.2 There is now a need to update the LDS in light of progress made with the preparation of the new Local Plan and a review of work to be undertaken over the coming months. However, consideration also needs to be given to the Government's recent consultation on its proposed changes to the National Planning Policy Framework ('NPPF') and wider reforms to plan-making as part of its Levelling Up and Regeneration Bill. While these consultation proposals indicate the Government's intent, they do not form part of the current planning framework. As a result they have led to some uncertainty and have resulted in instances where some local authorities have paused their plan making. However, the Government's message remains clear that plan production should continue to progress and it believes that the proposed changes will assist this. Officers consider that while a cautionary approach is needed, the proposed changes are nevertheless helpful in shaping the update to the LDS.

3.0 Progress made with the new Local Plan

3.1 The preparation of the new Local Plan (which has the working title 'Plan Mid Devon') has been commenced and good progress has been made as follows:

- The gathering of technical evidence and other work related to the new Local Plan. This includes multiple work-streams across projects being undertaken in-house or with the use of suitable external consultants. Several have been in partnership with other local authorities. The following list is not comprehensive and may be subject to change as plan making progresses and a need for additional technical work is identified:
 - Call for sites and Housing and Economic Land Availability Assessment (in progress)
 - Local Housing Needs Assessment (completed / update needed in 2024)
 - Gypsy and Traveller Accommodation Needs Assessment (in progress)
 - Economic Development Needs Assessment (completed)
 - Annual New homes occupier survey (completed 2023)
 - Playing Pitch Strategy (completed)
 - Assisting the preparation and review of the Housing Strategy (completed)
 - Retail, Leisure and Tourism Study (in progress)
 - Landscape Character Assessment (in progress)
 - Strategic Flood Risk Appraisal (to be commenced)
 - Viability Appraisal (to be commenced)
 - Open Space, Play Areas and Green Infrastructure Study (to be commenced)
 - Grand Western Canal Conservation Area Appraisal and Management Plan (to be commenced)
 - Transport and infrastructure studies (to be commenced)
- The completion of consultation on an Issues Paper to meet the requirements of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012). This was the first stage in preparing the new Local Plan, in which views were invited about what the new Local Plan will include and how Mid Devon should be planned for in the future. The Issues Paper identified 6 top priorities that should go to the heart of the strategy for the new Local Plan and which can help achieve sustainable development:

Priority 1	Responding to the climate emergency and moving to a net-zero carbon future
Priority 2	Delivering development, infrastructure and regeneration to meet our needs now and in the future
Priority 3	Addressing housing affordability and improving choice
Priority 4	Protecting and enhancing the natural and built environment, and respecting environmental limits

Priority 5 Improving our health and well-being

Priority 6 Supporting rural vitality and a prosperous rural economy

Representations were received from 116 separate individuals and organisations in response to 58 questions posed, totalling 2,635 comments made. These have been analysed and summarised in a consultation statement, which will be brought before Members at a future date.

- 3.2 However, progress has been hampered through significant competing work pressures in 2022, including taking two Neighbourhood Plans through their statutory examination and referendum stages, and leading the procurement of a consultant to prepare a Joint Strategy for Exeter, Teignbridge, East Devon and Mid Devon. There has also been a continued reduced capacity of the Forward Planning team. Amendments to the programme for the key milestones are necessary to reflect that the Regulation 18 Draft Policies and Site Option consultation has not been possible in May / June 2023 as indicated in the current LDS. This will impact on subsequent stages for preparing the new Local Plan.

4.0 Consultation on proposed reforms to the plan making process

- 4.1 In December 2022 the Government published and consulted on proposals to reform national planning policy and the plan-making process.

[Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/levelling-up-and-regeneration-bill)

This is in relation to the Levelling Up and Regeneration Bill. If implemented, these proposed reforms will bring immediate changes to the National Planning Policy Framework (NPPF) – note that, under the original timetable, this was expected to come into force in spring 2023. They include reforming the approach for housing targets, the 5 year housing land supply requirement, and an approach to preparing National Development Management Policies. A fuller review of the NPPF is expected to follow the Royal Assent of the Levelling Up and Regeneration Bill.

- 4.2 Chapter 9 of the Government's consultation sets out a timeline for shifting to a new system of making local plans. Subject to Parliamentary approval, the Government expects these plan-making reforms to be implemented from late 2024. In summary, plan making reforms which are particularly relevant to Mid Devon and the preparation of a new local plan, include:

- A submission deadline of 30th June 2025 for 'old-style' local plans under the current system, after which Local Authorities will be required to prepare plans under the new plan-making system and which must be adopted within 30 months.
- Local Planning Authorities will be required to start work on new plans, by the latest, five years after the adoption of their previous plan.

- Authorities that have prepared a local plan that is less than five years old when the system goes live will not be required to begin preparing a new-style plan until their existing plan is 5 years old (i.e. from the date of adoption). However, Authorities can begin preparing a new plan sooner if they wish.
- Mitigating the risks of moving from one system of plan-making to the other, (particularly the risk of local planning authorities being exposed to speculative applications while preparing their first new-style plan, if their existing local plan becomes out-of-date shortly after the new system is introduced) Government intends to set out that plans that become more than five years old during the first 30 months of the new system (i.e. while the local planning authority is preparing their new plan), will continue to be considered 'up-to-date' for decision making purposes for 30 months after the new system starts.
- Plans enjoying greater weight in the decision making process, limiting the circumstances when unplanned development could be approved – in particular through application of the presumption in favour of sustainable development (the so called 'tilted balance').
- Introducing a concise set of national development management policies which do not need to be included in local plans.

4.3 While the Government's proposed reforms do not form part of the current legal framework for the planning system, they may help inform the Council's consideration of options for preparing a new local plan and in updating the Local Development Scheme.

5.0 Options available for preparing a new Local Plan

5.1 Officers have undertaken a review of progress made with technical work and that which still needs to be completed, and the current timetable for preparing a new local plan for Mid Devon. This has indicated that about 8 months slippage has occurred to date across some key work streams, including the completion of the Housing and Economic Land Availability Assessment. Significant work remains, which is necessary to reach the next stage of plan making - Regulation 18 Draft Policies and Site Options. This is a key point in plan making where technical evidence is brought together to formulate the development of a draft spatial development strategy and site options, strategic and local planning policies, that are aligned to and will deliver an overarching vision, identified priorities and objectives for the district. This work will be informed through transport and infrastructure planning, and high level viability testing. The new Local Plan is required to be subject to a Strategic Environmental Assessment / Sustainability Appraisal, and Habitat Regulations Assessment. This is an iterative process at key stages in plan making, including the testing of reasonable alternatives to policy and development site options. It will require significant work by officers to complete, alongside the preparation of the new local plan, and is reflected in the plan making timetable. Members are advised that the approach for Strategic Environmental Assessment / Sustainability Appraisal is also currently under review by the Government.

- 5.2 The review of the timetable has indicated that a Regulation 18 Draft Policies and Site Options consultation will not be feasible until November 2024 – January 2025 at the soonest. Regulation 19 Publication (Proposed Submission) Stage would follow later in December 2025 – February 2026, with the Submission of the draft local plan to the Secretary of State in April 2026 for its independent examination. Adoption may be feasible by April 2027. A diagram showing the updated timetable for the production of a new Local Plan for Mid Devon is shown in **Appendix 2** to this report. This illustrates the inter-relationship between technical work and key stages in plan making.
- 5.3 The review process and new LDS have been informed through an evaluation of options available for progressing the new local plan:
- Stop production of a new Local Plan and wait for the Government to confirm the implementation of planning reforms.
 - Achieve the submission of the local plan and its adoption sooner under the current system by:
 - Increasing the capacity of the Forward Planning team through recruiting additional officers, employing agency staff or through outsourcing work to a suitable consultant.
 - Reducing the length of the plan making process by removing the Draft Policies and Site Options consultation from the plan making timetable, and focusing work on the Regulation 19 Publication (Proposed Submission) draft plan.
 - Progress the preparation of the new local plan under the current system, and adapt to the new style local plan following the implementation of the Government's reforms to the plan making process.

5.4 The following table includes an evaluation of these options.

Options that have been evaluated for preparing a new Local Plan		
Option	Description	Evaluation
1	Stop production of a new Local Plan and wait for the Government to confirm the introduction of planning reforms	The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 has introduced a legal requirement to review local development documents within certain time periods. In respect of a local plan, a review must be completed every five years starting from the date of adoption of the local plan. Where a review has not been completed in five years and the plan has not been updated, the Local Plan may become out of date. The review of the adopted Mid Devon Local Plan has indicated that the plan needs to be updated.

Options that have been evaluated for preparing a new Local Plan		
Option	Description	Evaluation
		<p>Government advice has been consistent for local planning authorities to continue to produce and adopt local plans. The Government's consultation on reforms to national planning policy "is clear that plan production should continue to progress" and that "it is critical that work should continue on plans before the new system is in place".</p> <p>Delaying the production of a new Local Plan will mean it will take longer for the new Local Plan to be completed. A new Local Plan will be needed to maintain a 5 years supply of land for housing since the current local plan will eventually become out of date for decision-making purposes in relation to housing land supply.</p> <p>It will not be possible to prepare and submit a new Local Plan by 30th June 2025, which is the Government's proposed deadline for submitting a local plan under the current system. The Council would be required to prepare a new style local plan.</p> <p>Conclusion</p> <p>This option has not been taken forward for the LDS.</p>
2a	<p>Prepare and submit a new Local Plan under the current system.</p> <p>Speed up plan making through increasing the capacity of the Forward Planning team: recruiting additional officers, employing agency staff or through outsourcing work to a suitable consultant.</p>	<p>Increased capacity may enable the completion of the new local plan sooner, thereby helping to ensure that a 5 years supply of housing land is maintained. However, there is no current provision in the budget for this.</p> <p>With the Government's proposed planning reforms</p> <p>It is most unlikely that increased capacity of the Forward Planning team could achieve the submission of the new local plan before 30th June 2025, which is the Government's proposed deadline for submitting a local plan under the current system. The Council would be required to prepare a new style local plan.</p>

Options that have been evaluated for preparing a new Local Plan		
Option	Description	Evaluation
		<p>Conclusion</p> <p>This option has not been taken forward for the new LDS.</p>
2b	<p>Prepare and submit a new Local Plan under the current system.</p> <p>Speed up plan making by removing the Draft Policies and Site Options consultation from the plan making timetable and focusing work on the Regulation 19 Publication (Proposed Submission) plan.</p>	<p>Removing the Draft Policies and Site Options consultation could reduce the plan-making timetable by approximately 4 months (which would be the equivalent time taken to approve and consult on Draft Policies and Site Options). Completing the new local plan sooner would help to ensure that a 5 years supply of housing land can be maintained.</p> <p>However, there would be no opportunity for community engagement in helping shape the new local plan before the Regulation 19 publication draft plan is finalised for submission, and for objections to draft policies and site options to be resolved. This would increase the risk of the examination taking longer in order to resolve objections.</p> <p>The merits of a Draft Policies and Site Options consultation have previously been considered by the Cabinet at its meeting on 4th February 2021 (minutes 304 and 305 and related reports), at which the advantages of this approach to provide enhanced consultation were set out, and where a Draft Policies and Site Options consultation was supported by the Cabinet decisions made at that meeting.</p> <p>With the Government's proposed planning reforms</p> <p>Reducing the plan making timetable by 4 months will not achieve the submission of the new local plan before 30th June 2025, which is the Government's proposed deadline for submitting a local plan under the current system. The Council would be required to prepare a local plan under the new plan-making system.</p> <p>The examination of the new Local Plan could take longer in order to resolve objections made</p>

Options that have been evaluated for preparing a new Local Plan		
Option	Description	Evaluation
		<p>at the submission stage. A longer examination will increase the risk that the adoption of the new local plan could be later than 30 months from the proposed reforms going live, after which the current adopted Local Plan could become out of date for decision-making purposes.</p> <p>Conclusion</p> <p>This option has not been taken forward for the new LDS.</p>
3	Continue to prepare the new local plan under the current system, with the existing capacity of the Forward Planning team, and including the Draft Policies and Site Options consultation stage. Adapt to plan making reforms once these have been introduced.	<p>Plan preparation will continue to be progressed without delay, in line with Government advice, to achieve the earliest practicable completion of a new Local Plan for Mid Devon.</p> <p>The inclusion of a Draft Policies and Site Options consultation will provide an opportunity for comments to be made on the draft plan and for objections to be resolved, and for the draft plan to be modified before it is finalised as a Regulation 19 Publication (Proposed Submission) plan, consulted on, and then submitted to the Secretary of State for independent examination.</p> <p>A review of the plan making timetable indicates the new Local Plan will not be adopted until April 2027. There will be a risk that without a new Local Plan in place sooner with updated policies in relation to housing land supply and site allocations, it will not be possible to maintain a 5 years supply of housing land. The current adopted Local Plan would become out of date for decision-making purposes in relation to housing land supply.</p> <p>With the Government's proposed planning reforms</p> <p>The review of the plan-making table shows that the submission of the new local plan is feasible by April 2026. This would be later than the Government's proposed deadline of 30th June 2025 for the submission of local plans under the</p>

Options that have been evaluated for preparing a new Local Plan		
Option	Description	Evaluation
		<p>current system. As such the Council would be required to prepare a local plan under the new plan-making system.</p> <p>However, technical evidence completed, in progress or programmed, and progress made with preparing the new local plan will be capable of being used to inform a new local plan prepared under the new plan-making system. In practice, the Council will have more than 30 months to complete a new style local plan.</p> <p>The Government's consultation on reforms to national planning policy makes clear "those authorities with up-to-date plans will benefit from additional time to prepare new style local plans that will be introduced through the Bill, as set out in [its] proposed timetable for transitioning to new style local plans".</p> <p>If the Government's consultation proposals are implemented, plans that become more than 5 years old in the first 30 months of new system will be considered up to date for decision-making purposes for 30 months after the new system starts (this will be about April - June 2027). A review of the plan-making timetable indicates potential for completion of an examination and adoption of the new local plan within 30 months of the new system being introduced. This will ensure that Mid Devon will continue to have an up to date local plan for decision-making purposes.</p> <p>Conclusion</p> <p>The revised LDS has been based on this option, which is the only realistic and feasible option available for progressing the new local plan.</p>

- 5.6 The review of the plan-making table has shown that none of the 4 options evaluated will be capable of achieving the submission of a new Local Plan by 30th June, which is the Government's proposed deadline for submitting plans under the current system. A new local plan is needed as soon as practicable so that a 5 years supply of housing land can continue to be maintained through updated housing policies and site allocations. The implementation of the new NPPF (expected spring 2023) and proposed reforms to the plan making process (expected late 2024) will reduce the risk that the current Local Plan will become out-of-date for decision-making before the new Local Plan is completed.

6.0 Uncertainties in the plan making process

- 6.1 There are current uncertainties in the plan making process:

- Once a plan has been submitted to the Secretary of State, the Planning Inspectorate will be responsible for setting the timetable for the independent examination. The examination will include the scheduling of hearings, potential main modifications and consultation on these, before receipt of the Inspector's report and the plan's adoption. The number, and complexity, of the matters and issues to be resolved, could affect the length of the examination. As such, it remains uncertain how long an examination for the new local plan might take. The new LDS provides for the adoption of the new local plan by April 2027, which is 12 months from its submission to the Secretary of State. Whilst this is feasible, it is less than the national average time taken (19 months) under the current system¹.
- The outcome of the consultation on the Government's proposed planning reforms is not yet known, and there is uncertainty in what any final approved reforms might include. This may affect what a local plan will be required to include under the new plan-making system, including whether there will be a set of National Development Management Policies. It is also not known how the Government intends new local plans will be prepared in 30 months.

7.0 Opportunities through preparing a local plan under the new plan-making system

- 7.1 The proposed reforms to the plan making system provide an opportunity to progress straight to a new style local plan, which can reflect forthcoming changes to national planning policy. Technical evidence and progress made on plan making so far will be capable of being used for a new local plan. The recommended updated key milestones provide a timetable for producing a new local plan, which can be adopted by April 2027.

¹ David Lock Associates. 19 months average to adopt a local plan from its publication [How long does it take to adopt a local plan? - David Lock Associates Website](#)

- 7.2 If the Government's consultation proposals are implemented, plans that become more than 5 years old in the first 30 months of new system will be considered up to date for decision-making purposes for 30 months after the new system starts (this will be about April - June 2027 if the proposals are implemented in late 2024). The Government's proposed reforms to the planning system would therefore provide an opportunity for Mid Devon to continue to have up to date plan coverage across the district (excluding the part within the Dartmoor National Park) in the transition period from the current to the new plan-making system.

8.0 Amended plan making timetable and updated LDS

- 8.1 There are a number of changes that need to be made to the LDS in order to ensure it is up-to-date and complies with the requirements of Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 8.2 The proposed amended programme for the key milestones is set out below and takes forward option 3 shown in the preceding table in Section 5. The proposed timetable in the updated LDS is ambitious but capable of being achieved in terms of technical work that has been completed, or is in progress or programmed over the coming months. The ability to meet the key milestones will, however, be subject to the Forward Planning team being at its full capacity, and with the absence of unforeseen disruption or delay to its work programme.

Proposed new LDS (included in Appendix 1)	
Stage	Date
Regulation 18 Issues Consultation	January – March 2022 (Completed)
Draft Policies and Site Options Consultation (Regulation 18 continued)	November 2024 – January 2025
Regulation 19 Publication (Proposed Submission) consultation	December 2025 – February 2026
Submission	April 2026
Examination and Main Modifications	April 2026 – March 2027
Adoption	April 2027

- 8.3 The proposed amended programme for the key milestones is included in the updated LDS (**Appendix 1** to this report).

9.0 Joint Strategic Planning

- 9.1 The Cabinet is reminded that the LDS does not include a timetable for preparing a joint strategy for strategic planning with Exeter City, East Devon and Teignbridge District Councils (decision by the Council at its meeting on 1st July 2021, minute 21). This is since the joint strategy will not be a statutory development plan or subject to a formal process for plan making (through the Act or Regulations). The joint strategy is currently being prepared by a consultant, LDA Design.

10.0 Approval of the LDS

- 10.1 The Cabinet Report of 9th June 2016 'Planning policy documents for consideration by the Planning Policy Advisory Group, Cabinet and Council' states that Cabinet is the only body that needs to give approval to the adoption of a new LDS. There is no longer a requirement for the LDS to be signed off by the Secretary of State. If approved, the new LDS will be published on the Council's website.
- 10.2 It is recommended that the updated LDS (**Appendix 1**) is approved and is published on the Council's website with effect from 12th July 2023.
- 10.3 The LDS will be kept under review and may be subject to a need for further updating in light of progress made in preparing the Local Plan and future reforms to the plan-making system.

Financial Implications

The Local Development Scheme has no direct financial implications, however the preparation of planning policy documents have associated production costs. Budgetary provision has been provided for this statutory function with the use of earmarked reserves, which will be reviewed as the preparation of the Local Plan is progressed.

Legal Implications

A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004. It must specify (among other matters) the documents which, when prepared will comprise the Local Plan for the area. It must be made available publicly and kept up to date.

Risk Assessment

Preparing and updating local plans is a statutory requirement. A Local Plan may be subject to challenge if it can be demonstrated that it was not drawn up in compliance with the Local Development Scheme. The proposed Local Development Scheme provides an accurate, updated timetable for the production of development plans. A review of the local plan must be completed 5 years from the date of the local plan's adoption, and most plans are likely to require updating in whole or part at least every 5 years. Where a review has identified that policies in a local plan need to be updated there is a risk these policies will become out-of-date for decision making. Without a new Local Plan to update policies in relation to housing supply and site allocations, there will be a risk that it will eventually no longer be possible to maintain five years supply of housing sites. A consequence could be the district being more vulnerable to speculative planning applications promoting development in locations the Council has not identified for sustainable growth. Where an authority is unable to demonstrate a five years supply of housing its local plan policies would become out of date in relation to housing land supply. In such circumstances a 'tilted balance' may be applied, where in accordance with paragraph 11(d) ii of the National Planning Policy Framework, the presumption would be that planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits".

Impact on Climate Change

The preparation of local plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy.

Equalities Impact Assessment

The Local Development Scheme sets out the Council's project plan and timescales for the development of local development documents. It would not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the "protected characteristics"). The new Local Plan will be subject to a full Equality Impact Assessment.

Relationship to Corporate Plan

The new Local Development Scheme, appended to this report, sets out a timetable for a new Local Plan, which will set the strategy for guiding new development in the district, allocate sites for housing and economic development, the provision of infrastructure, as well as policies for the protection of the environment and managing development. The plan will help meet the Corporate Plan priorities: 'Economy', 'Homes', 'Community' and 'Environment'

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by the Section 151 Officer
Date: 20 June 2023

Statutory Officer: Maria De Leburne
Agreed by the Monitoring Officer
Date: 20 June 2023

Chief Officer: Richard Marsh
Agreed by the Corporate Director
Date: 19 June 2023

Performance and risk: Steve Carr
Agreed by the Corporate Performance & Improvement Manager
Date: 20 Jun 2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Tristan Peat, Forward Planning Team Leader
Email: tpeat@middevon.gov.uk
Telephone: 01884 234344

Background papers:

Cabinet meeting 4th February 2021 Local Development Scheme and New Mid Devon Local Plan

<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=133&MId=1264&Version=4>

Council meeting 29th July 2020 Adoption of the Local Plan

<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=1335&Version=4>

Council meeting 1st July 2021 Approval given to prepare a Joint Strategy

<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=1472&Version=4>

Cabinet meeting 4th January 2022 Approval of the current Local Development Scheme
[Agenda for Cabinet on Tuesday, 4th January, 2022, 10.00 am - MIDDEVON.GOV.UK](#)

Appendix 1

Mid Devon District Council

Local Development Scheme – 12th July 2023

1. INTRODUCTION

1.1 Mid Devon District Council is required to prepare and maintain a Local Development Scheme (LDS) for the district. The LDS provides interested people and organisations with the Council's project plan for the preparation of local development documents. The Planning and Compulsory Purchase Act 2004 states that the LDS must specify:

- The local development documents which are to be 'development plan documents'
- The subject matter and geographical area to which each development plan document relates
- The timetable for preparation and revision of the development plan documents

1.2 Local authorities can update their LDS at such times as considered appropriate. The previous Mid Devon LDS has been in place since January 2022.

1.3 The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 has introduced the requirement to review local development documents within certain time periods. In respect of local plans, a review must be completed every five years, starting from the date of adoption of the local plan. Consequently, this LDS provides a timescale for the production of a new local plan.

2. THE LOCAL PLAN

2.1 The National Planning Policy Framework (NPPF) makes clear that development plans (including Local Plans) are key to delivering sustainable development and local authorities should produce a development plan for their area, which includes strategic and also non-strategic policies. The Local Plan can be reviewed in whole or in part to respond flexibly to changing circumstances.

2.2 Mid Devon's Local Plan 2013 – 2033 was adopted on the 29th July 2020. It guides development in the district over the period to 2033 and aims to ensure that new homes, jobs and services needed by communities are located in the most sustainable places. It will also help deliver the infrastructure, facilities and other developments needed to make this possible.

2.3 Devon County Council has a strategic planning role and is responsible for minerals and waste planning in Devon including the production of mineral and waste plans. The Devon Minerals and Waste Plan is currently made up of two parts which are development plan documents. The two documents are:

Document	Adopted	Scope	Subject matter
Devon Minerals Plan 2011-2033	February 2017	Devon	The Devon Minerals Plan contains the County Council's vision and objectives for minerals planning and provides the policy framework and site proposals to maintain the supply of minerals and limit the impacts of their working.
Devon Waste Plan	December 2014	Devon	The role of the Devon Waste Plan is to establish the overarching principles and policy direction for waste planning in Devon, it also identifies strategic sites for energy recovery across the County and a series of planning policies for making decisions on planning applications. The Plan covers the period to 2031.

2.4 Neighbourhood Plans were introduced through the Localism Act 2011. Neighbourhood Plans are a community-led framework for guiding the future development and growth of an area which conform to the strategic policies of the Local Plan. Neighbourhood Plans, once 'made' will be adopted as part of the overall development plan.

2.5 The following Neighbourhood Plans have either been 'made' / adopted by the Council or are currently under development within the Mid Devon area:

- Cullompton Neighbourhood Plan – 'made' / adopted 30th June 2021
- Crediton Neighbourhood Plan – 'made' / adopted 26th October 2022
- Tiverton Neighbourhood Plan – 'made' / adopted 14th December 2022
- Silverton Neighbourhood Plan – Regulation 16 stage / Examination
- Willand Neighbourhood Plan – Revised Neighbourhood Area being consulted on, and progressing towards Regulation 14 stage
- Newton St Cyres Neighbourhood Plan – Area designation approved December 2021

2.6 Supplementary Planning Documents (SPDs) are not part of the Local Plan, nor are they development plan documents. Therefore, information on their production is not set out within the LDS. Instead, such information can be found on the Mid

Devon website at <https://new.middevon.gov.uk/planning-policy/supplementary-planning-documents/>.

3.0 NEW LOCAL PLAN FOR MID DEVON

3.1 The Council is currently preparing a new Local Plan for Mid Devon (which will be known as 'Plan Mid Devon'). This new Local Plan will cover Mid Devon District (excluding part of the district within the Dartmoor National Park). Once adopted it will form part of the statutory Development Plan for Mid Devon together with other development plans (once adopted) including the Devon Minerals and Waste Local Plans and Neighbourhood Plans. The new Local Plan will include a spatial development strategy, strategic policies and non-strategic policies for the use and development of land and buildings in Mid Devon.

3.2 The new Local Plan, once adopted, will supersede the Mid Devon Local Plan Review 2013 - 2033.

3.3 The following table sets out the timetable for production and adoption of the document:

Stage	Date
Regulation 18 Issues Consultation	January – March 2022 (Completed)
Draft Policies and Site Options Consultation (Regulation 18 continued)	November 2024 – January 2025
Regulation 19 Publication (Proposed Submission) consultation	December 2025 – February 2026
Submission	April 2026
Examination and Main Modifications	April 2026 – March 2027
Adoption	April 2027

4.0 PROGRESS REPORTING

4.1 The Council produces an Annual Monitoring Report (AMR) in December each year, covering the 'monitoring year' (of the preceding April-March period). A new AMR will be prepared which will set out the timetable for the preparation of the new Local Plan, the stages which has been reached in relation to key milestones, and if they are behind schedule, the reasons for this.

4.2 The AMR will be made available on the Mid Devon website at: <https://new.middevon.gov.uk/planning-policy/monitoring/>

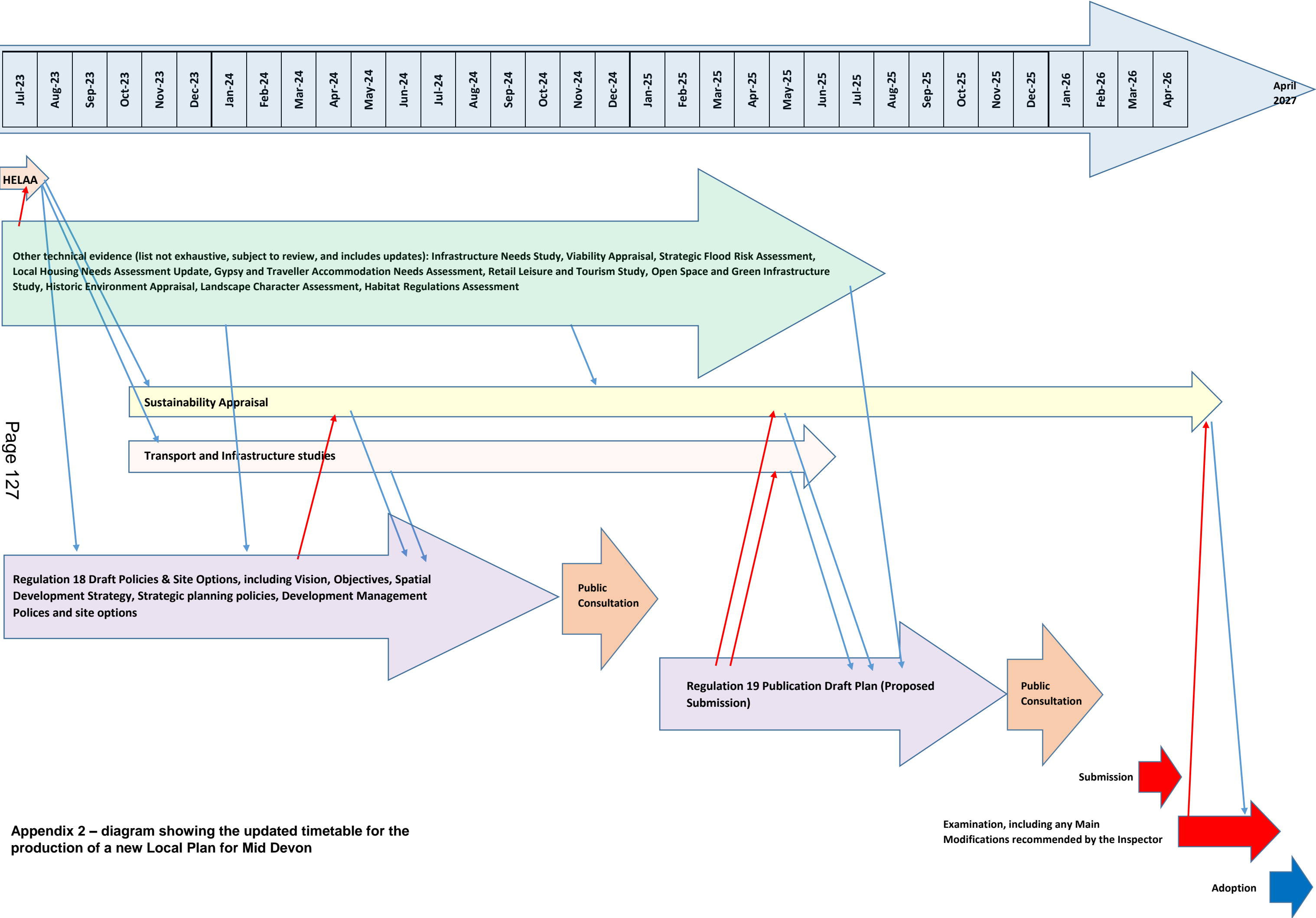
5.0 IMPLEMENTATION

5.1 This LDS will have effect from 12th July 2023.

6.0 REVIEW

6.1 The Planning and Compulsory Purchase Act 2004 states that local authorities can revise their LDS at such times as they consider appropriate. The Mid Devon

District Council website will be updated to set out if the LDS has been subject to further revision. Proposed changes are subject to approval by the Council's Cabinet.



Appendix 2 – diagram showing the updated timetable for the production of a new Local Plan for Mid Devon

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Report for: Cabinet

Date of Meeting: 04 July 2023.
 Subject: Options for Energy Procurement.
 Cabinet Member: Cllr James Buczkowski - Cabinet Member for Finance.

Responsible Officer: Paul Deal - Corporate Manager for Finance, Property and Climate Change.

Exempt:

Annex A contains information which is Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: None.

Enclosures: [Part II Annex A: Review and background information.]

Section 1 – Summary and Recommendation(s)

To provide an overview of options available to the Council for the supply of Gas and Electricity. Recommendations below are founded on the research, advice and evaluations outlined in this report and its background papers.

Recommendation(s):

1. **To provide authority to the Cabinet Member for Finance - in consultation with the Corporate Manager for Finance, Property and Climate Change - to contract with the LASER Energy to procure, manage and supply the Council's gas and electricity between 01 October 2024 and 30 September 2028 (four years); and**
2. **To delegate authority to the Cabinet Member for Finance - in consultation with the Corporate Manager for Finance, Property and Climate Change - to continue with the current 'purchase in advance' gas and electricity purchasing model managed by LASER but also to utilise other available LASER Framework options such as the 'purchase within period' basket if there is a sound business case for doing so; and**
3. **To continue to participate in the Devon Energy Group; and**

4. **To move the Council towards a 100% renewable tariff for electricity consumption at its main operational facilities from sources such as via the LASER 'green basket' or certificate-backed renewable electricity. To seek to achieve 100% within the next 2 years.**

Section 2 – Report

1.0 Introduction

- 1.1 The Council's current contract period with LASER Energy (LASER) for the supply of gas and electricity ends 30 September 2024. The Council needs to consider the procurement options and next steps, and a decision needs to be made. This varies from undertaking a full procurement process to a direct award to one of the Public Buying Organisations (PBO).
- 1.2 This report reviews the current energy contract with LASER Energy, and investigates other procurement options and the procurement route ahead to ensure Value for Money (VFM) and continuity of supply from 01 October 2024.
- 1.3 The Council participates in a collective known as the Devon Energy Group (a number of Devon District Councils, Devon County Council (DCC), Torbay Council, Dartmoor National Park Authority, Devon & Somerset Fire & Rescue Authority) whose members are able to use the contract as a vehicle for their gas and electricity needs. Each party contracts directly with LASER; the collaboration of the Devon Energy Group means that aggregated volumes can be used to the maximum to achieve VFM.
- 1.4 A decision well in advance of the current contract end is needed to secure timely access to aggregated volumes and to gain the related benefits.
- 1.5 Key points / benefits of retaining LASER as our energy provider:
 - a) LASER have carried out an open competitive procurement process to establish energy suppliers to deliver the service. This process tests the market and demonstrates VFM. The framework provides for a direct award of contract.
 - b) The overall volume of gas and electricity that LASER are able to purchase allows for a more flexible energy purchasing strategy compared to the Council and partners purchasing smaller individual volumes direct from the energy markets.
 - c) LASER have offered additional cost savings for each Devon Energy Group member if all sign up to the new framework. This would be a 5% reduction on LASER management and support fees. Currently the Council pays circa £20k per year (this includes the 5% discount).
 - d) Flexibility of trading - LASER purchase large volumes / blocks over the market and have a large, dedicated team to manage the purchase and

supply of gas and electricity. The value of this was demonstrated in the recent energy market price increases - the fixed price guarded the Council from much earlier and greater price increases.

- e) Cost avoidance savings achieved for the Council over the current contract term of £208.8k per year. (Source: LASER 2022. This calculation compares the prices achieved by LASER from the start of the framework with the average market price. Savings are annualised.) For example, buying at below average market rate with additional LASER framework savings as detailed in Part II Annex A.
- f) LASER's management fee is a small percentage of the overall contract value. Savings on supplier management fees compared with buying as a standalone customer were circa £17.4k per year. (Source: LASER 2022.)
- g) LASER provides additional value added services such as bill validation, full account management and billing support, green energy initiatives and ongoing market updates with price predictions. Further details provided in Part II Annex A.
- h) Retaining LASER would avoid costs in terms of the significant staff time in supporting a move to another provider or a new procurement route, and in dealing with the administrative burden that would follow.

2.0 Background

- 2.1 Actual spend for gas and electricity was circa £765k in 2022-2023 and the budget for 2023-2024 is just under £1,036k. As shown in the following table:

Commodity	23/24 Budget (£)	22/23 Actuals (£)
Gas	132,490	255,647.20
Electricity	903,260	509,636.27
Totals	1,035,750	765,283.47

- 2.2 LASER Energy are part of Kent County Council, a specialist trading arm dedicated to delivering gas, electricity and other utility value-added services for the public sector. They are an established Public Buying Organisation (PBO) set up for this very purpose and recognised nationally. It is one of the largest energy buying organisations in Europe, purchasing over £500m of energy per annum and serving over 200 public sector customers.
- 2.3 Central Government actively encourage the use of PBOs for public bodies as the best way to aggregate spend and achieve best value by using specialist energy management buying organisations such as LASER Energy.

2.4 LASER purchase the Council's energy requirements in advance of a year, 1st October to 30th September for the following energy supply year, a model known as a PIA (Purchase in Advance). This provides budget certainty regarding the unit price although weather can also have a big impact on the volume used in a year. Contrasted with PWP (Purchase within Period) also available on the LASER framework, this model provides greater flexibility in being able to buy gas and electricity but does not provide budget certainty. The past year's uncertainty in the energy markets highlights why the PIA model is a more cautious but predictable model and better suited to the Council and budget setting. Over the years PIA and PWP have varied in terms of achieved price and is at the gift of the energy markets.

2.5 Using the PIA model, LASER regularly delivers on or below average wholesale gas and electricity prices, this is detailed in the tables below:

Power - 250 day benchmark. (Source LASER Energy 2022.)				
	Period	Achieved Price	Market Average	% Difference
Purchase In Advance (PIA)	Oct 16 to Sept 17	39.65	39.23	1.07%
	Oct 17 to Sept 18	41.44	44.46	-6.79%
	Oct 18 to Sept 19	46.11	52.04	-11.40%
	Oct 19 to Sept 20	50.51	51.65	-2.20%
	Oct 20 to Sept 21	43.44	45.35	-4.22%
	Oct 21 to Sept 22	59.92	114.08	-47.48%
Average %				-11.84%

Gas - 250 day benchmark. (Source LASER Energy 2022.)				
	Period	Achieved Price	Market Average	% Difference
Purchase In Advance (PIA)	Oct 16 to Sept 17	37.77	37.08	1.86%
	Oct 17 to Sept 18	41.99	45.69	-8.10%
	Oct 18 to Sept 19	49.78	54.75	-9.08%
	Oct 19 to Sept 20	53.8	49.98	7.64%
	Oct 20 to Sept 21	36.32	34.96	3.90%
	Oct 21 to Sept 22	55.28	106.82	-48.25%
Average %				-8.67%

3.0 Cost of change

3.1 If the Council moved suppliers, there would be switching costs which would require time and resources to manage. This would mainly be in procurement but could impact other areas such as Finance and Property Services dealing with the changes and administration that would arise from such a switch.

- 3.2 Supply transfers for gas and electricity from one provider to another require approximately 28 days' notice providing there are no objections.
- 3.3 Problems that often occur and make transfer very administratively intensive:
- Supplies not being transferred due to outstanding debts on the accounts;
 - Supplies leaving LASER but not transferred to new provider, thus leaving the supply 'shipperless'¹;
 - Issues relating closing meter reads (from current provider) and opening meter reads (from new provider);
 - Setting up the correct billing details.
- 3.4 If an issue does arise relating to a supply, it can often take months and in extreme cases years to resolve.

4.0 Renewable energy

- 4.1 The Council has declared a climate emergency and has carbon reduction targets. Energy efficiency gains have been made e.g. comparing the electricity consumed (imported) at the 3 leisure centres during financial years 2018-2019 and 2022-2023, savings of up to 21% have been achieved. The new £2.8m investments at Exe Valley and Lords Meadow leisure centres will decarbonise their heating and cooling, served by improved efficiency building management systems; whilst the shift away from fossil fuels will drive up the demand for electrical power at these sites.
- 4.2 The PBOs offer various initiatives to assist Councils in meeting their aims. LASER offer a comprehensive set of initiatives that can be used by Public bodies to help them meet their targets. On the new LASER framework there is a second Lot with a significant green focus with suppliers available to engage. LASER can offer advice and support on e.g. power purchase agreements and how these could be used to achieve our targets.
- 4.3 Through the LASER contract, the Council standard tariff electricity is provided by npower. Their [April 21 – March 22 fuel mix](#) detailed online shows over 40% of our standard tariff is from renewable sources and cites greenhouse gas emissions of 0.261 kilograms of CO₂ equivalent (kgCO₂e) per kWh unit. This would total circa 544 tonnes CO₂e per year if the Council had not sourced a renewable tariff for some sites (noted below).
- 4.4 The Council has explored additional green options through LASER to link in with its Net Zero 2030 target and delivery programme. Although there is a cost consideration, these options remain available to the Council. The Council switched to REGO certificate-backed renewable supply at Phoenix House, Exe Valley Leisure Centre and Tiverton Pannier Market, which was just over

¹ A supply point that has no current registered shipper but previously had one, and for which it has been established that gas is being consumed through a meter

half our half-hourly (HH) metered electricity consumption 2022-2023.

Based on an estimated 2023-2024 consumption of 1,711,439 kWh units across both HH supply types, the cost to achieve a renewable tariff at 100% of HH supplies would be circa £19k. To maintain renewable tariff for half of HH supplies would cost circa £9.5k. Should certification be available for the full HH and NHH electricity supply types the total cost for 2023-2024 would be circa £24k based on estimated consumption.

- 4.5 LASER appears to offer a more comprehensive range of value-added services, when contrasting the various PBOs. Please refer to Part II Annex A.

5.0 **Service Management and Billing**

- 5.1 Budgets are devolved for both gas and electricity with each site and meter point being billed. The invoices are automatically processed and paid on receipt. The Operations Manager for Property Services has reported good quality customer service with few issues raised.
- 5.2 Devon Energy Group is a good example of local public bodies collaborating together for mutual gain. As this report shows, further savings are offered by LASER for the group committing to the contract. The group also provides strength in numbers if pressure needs to be applied to LASER for any reason.

6.0 **Summary**

- 6.1 This report and Part II appendices examined the different procurement routes and identified the advantages and disadvantages to each; and has contrasted the different PBO frameworks and their costs.
- 6.2 It identifies no clear advantage in undertaking a full UK above-threshold procurement exercise (we anticipate a very limited response, learning from when Devon County Council last procured from the open market). There are 4 or 5 PBOs strongly aligned to public sector requirements and provide a competitive comparison. The Council can also do a direct call-off from a PBO framework once best value has been identified. This negates the need for a lengthy and costly procurement process.
- 6.3 The recommendation of the report is that we should continue our existing contractual arrangement with LASER Energy who are part of Kent County Council.
- 6.4 A prompt decision in line with the Recommendations will allow the supplier around 14 months to procure energy in advance of the new energy supply period. LASER have established a new framework and asked for commitment by April 2023. Officers received the DCC assessment and recommendation report 16 April which was the core basis for this report.

Financial Implications

By continuing with the LASER Framework, it is anticipated that the energy supply and staff resources will continue within existing budgets.

Legal Implications

We gain economies of scale (added discount) by participating in the Devon Energy Group with other Devon authorities. The collective is coordinated by Devon County Council who also provide Procurement support to the Council. The new contract would be directly between the Council and LASER, and the arrangement means LASER would procure energy on behalf of the Council.

A contract break clause enables the Council to leave the framework if necessary. The Council will be contractually obliged to use the LASER framework if it does not enact a break clause in its existing contract which requires six months' notice.

Risk Assessment

Renewing the LASER framework would provide the Council with energy unit price certainty enabling the Council to budget more accurately and will prevent additional administrative expense required for a move to a different supplier. If no organisation is contracted to deliver the service, the Council will move on to default rates which would see a significant increase in energy costs.

Impact on Climate Change

The recommendation to seek to increase the proportion of renewable power consumption (currently circa 50%-55% of electricity on half-hourly metered supplies is on a renewable tariff) aligns with the Council's climate emergency policy and net zero 2030 target. The LASER framework offers green tariff options such as 'green basket' and renewable energy sources, and LASER can provide advisory and facilitation services for power purchase, trading and portfolio management. To continue the LASER framework would not preclude or prevent the Council from implementing measures to reduce and offset carbon emissions from gas and electricity consumption.

Equalities Impact Assessment

This report does not impact on Equality.

Relationship to Corporate Plan

A Sustainable Planet. Environment - 'Encourage "green" sources of energy, supply new policies and develop plans to decarbonise energy consumption in Mid Devon'.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett.

Agreed by or on behalf of the Section 151 Officer.

Date: 26/06/2023

Statutory Officer: Maria De Leburne.

Agreed on behalf of the Monitoring Officer

Date: 26/06/2023

Chief Officer: Stephen Walford.

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 23/06/2023.

Performance and risk: Stephen Carr.

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 23/06/2023

Cabinet member notified: Yes.

Section 4 - Contact Details and Background Papers

Contact: Jason Ball - Climate and Sustainability Specialist. Email:

JBall@MidDevon.gov.uk / Telephone: 01884 255255.

Background papers: Review and background information.

Document is Restricted

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Forward Plan

In line with the public's general rights of access to information and the promotion of transparency in the way which decisions are taken by or on behalf of the Council, Mid Devon District Council produces a Forward Plan of any Key Decisions to be taken by the Cabinet and any to be made by the District Council. The Plan normally covers a period of a minimum of four months from the date of publication and is updated every month.

The District Council has defined key decisions as those which by reason of their strategic, political or financial significance or which will have a significant effect on communities in more than one Ward are to be made by the Cabinet or Council, in line with Article 15 of the Council's Constitution must be made by the District Council.

In line with legislation, any item may exceptionally be considered in the absence of the press and public. Where possible the Council will attempt to keep to the dates shown in the Plan. It is possible that on occasion these may need to be rescheduled.

Please ensure therefore that you refer to the most up to date Plan.

Click to see an up to date version of the [Forward Plan](#) on the Council's web site at any time. Also see the website for Copies of [Agenda and Reports](#) of the Cabinet or other Committees of the District Council referred to in this Plan. All items listed in this Forward Plan will be discussed in public at the relevant meeting, unless otherwise indicated for the reasons shown.

Any person who wishes to make representations to the Council/Cabinet about (a) any of the matters proposed for consideration in respect of which a decision is to be made or (b) whether or not they are to be discussed in public or private, as outlined below, may do so in writing, before the designated Date for Decision shown, to the Member Services Manager, Phoenix House, Phoenix Lane, EX16 6SA or by email to: committee@middevon.gov.uk

Forward Plan - August 2023

Decision & Summary	Decision Maker	Date of Decision	Lead Officer	Consultees	Means of Consultation	Cabinet Member	Public or Private Decision	Documents to be considered
ASB Policy & Procedures To receive the updated ASB Policy and Procedures	Homes Policy Development Group Cabinet	13 Jun 2023 4 Jul 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615			Cabinet Member for Housing and Property Services	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
Award of Cleaning Contract for HRA Properties 2023-2026	Cabinet	4 Jul 2023	Mike Lowman, Building Services Operations Manager			Cabinet Member for Working Environment	Fully exempt	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

Options for Procurement of Energy	Cabinet	4 Jul 2023	Jason Ball, Climate and Sustainability Specialist			Cabinet Member for Finance		Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
Local Development Scheme To approve the timetable for preparing the new Local Plan	Cabinet	4 Jul 2023	Richard Marsh, Director of Place			Cabinet Member for Planning and Economic Regeneration	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
Care Leavers Council Tax Exemption A report exempting care leavers from council tax	Cabinet Council	1 Aug 2023 6 Sep 2023	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

Damp and Mould Policy To receive the new Damp and Mould Policy	Homes Policy Development Group	8 Aug 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615			Cabinet Member for Housing and Property Services	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
	Cabinet	29 Aug 2023						
	Council	6 Sep 2023						
Neighbourhood Management Policy To receive the updated Neighbourhood Management Policy	Homes Policy Development Group	8 Aug 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615			Cabinet Member for Housing and Property Services	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
	Cabinet	29 Aug 2023						
Communication and Engagement Strategy Outlines interactions with customers and how communities will be informed and engaged.	Community Policy Development Group Cabinet	27 Jun 2023 29 Aug 2023	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981			Cabinet Member for Community & Leisure	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

Qtr. 1 Budget Monitoring To receive a report from the Deputy Chief Executive (S151) on the Council's Financial position as at 30 June 2023	Cabinet	29 Aug 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
Makeup of the senior officer structure in light of posts held vacant To consider a report from the Chief Executive on the makeup of the senior officer structure in light of posts held vacant	Cabinet	19 Sep 2023	Stephen Walford, Chief Executive Tel: 01884 234201			Leader of the Council	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
106 Governance	Cabinet	19 Sep 2023	Joanna Williams, Planning Obligations Monitoring Officer			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

Meeting Housing Needs SPD To adopt the SPD	Cabinet	17 Oct 2023	Richard Marsh, Director of Place			Cabinet Member for Housing and Property Services	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
2024/25 – 2028/29 Medium Term Financial Plan Update To receive a report from the Deputy Chief Executive on the updated Medium Term Financial Plan (MTFP) covering the period 2024/25 to 2028/29	Cabinet	17 Oct 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
Silverton Neighbourhood Plan	Cabinet	14 Nov 2023	Richard Marsh, Director of Place			Cabinet Member for Planning and Economic Regeneration	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

Infrastructure Funding Statement: Infrastructure List	Cabinet	14 Nov 2023	Richard Marsh, Director of Place			Cabinet Member for Planning and Economic Regeneration	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
Qtr. 2 Budget Monitoring To receive a report from the Deputy Chief Executive (S151) on the Council's Financial position as at 30 September 2023	Cabinet	14 Nov 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
2023/24 Mid-Year Treasury Management Report To receive a report from the Deputy Chief Executive (S151) on the treasury performance during the first six months of 2023/24	Cabinet	14 Nov 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

Page 170	2024/25 Budget Update To consider a report from the Deputy Chief Executive (S151) on the updated 2024/25 Budget position and consider options to reduce the remaining shortfall	Cabinet	12 Dec 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
	Destination Management Plan for Mid Devon	Economy Policy Development Group Cabinet	4 Jan 2024 6 Feb 2024	Richard Marsh, Director of Place			Cabinet Member for Planning and Economic Regeneration	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
	2024/25 Budget Update To consider a report from the Deputy Chief Executive (S151) on the updated 2024/25 Budget position and consider options to reduce the remaining shortfall	Cabinet	9 Jan 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

Establishment	Cabinet	6 Feb 2024	Matthew Page, Corporate Manager for People, Governance and Waste			Cabinet Member for Working Environment		Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
Pay Policy	Cabinet	6 Feb 2024	Matthew Page, Corporate Manager for People, Governance and Waste			Cabinet Member for Working Environment		Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
Qtr. 3 Budget Monitoring To consider a report from the Deputy Chief Executive (S151) on the Council's Financial position as at 31 December 2023	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

2024/25 Capital Strategy and Capital Programme To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Capital Strategy and recommends the 2024/25 Capital Programme	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
2024/25 Treasury Management Strategy To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Treasury Management Strategy and Annual Investment Strategy	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
2024/25 Budget Update To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Budget and recommends the Band D Council Tax charge for 2024/25	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

2024/25 Council Tax Resolution To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Band D Council Tax charge for 2024/25	Council	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
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