

# Public Document Pack

Mid Devon District Council

## Cabinet

Tuesday, 17 October 2023 at 5.15 pm  
Phoenix Chamber, Phoenix House, Tiverton

Next meeting  
Tuesday, 14 November 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](#)

Meeting ID: 398 792 428 251  
Passcode: p885UP

## Membership

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

## A G E N D A

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

- 1. Apologies**  
To receive any apologies for absence.
- 2. Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 3. Declarations of Interest under the Code of Conduct**  
To record any interests on agenda matters.

4. **Minutes of the Previous Meeting** (*Pages 5 - 12*)  
To consider whether to approve the minutes as a correct record of the meeting held on 19 September 2023.

5. **Mid Devon Housing Damp and Mould Policy** (*Pages 13 - 42*)  
To receive a report from the Corporate Manager for Public Health, Regulation and Housing.

The Homes Policy Development Group made the following recommendation:

**RECOMMENDED** to Cabinet that it recommends to Council the adoption of the new Damp and Mould Policy with the addition of the following paragraph:

‘To ensure that treatment has been effective, and damp and mould has not reappeared, any improvement work will be accompanied by a follow up visit to the property. MDH will allow at least 6 weeks after the initial treatment to revisit the dwelling. Any issues reported by tenants in the meantime will be acted upon promptly. If damp and mould have reappeared, further investigation and intervention will be pursued.

6. **Recharges Policy** (*Pages 43 - 70*)  
To receive a report from the Corporate Manager for Public Health, Regulation and Housing.

The Homes Policy Development Group had made the following recommendation:

**RECOMMENDED** to the Cabinet that the revised Mid Devon Housing (MDH) Recharges Policy be approved.

7. **Makeup of the senior officer structure in light of posts held vacant** (*Pages 71 - 74*)  
To receive a report from the Chief Executive considering the makeup of the senior officer structure.

8. **2024/25 – 2028/29 Medium Term Financial Plan Update** (*Pages 75 - 88*)  
To receive a report from the Deputy Chief Executive (S151) presenting to Members the updated Medium Term Financial Plan (MTFP) which covers the period 2024/25 to 2028/29 and potential savings options for consideration / approval.

9. **Notification of Key Decisions** (*Pages 89 - 100*)  
To note the contents of the Forward Plan.

**Stephen Walford**  
Chief Executive  
Monday, 9 October 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](mailto: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.

Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which concerns the Council's powers / duties or which otherwise affects the District. If your question does not relate to an agenda item, the question must be submitted to the Democratic Services Officer two working days before the meeting to give time for a response to be prepared.

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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 19 September 2023 at 5.15 pm

### Present

#### Councillors

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

### Also Present

#### Councillors

D Broom, E Buczkowski, G Duchesne, R Gilmour, B Holdman,  
L Knight and S Robinson

### Also Present

#### Officers:

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy  
Chief Executive (S151)), Maria De Leiburne (District Solicitor  
and Monitoring Officer), Richard Marsh (Director of Place), Paul  
Deal (Corporate Manager for Finance, Property and Climate  
Change), Matthew Page (Corporate Manager for People,  
Governance and Waste), Jason Ball (Climate and Sustainability  
Specialist), Andrew Seaman (Democratic Services Manager)  
and David Parker (Democratic Services & Policy Research  
Officer)

## 46. APOLOGIES

Cllrs S Clist, G Czapiewski and A Glover attended via Teams.

## 47. PUBLIC QUESTION TIME

### Paul Elstone

#### Question 1

My first question relates to the Minutes of the last meeting and the promise to provide written answers to my questions. These have not been provided. Can the Leader tell me what has happened to them?

In response, an officer explained that these had been published and circulated.

#### Question 2

There appears to be no reference to the windfall £3 million leisure services VAT refund in the financial forecast. Has this substantial VAT refund already been incorporated in the forecasting figures or is this still to be done?

#### Question 3

There is no clear evidence that the 3 Rivers bad debt has been included in any short or medium term financial forecasting. Bad debt currently anticipated at more than £7 million and increasing by an estimated £125,000 per month, this when interest and overhead liabilities are factored in. Has the 3 Rivers bad debt provision been made and if so where is it shown in the papers?

#### **Question 4**

The Cabinet Member for Finance is reported as saying Quote: “that no money from Council Tax has been used to support the St Georges Court build”. The S151 Officer has been reported as saying that no loans were taken out to fund 3 Rivers. Therefore who funded the St Georges Court build and who holds the bad debt liability?

#### **Question 5**

If Council Tax Payers have not funded St Georges Court then in my business environment and by implication then the same Council Tax Payers have no liabilities for the substantial bad debt. That there should be no reduction in the MDDC Council services resulting. If this statement is not correct can a full explanation be given?

The Leader stated that a written response would be provided to the remaining unanswered questions.

#### **Nick Quinn**

#### **Question 1**

Why is there no mention anywhere in this report of any impact from the, potentially multi-million pound, losses resulting from the closure of 3 Rivers Developments?

In response the Cabinet Member for Finance noted that it was currently estimated that the soft closure of 3Rivers will be delivered during the remainder of the financial year 23/24 and therefore previous impairment provision and any further write off considerations will be completed in the current year. Therefore, no impact would need to be carried forward to future budgets in the Council’s Medium Term Financial Plan.

#### **Question 2**

Does the Cumulative Budget Gap profile, shown at paragraph 5.1 in this report, take account of the purchase of the St George’s Court site, and the potential purchase of the Knowle Lane site, from 3 Rivers Developments - pushing forward the requirement for additional PWLB borrowing and the subsequent increased loan financing costs?

In response the Cabinet Member for Finance noted that any associated losses will be considered in the current financial year, as previously stated, and if a decision is made by the Housing Revenue Account to purchase any 3Rivers assets, it will be considered in its current and future budget planning scenarios.

#### **Question 3**

In the Appendix 2, attached to the report, is a table that gives a Summary of the Council’s General Fund MTFP position, with estimates for the coming years. The figures in the Net Interest Costs (Receipts) row shows a reduction of £2,000 (from 2023/24 to 2024/25), then a reduction of £30,000 (from 2024/25 to 2025/26) and then a further reduction of £10,000 (from 2025/26 to 2026/27), when it becomes stable. The note (2) under the table states these reductions “reflects the removal of the possible interest earned from 3 Rivers”.

Therefore, the figures shown in this table indicate that the Council is anticipating that it will continue to receive interest payments from 3 Rivers into the 2025/26 financial year - is this correct?

In response the Cabinet Member for Finance noted that Note 2 explained that we had removed any assumption of interest receipts from 3Rivers. The reason why this didn't then show a corresponding reduction in investment receipts is that they were offset by the current prevailing interest we would receive on normal Council treasury activities.

#### 48. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

No interests were declared under this item. Members were reminded of the need to make declarations of interest where appropriate.

#### 49. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting, held on 29 August 2023, were approved as a correct record and **SIGNED** by the Leader.

#### 50. **2024/25 - 2028/29 MEDIUM TERM FINANCIAL PLAN UPDATE**

Cabinet had before it a report\* which updated Cabinet on the Medium Term Financial Plan (MTFP) which covers the period 2024/25 to 2028/29. This took into account the Council's key strategies (i.e. the Corporate Plan, Business Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrated the financial resources to deliver the Corporate Plan. This models potential changes in funding levels, new initiatives, unavoidable costs and proposed service savings.

There was a priority to increase income over cutting services with a priority given to the Council's corporate priorities. At all times borrowing would be minimised and the use of reserves would only be done in a controlled and planned way. It was highlighted that an upcoming general election would impact on financial forecasts.

The following was considered:

- With regard to recommendation 3 of the report, it was encouraged that innovative ideas be welcomed in order to support the Council. The Deputy Chief Executive (S151) agreed and encouraged new ideas, he also encouraged the possibility of working in partnership with third party organisations. An all Member briefing was due to take place in mid-November which would allow Councillors to ask questions on the budget.
- It was asked what the success rate was of funding based on grants and bidding. The Deputy Chief Executive (S151) explained that it was around a 1 in 4 success rate, some funding had been successful. For example, the Council was successful in a £3m bid for the leisure centres. The Government had reduced grant funding and there was mixed success. Bidding for grants was something that this Council aimed to maximise. The Deputy Chief Executive (S151) reassured the Cabinet that all bids were of a high quality.
- Asked what the cost had been to the Council pursuing grants and bids, the Deputy Chief Executive (S151) explained that over the past 5 years the Council had likely spent a 6 figure sum towards bidding.

- Asked if the Rural Services Delivery Grant had been confirmed or whether it was likely to be withdrawn, the Deputy Chief Executive (S151) stated that there was no guarantee that this funding would remain as it was renewed on an annual basis. However, as a sparsity indicator, it is considered more likely that this grant will be continued and hence is included in the calculations.
- The Council's net zero commitments were raised, to which The Deputy Chief Executive (S151) acknowledged that this was a financial challenge for all Councils. He was hopeful that the Council could secure third party funding to work towards the Council's decarbonisation goals. Members are encouraged to attend the Net Zero Action Group and help prioritise the Climate Action Plan.
- It was raised that 2030 was not far off, the Deputy Chief Executive (S151) emphasised the importance of external funding to meet net zero targets and that this could not be achieved independently.
- The Council Tax Base was mentioned as well as long term growth and what this relied upon. There was a commitment not to develop the area for the potential Culm Garden Village, until the relief road was established. It was asked how this might impact long term growth for the Council, if neither of these were achieved. The Chief Executive explained that the planned development was at risk and did not directly impact the wider long term growth of the Council.
- Energy costs were highlighted as an issue within the District and it was asked how mitigating these costs might be achieved. The Corporate Manager for Finance explained that Cabinet had agreed to a contract back in July 2023 which accommodated preferential rates and usage of renewable energy. It was also added that increased level of investments into renewables was being looked into.
- There was a need to future proof the Council so that the Council would not miss potential funding grants. The Deputy Chief Executive (S151) encouraged Parishes to approach the Council should they need help to complete bids.
- Where shared services with other authorities had been considered. The Deputy Chief Executive (S151) explained that there were a few arrangements in place and that other opportunities were welcomed.

**RESOLVED:** That Cabinet Members:

1. Note the updated MTFP's for the General Fund covering the years 2024/25 to 2028/29
2. Agree the principles and endorse the approach to balancing the General Fund Revenue Budget outlined in paragraph 6.2.



3. Seek recommendations from the Policy Development Groups on the appropriate fees for Services to charge and the services areas where savings should be sought and to what level.

(Proposed by J Buczkowski, seconded by Cllr J Lock)

Reason for the decision:

The Medium Term Financial Plan (MTFP) sets out the financial resources available to deliver the Council's ongoing Corporate Plan priorities.

Note: \* Report previously circulated.

## 51. **NOTIFICATION OF KEY DECISIONS**

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

The Leader highlighted how all areas of Mid Devon were impacted in some way by the recent flooding and emergency planning should be considered a future agenda item. The Deputy Chief executive, highlighted that an emergency planning briefing for Councillors was due to take place which would highlight the responsibilities of the Council when it comes to emergency planning.

The Corporate Manager for Public Health, Regulation and Housing highlighted that the housing team worked during the storm to help those affected.

In addition, it was raised that communication needed to be improved so the Council could be better prepared for next time. There was also encouragement to work closely with the Environment Agency on future emergency planning.

Note: \* Notification of key Decisions previously circulated.

(The meeting ended at 6.30 pm)

**CHAIRMAN**

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## MDDC CABINET MEETING 19<sup>th</sup> SEPTEMBER 2023

QUESTIONS: PAUL ELSTONE - A local resident and council taxpayer.

### Question 1

My first question relates to the Minutes of the last meeting and the promise to provide written answers to my questions. These have not been provided. Can the Leader tell me what has happened to them?

**Question answered at the meeting – the response has been published.**

My remaining questions relate to Agenda Item 5 – Medium Term Financial Term Update and associated papers.

### Question 2

There appears to be no reference to the windfall £3 million leisure services VAT refund in the financial forecast. Has this substantial VAT refund already been incorporated in the forecasting figures or is this still to be done ?

**The MTFP is a forward looking 5 year financial projection looking at the Council's position from 2024/25 onwards. The VAT refund was accounted for within the 2022/23 financial year.**

### Question 3

There is no clear evidence that the 3 Rivers bad debt has been included in any short or medium term financial forecasting. Bad debt currently anticipated at more than £7 million and increasing by an estimated £125,000 per month, this when interest and overhead liabilities are factored in. Has the 3 Rivers bad debt provision been made and if so where is it shown in the papers ?

**Impairment of loans have already been made in the Council's accounts in the financial years 2020/21 and 2022/23. Further revisions to these amounts will be made during 2023/24 now key decisions have been made relating to the future of the company. It is currently anticipated that this review will be undertaken in the current financial year and therefore no provision is included in the forward looking MTFP report.**

### Question 4

The Cabinet Member for Finance is reported as saying Quote: *"that no money from Council Tax has been used to support the St Georges Court build"*. Unquote:

The S151 Officer has been reported as saying that no loans were taken out to fund 3 Rivers. Therefore who funded the St Georges Court build and who holds the bad debt liability ?

**Councils receive their funding from a number of sources, not just from Council Tax. This includes: Government funding and grants, retained business rates, income from fees/charges, etc.**

**All Council funding of 3Rivers has come from temporary cash flow treasury lending. Now the Council has resolved to soft close the company, any associated bad debt will ultimately be a liability of the Council and decisions will need to be taken as to how this is ultimately funded.**

## **Question 5**

If Council Tax Payers have not funded St Georges Court then in my business environment and by implication then the same Council Tax Payers have no liabilities for the substantial bad debt. That there should be no reduction in the MDDC Council services resulting. If this statement is not correct can a full explanation be given ?

**During 2023/24 the Council will need to make a number of financial decisions on how to fund the estimated losses from its wholly owned property development company. This will be affected by the final quantum of the loss once all of the current assets are disposed of and all potential liabilities are crystallised.**



**Report for: Homes Policy Development Group**

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Date of Meeting:	26 <sup>th</sup> September 2023
Subject:	<b>MID DEVON HOUSING DAMP AND MOULD POLICY</b>
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing and Property
Responsible Officer:	Simon Newcombe - Corporate Manager for Public Health, Regulation and Housing
Exempt:	No  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 Wards
Enclosures:	Annex A – Damp and Mould Policy Annex B – Damp and Mould Policy Equality Impact Assessment (EIA)

## **Section 1 – Summary and Recommendation**

This policy sets out how Mid Devon Housing will address issues of damp, mould and condensation within the council's tenanted and leasehold housing stock.

This includes how the Council intends to comply with its legal responsibilities and with the Housing Ombudsman's recommendations in 'The Spotlight on Damp and Mould' report and well as its wider health, safety and wellbeing requirements towards our tenants under the statutory Homes Standard published by the Regulator of Social Housing and the new Social Housing Regulation Act 2023.

## **Recommendation:**

**That the PDG recommends that Cabinet recommends to Council that the MDH Damp and Mould Policy and Equality Impact Assessment contained in Annexes A and B be adopted.**

## **Section 2 – Report**

### **1 Introduction**

#### **Current regulation and performance**

1.1 Under the Homes Standard, the Regulator of Social Housing (RSH) requires all registered providers to:

- provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time;
- meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

1.2 The Social Housing (Regulation) Act received Royal Assent in 2023 and has now been enacted into law, the Act has been taken into account in the creation of the Policy. This 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.

1.3 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 well their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the White Paper and 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)

1.4 As part of the new consumer regulation regime, from April 2023, the RSH has already introduced 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.

- 1.5 The TSM measures under the Homes Standard include:
- TP02 – Satisfaction with Repairs
  - TP04 – Satisfaction that the home is well maintained
  - TP05 – Satisfaction that the home is safe
  - TP10 – Satisfaction that the landlord keeps communal areas clean and well maintained
- 1.6 In addition to the Social Housing Regulation Act the government published new damp and mould guidance on 8<sup>th</sup> September 2023 for landlords in the wake of two-year-old Awaab Ishak’s death. The guidance provides an overview of what landlords should consider when addressing reports of damp and mould and gives examples of best practice to help reduce health risks to tenants and potential damage to property.
- 1.7 Officers have considered the guidance issued and are confident that the MDH Damp and Mould Policy fully aligns with the principles set out by the government but lacked detail on follow up visits when improvement works had taken place. In order to address this Members are being asked to approve an additional section to the draft policy which will provide transparency on follow up visits.

### **Wider context and renewed focus**

- 1.6 Damp and mould in homes is prevalent across the country, especially in older stock and poorly maintained or designed properties. Homes that retain moisture, residents who cannot afford to turn on their heating, or who do not have outside space to dry laundry, and failures of all landlords to address repairs in a timely fashion have combined to blight homes with damp and mould.
- 1.7 The sector has been actively aware of these issues for some time and Mid Devon Housing have taken a proactive stance in tackling the issue. This preceded heightened focus on the issue following the publication of the Housing Ombudsman’s ‘Spotlight Report on damp and mould’ report in October 2021 in addition to a Coroner’s report into the death of Awaab Ishak in November 2022 which set out the many failings that directly contributed to this only reinforced the urgency with which the sector must respond, whether as a social housing provider or a private landlord.
- 1.8 All social landlords have an essential role to play here; in ensuring homes are kept in a good state of repair, in listening to tenants and responding quickly to any problems they raise, and in creating a culture where everyone cares about all residents’ living conditions.

- 1.9 As such a landlord, the Council has a duty to ensure that its housing stock is maintained at least in accordance with the Decent Homes Standard, which includes taking steps to assess properties for damp and mould problems and, where appropriate, take steps to avoid or minimise the recurrence of damp and mould.
- 1.10 We know that residents living in homes with damp and mould are more likely to suffer from respiratory problems, and other conditions that impact the immune system.
- 1.11 The cost-of-living crisis and the impact of fuel poverty is leading to an increased number of residents not being able to either heat or ventilate their homes adequately, which can potentially exacerbate the problem.
- 1.12 In 2021, well before this high profile case, a review of Damp and Mould was started by our Technical Support and Repairs Manager. It was completed and published in early November 2022, unknowingly just ahead of the publication of the above Coroner's report and subsequent media attention. This review is available on the Mid Devon District Council website (see background papers).
- 1.13 The review considered sector current best practice including the recommendations of the Housing Ombudsman Spotlight Report and further set out that:
- MDH have no policy of awaiting claims outcomes before investigating and addressing any damp or mould
  - Are working towards better understanding of problem in our stock
  - We continue to develop improved approaches and have a zero-tolerance approach
  - The recommendations of the review should be incorporated into a dedicated Mid Devon Housing Damp and Mould Policy, developed in consultation with our tenants

### **Response and new regulation**

- 1.14 The publication of Coroner's report on Awaab Ishak was seen as a defining moment for the housing sector. As such, the Department for Levelling Up, Housing & Communities (DLUHC) and Regulator for Social Housing (RSH) wrote to all Council's and all registered housing providers (RPs) respectively on 19 November for a written response. This sought formal assurance around our delivery of statutory duties and responsibilities with promises to take action against under-performing organisations.
- 1.15 In response to the above, a detailed, combined response drafted by MDH and Public Health services was provided by Chief Executive to DLUHC and RSH on



30 November 2022. This provided our comprehensive assurance in terms of Mid Devon as both a registered provider/social housing landlord (MDH) and a regulatory body for housing standards. The Damp and Mould Policy introduced by this report is relevant only to MDH and its landlord function.

1.16 At the same time that issues around damp and mould came into recent national focus, the Social Housing Regulation Bill (which became the Social Housing (Regulation) Act 2023) was passing through Parliament. During its journey through Parliament, it also became a 'patchwork' of reform, plugging various gaps and picking up on some wider topical issues including damp and mould. As such the following provisions were included in the final Act:

- Awaabs law - requiring the Secretary of State to set out new requirements for landlords to address hazards such as damp and mould within a fixed time period. Consultation is expected on this within the next 6 months, with a view to the requirements taking effect in summer 2024.
- The requirement for RPs to have a health and safety lead at executive level, in to be introduced by subsequent regulation, likely before April 2024. The details of this person must be notified to the RSH and be visible to tenants. This person will have overall accountability for the health and safety of MDH housing stock including fire safety, legionella, asbestos, gas and electrical safety, other hazards such as structural concerns, slips/trips and falls alongside damp and mould.

1.17 In response, MDH have developed this Damp and Mould Policy and will notifying the RSH and tenants of the appointed lead role once the regulations are in place. This has already been factored into the interim senior management structure of the Council and will be incorporated in the more permanent arrangements due to come before Cabinet in autumn 2023.

## **2 MDH Damp and Mould Policy**

2.1 The overall aim of the policy is to provide a clear and transparent framework on the Council's approach to tackling damp and mould in accordance with our statutory obligations. This includes ensuring that our residents feel listened to and responded to effectively when experiencing issues of damp and mould.

2.2 Mid Devon Housing wants to take every reasonable action to identify, remedy and provide advice on damp and mould in Council homes in order to ensure a safe, health and comfortable environment for our residents, as well as to protect the fabric of our buildings.

2.3 Damp and mould is a complex issue requiring regular action from both housing providers and tenants. The nature of diagnosis of many damp and mould issues means that diagnosis is not always possible at first report.

- 2.4 To ensure that treatment has been effective, and damp and mould has not reappeared, any improvement work will be accompanied by a follow up visit to the property. MDH will allow at least 6 weeks after the initial treatment to revisit the dwelling. Any issues reported by tenants in the meantime will be acted upon promptly. If damp and mould have reappeared, further investigation and intervention will be pursued.

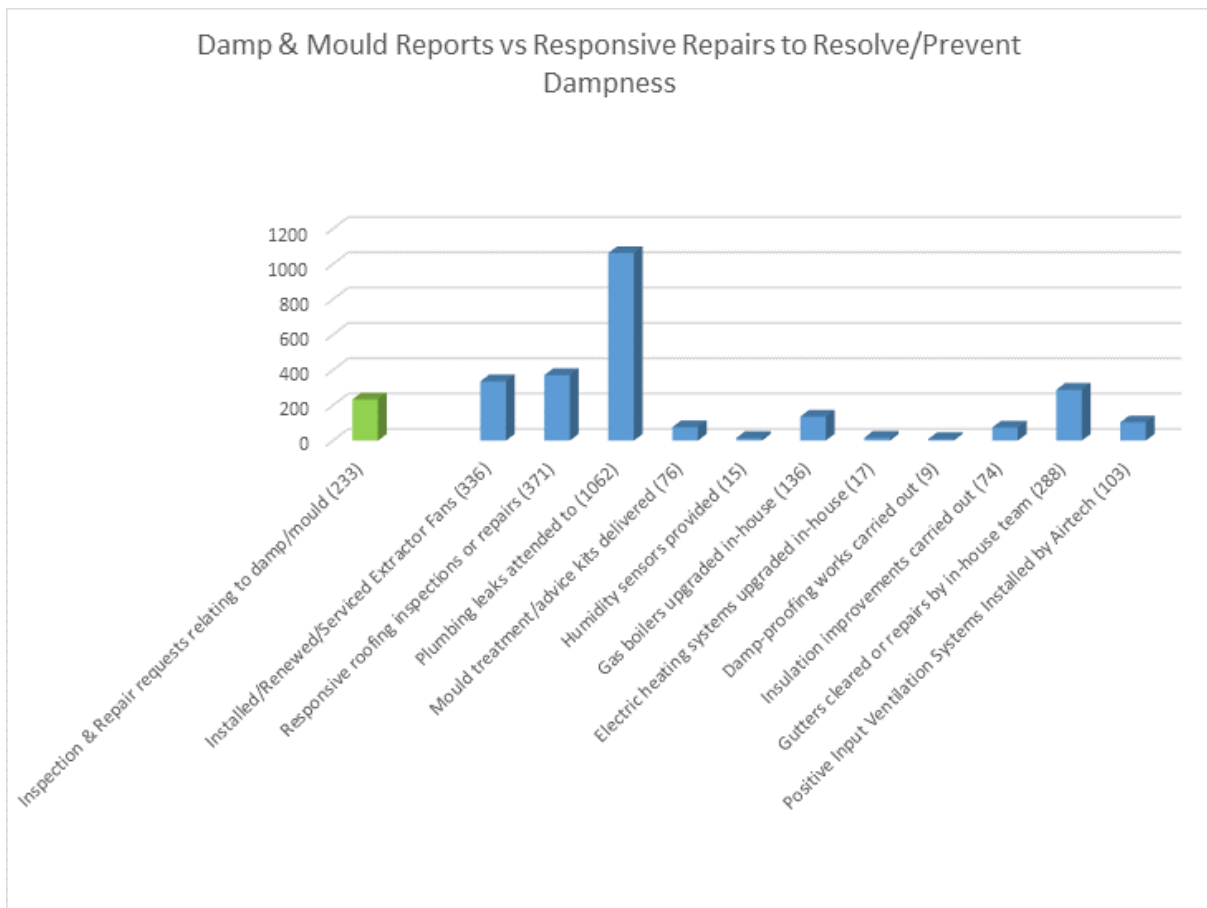
### **3 Historic Performance**

- 3.1 In a pilot survey of the new Tenant Satisfaction Measures (TSM) survey undertaken at the end of 2022, the responses to relevant questions were as follows:

- TP02 – Satisfaction with Repairs – 69%
- TP04 – Satisfaction that the home is well maintained – 65%
- TP05 – Satisfaction that the home is safe – 71%
- TP10 – Satisfaction that the landlord keeps communal areas clean and well maintained – 53%

- 3.2 A damp and mould survey project commenced in March 2023 with a view to contacting as many tenants as possible, in order to gain a better knowledge of the true prevalence of damp and mould across MDH stock. These surveys focussed on the properties most likely to be suffering from damp and mould, gradually moving on to the rest of the housing stock. The survey also explored data from Orchard Housing and repairs reports. As of 31 May 2023, the results of the survey are as follows:

- At least 5% of MDH tenants presently have damp or mould in their homes at any one time.
- 14% of all homes have had some sort of damp or mould in the past 2 years.
- 86% of all homes have reported no damp or mould in the past 2 years.
- Of the surveyed properties/tenants, where there had been damp/mould in the past, 42% no longer experience damp/mould, whilst 58% said that they did presently have damp/mould issues.
- Between 1 April 2022 and 29 March 2023, there were 233 inspection and repair requests relating to damp and/or mould. In the same period, the repairs service carried out 2487 actions aimed to reduce damp and mould. This shows that for every one damp, mould and/or leak report, there are nearly 10 actions to resolve or prevent it. A further breakdown is included in the table below:



## 4 Consultation

4.1 During the development of the policy, MDH ran a damp and mould forum on its Facebook site which sought feedback on the experiences of tenants alongside their views and ideas on tackling the issue. Responses received formed a key part in the development of the policy itself.

4.2 A second round of formal tenant consultation took place between 5<sup>th</sup> June and 17<sup>th</sup> July 2023 on the final draft policy and no additional responses were received from tenants.

## 5 Policy approach

5.1 The policy recognises that:

- Damp, condensation and mould can and will occur
- We have a mixed stock of homes of varying age and design, built to different building regulations and energy efficiency requirements over the past century
- An inherent damp climate/wide seasonal temperature range exacerbated by climate change together with varied use and occupation

leads to homes with hugely variable energy and ventilation efficiency and demand

- Persistent mould in several rooms and/or key living spaces is the main concern – long term environmental exposure = highest risk of health impacts
- Whilst tenant behaviours are important its not a blame situation – MDH must listen, advise and understand underlying factors (for example; knowledge, lack of drying areas, overcrowding, health conditions, cost-of-living and fuel poverty/cost-of-living pressures)
- Prompt / effective treatment of leaks is important – fix source and de-humidify
- Structural or ventilation factors often also relevant
- Persistent cases - whatever the tenure - will get the attention required to understand and act on the complex mix of issues creating the problem

5.2 Consequently, the policy sets out an intensive housing management approach to damp and mould as follows:

- Targeted reactive and proactive inspections
- Follow-up treatments packs and tenant advice leaflet/checks for primary language and understanding
- Where no structural defects are found but issues persist beyond initial treatment then properties are referred for a specialist survey; humidity monitoring, assess mould, wall moisture and dew points
- Specialist survey recommendations are followed up and implemented including additional or improved ventilation
- Ongoing review of best-practice procedures and treatments
- Additional diagnostic tools – mini hygrometer to help tenants monitor and understand cause and specialist thermal imaging for problematic black mould
- Setting up of a focus group of staff, tenants and Councillors to look at issues relating to damp and mould
- Overall, adopting a zero-tolerance, joined-up approach where we proactively seek to understand causes, concerns and risks in order to take action

5.3 In addition to building new homes with ultra-high energy efficiency which meet or exceed the latest standards, our development programme has a focus on also replacing end-of-life poor quality Cornish and Woolaway units. This will be accelerated where possible through successful applications for Affordable Homes Programme (AHP) grant from Homes England where this grant scheme has recently be updated to provide funding for all new social housing including homes replacing existing units under a regeneration approach.

5.4 Previously only net additional new homes were eligible for AHP grant and the current scheme runs until 2026.

5.5 There is also a programme of modernisation across the remaining, existing MDH stock which will mitigate and reduce damp and mould risk over time:

- £ multi-million investment in rolling 5-yr modernisation and decarbonisation programme (£3m roofs and insulation, £4m decent homes, £2m windows, £1.9m heating, £1.2m renewables)
- 100% of stock meeting Decent Homes Standard; new heating and ventilation systems, modern glazing with trickle ventilation, improved insulation
- Reduce running costs for tenants and improve energy efficiency

## **6 Recommendation**

6.1 The following recommendation is made:

1. That the PDG recommends that Cabinet recommends to Council that the MDH Damp and Mould Policy and Equality Impact Assessment contained in Annexes A and B be adopted.

### **Financial Implications**

This report on its own does not give rise to any financial implication but implementation of the activities set out in the policy have cost implications which are already considered in the current 5-year Medium-Term Financial Plan for the Housing Revenue Account (2023/24 – 2027/28) and capital programme.

Consequently, these will either be met from existing resources and funding or require separate business cases and appropriate approval to progress.

### **Legal Implications**

The council has statutory responsibilities under the Landlord and Tenant Act 1985, the Decent Homes Standard, the Defective Premises Act and the Housing Health and Safety Rating System (HHSRS) to ensure that properties are maintained, meet the Decent Homes Standard and that, where appropriate, properties are assessed and steps taken with a view to avoiding or minimising the risk of recurrence of damp and mould.

Further information is set out in the body of the report, notably in Section 1.

### **Risk Assessment**

Failure to have adequate arrangements in place for addressing damp and mould could result in the Council failing to meet its statutory and contractual obligations

Depending on the specific circumstances and the causes of damp or mould, where the council fails to comply with its statutory or contractual obligations, the tenant or lessee may have a right to take legal action for the damp and mould problems to be remedied and also possibly to claim compensation.

The Council received 31 legal disrepair claims between January 2019 and May 2023, of which, the majority include reference to damp and mould.

### **Impact on Climate Change**

None directly relevant to this report.

### **Equalities Impact Assessment**

Mid Devon Housing collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Our housing estates must be accessible to those with disabilities and we have in place a regular schedule of inspections to ensure that all defects are identified and rectified as soon as possible. Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

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

### **Relationship to Corporate Plan**

A stated aim of the Council is to seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 12 September 2023

**Statutory Officer:** Maria De Leiburne

Agreed on behalf of the Monitoring Officer

**Date:** 12 September 2023

**Chief Officer:** Simon Newcombe

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

**Date:** 24 August 2023

**Performance and risk:** Dr Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 01/09/2023

**Cabinet member notified:** Yes

#### **Section 4 - Contact Details and Background Papers**

**Contact:** Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing or Mike Lowman, Operations Lead for Building Services.

Email: [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk) / [mLOWMAN@middevon.gov.uk](mailto:mLOWMAN@middevon.gov.uk)

Telephone: 01884 255255

#### **Background papers:**

Ombudsman 'Spotlight on Damp and Mould' report – October 2021, which is available via [Housing Ombudsman Spotlight report on damp and mould \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)

Mid Devon Housing Damp and Mould Review November 2021

<https://www.middevon.gov.uk/media/354391/damp-mould-review-2022.pdf>

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# DAMP AND MOULD POLICY

## 2023

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## 1 Introduction

- 1.1 Mid Devon Housing (MDH) wants to take every reasonable action to identify, remedy and provide advice on damp and mould in Council homes in order to ensure a safe, health and comfortable environment for our residents, as well as to protect the fabric of our buildings.
- 1.2 Damp and mould is a complex issue requiring regular action from both housing provider and tenants. The nature of diagnosis of many damp and mould issues means that diagnosis is not always possible at first report.
- 1.3 This policy statement outlines MDH's approach to delivering a fit for purpose damp and mould service that will:
  - Provide clarity on the ways in which tenants can report such issues
  - Provide staff with the ability to understand what is going on by giving them scripts to aid diagnosis
  - Ensure that tenants are treated in a fair and consistent way
  - Comply with statutory regulatory, legislative requirements, contractual requirements and good practice
  - Focus on working in partnership with tenants ensuring that a safe and healthy internal environment is possible
  - Allow MDH to undertake effective investigations and implement all reasonable remedial repair solutions and improvements to make eradication of damp and mould possible
  - Ensure that tenants have access to and/or are provided with comprehensive advice and guidance on managing and controlling damp, mould and condensation
  - Maximise the available budgets and ensure that they are used effectively and efficiently to deal with damp, mould and condensation problems
  - Ensure that the fabric of our property is protected from deterioration and damage resulting from damp, mould and condensation
  - Focus on working in partnership with tenants ensuring that a safe and healthy internal environment is reasonably possible to achieve
- 1.4 We will make reasonable attempts to access the property to inspect and carry out the works. All logged repairs must have evidence of at least three attempts to contact the tenant. Written communication must then be provided to the tenant asking them to contact us to organise a new repair and record each attempt on our tenant database.

- 1.5 We will implement data collection and insight measures to assist with informing us of the possible risks to our properties so that we can undertake proactive measures to eliminate damp, mould and condensation before it becomes a problem for our customers.

## 2 Legal Framework and Context

- 2.1 Under the Homes Standard, The Regulator of Social Housing (RSH) requires all registered providers to provide a cost-effective repairs and maintenance service to homes and communal areas. This service should respond to the needs of, and offers choices to, tenants, and have the objective of completing repairs and improvements right first time and meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
- 2.2 Social Housing (Regulation) Act has received Royal Assent, meaning the bill has now been enacted into law. This will impact the regulatory framework for social housing and introduce 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.
- 2.3 These new standards are there to ensure tenants feel safe and secure in their homes, can get problems fixed before they spiral out of control, and can see exactly how well their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the White Paper and 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)
- 2.4 From April 2023, the RSH introduced 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 measures include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants' views on our performance which includes responsible neighbourhood management.

2.5 The TSM measures under the Homes Standard relevant to this policy include:

- TP02 – Satisfaction with Repairs
- TP04 – Satisfaction that the home is well maintained
- TP05 – Satisfaction that the home is safe
- TP10 – Satisfaction that the landlord keeps communal areas clean and well maintained

2.6 The scope of this policy is covered by legislation including the following:

- Housing Act 1985.
- Homes (Fitness for Human Habitation) Act 2018.
- Landlord and Tenant Act 1985, Section 11 - Repairs and Maintenance.
- Housing Act 2004 - Housing Health and Safety Rating.
- Decent Homes Standards.

### 3 Policy Aims and Objectives

#### Aims

3.1 This policy explains how we will deal effectively with damp and mould in Council homes and communal areas. This includes MDH properties that are tenanted.

3.2 This policy covers the following items:

- Methods of reporting
- Diagnostic scripting
- Investigations and repairs
- Process of elimination for complex cases
- Damp and mould inspections
- Technology and monitoring
- Improvements
- Landlord responsibilities
- Tenant responsibilities
- Education and improvement

#### Objective

3.3 This policy has been written to ensure that wherever possible, residents are not adversely affected by the causes of damp and mould and drives forward an agenda of proactive action to tackle/manage the causes of damp and mould.

## 4 Definitions

4.1 For the purposes of this policy, the following definitions apply:

- **Tenant** – means any person that has a tenancy agreement with the Council.
- **Leaseholder** - means any person or organisation that has a domestic property lease agreement with the Council.
- **Council Property** – means any land/property owned by the Council either as the freehold or leasehold owner.
- **Rising damp** - Characterised by a tide mark on ground floor walls, often accompanied by salt deposits ('efflorescence'), rising damp is caused by the movement of moisture from the ground, rising up through the structure of the building through capillary action.
- **Penetrating damp** - Water penetrating the external structure of the building causing damp, rot and damage to internal surfaces and structure. For example roof leaks, gutter leaks, water ingress through poor pointing or render, bridged damp proof courses or storm water flooding.
- **Plumbing leaks** – leaks from any parts of the plumbing, heating or drainage system, above ground or underground.
- **Condensation** –occurs when an imbalance of heating, moisture and ventilation leads to air borne moisture condensing and settling on cooler surfaces as water.
- **As Built Defect** –is a building defect which met building regulations at the time of construction, but would fail to meet modern building standards today. Common examples include: single skin walls, rat-trap bond walls, cold bridge details, ground levels within 150mm of damp proof course, lack of damp proof course or lack of damp proof membrane.
- **Humidity** (relative humidity (RH)) - is a measure of the water vapour content of air, expressed as a percentage (%RH). RH is strongly proportional to temperature and highly sensitive to temperature changes.
- **Excess humidity** – for the purpose of management of damp and mould, excess humidity is where RH indoors exceeds, or is likely to exceed 70%. Indoor humidity at this level is harmful to respiratory health, and can lead to the formation of mould in homes.
- **Moisture producing room / wet room** – a room in which moisture is created through use of appliances, for example kitchens, bathrooms and shower rooms.
- **Habitable room** –a room that is utilised for dwelling purposes e.g. living, eating, sleeping. MDH has a responsibility to ensure that habitable rooms are capable of being free from damp and mould. Rooms not forming part of the habitable property include garages, external stores, sheds, former coal stores and external WCs. These rooms are often unheated and uninsulated, so can be prone to condensation mould if not well ventilated.

## 5 Methods of Reporting

- 5.1 Tenants and leaseholders can report repairs by phone, email, letter, in person, on our website or through our social media pages.
- 5.2 Damp and mould issues may also be identified by visiting professionals and housing officers, in which case, this will be reported back to the repairs service.

## 6 Diagnostic scripting

- 6.1 All repairs coming through the Council's call centre will be triaged using a diagnostic script. This script has been created from decades of specialist officer knowledge, industry best practice and tenant feedback. The script is designed to determine the most likely cause or causes of damp or mould, and to arrange for repairs or advice to combat this. It may be necessary for the script to be used more than once, as symptoms improve and change.
- 6.2 It is important that tenants are honest and accurate when reporting repairs, in order that the scripting is appropriate.

## 7 Investigations and Repairs

- 7.1 The Council shall investigate to determine the cause of damp, mould and condensation and carry out remedial repairs and actions in accordance with the tenancy agreement, including:
  - Undertaking work for the treatment of penetrating dampness or mould on void properties before being let to new tenants.
  - Delivering effective solutions, based on dealing with the causes of the damp and mould not just the symptoms.
  - Promoting and providing general advice and guidance on how to manage damp and condensation.
  - Ensuring that the relevant staff are aware of and understand the delivery of the service that will meet the aims of this policy.
  - Ensuring that competent contractors are employed to carry out any works associated with damp and mould.
  - Informing the tenant of the findings of the investigations following the visit. This will include identifying the possible causes of damp and mould, recommending effective solutions, all necessary remedial works and the estimated timescales to complete the works.

- When satisfied that, in partnership with the tenant, all reasonable efforts in managing condensation damp has been carried out and this has not been successful, the Council will visit the property and investigate the matter further.
- Insulating Housing Revenue Account (HRA) properties in accordance with the Decent Homes Standard to help reduce the likelihood of condensation occurring.
- Maintaining a tenant's home to avoid penetrating dampness and to avoid rising damp in homes with a damp proof course or membrane by design, and for carrying out remedial action if these do occur.
- Undertaking reasonable improvement works required to assist in the management and control of condensation damp, e.g. the installation of mechanical extractor fans, air vents and repairing existing insulation.
- Carrying out remedial works where it is reasonable and practical to do so.
- Taking a pragmatic approach in finding appropriate solutions when having regard to the constraints of the existing building design and structure. In some cases this may mean that the Council will need to sell or dispose of the property.
- Making good any internal surfaces following any damage caused by remedial works.

## 8 Process of Elimination for Complex Cases

- 8.1 Occasionally, the cause of dampness is unclear and the diagnosis process can be complex. This is often the case where there is more than one possible cause of dampness. Extreme condensation can also impede the diagnosis process.
- 8.2 In some complex cases, a process of elimination may be required and a period of monitoring will be necessary after each element of remedial works is carried out. In the case of penetrating dampness, for example, it might take 1 month per inch of masonry to dry out.
- 8.3 High levels of internal humidity can impede the drying out process following remedial works, and as such, it is essential that tenants follow advice relating to reducing internal humidity and increasing ventilation during the periods following works.
- 8.4 It is important that this is clearly communicated to tenants, and that tenants are involved in the monitoring and re-reporting process.
- 8.5 Where symptoms of dampness persist after remedial works, it is important that tenants contact MDH to advise of this.



## 9 Damp and Mould Inspections

9.1 In cases where the causes of damp and mould are unclear, an inspection may be required. These inspections may be carried out by:

- A trade inspector – this may be someone with a specific carpentry, plumbing, masonry or electrical background, selected for their appropriate skillset to investigate possible contributory factors.
- A technical inspector – this will be an officer with a surveying or management background, who will endeavour to determine the cause or causes of dampness when it is unclear what the cause is, or whether other routes have been explored and exhausted.

9.2 A contractor inspection – this could include an inspection by a damp proofing, roofing, plumbing, drainage or ventilation contractor. Due to a potential commercial influence these surveys are not considered to be independent surveys, however, data included can provide valuable insight into the symptoms observed.

9.3 Independent specialist survey – usually carried out by an independent RICS surveyor. These surveys will be carried out in cases where the causes of damp and mould remain unclear or disputed following a combination of the inspections noted in points 9.1 – 9.2.

## 10 Technology and Monitoring

10.1 As part of a proactive and holistic approach to preventing and identifying the causes of damp and mould, the Council will make use of technology and monitoring equipment. This equipment will never record personal data, audio or video. Such equipment could include:

- Data loggers on fans and ventilation units
- Data gateways on multi-function heat / carbon monoxide alarms
- Quantum smart storage heaters

10.2 Typical data gathered by such equipment includes:

- Records of ventilation systems being manually turned off
- Indoor temperatures
- Indoor humidity
- Carbon monoxide levels
- Carbon dioxide levels
- Dust contamination

- Fire detection alerts
- Air quality
- Occupancy patterns
- Draft detection / open window alert

10.3 By remotely monitoring this data, it is possible to either prevent conditions leading to poor air quality, damp or mould, or to identify triggers for symptoms which already exists. This may help to identify repairs required, or to better guide tenants on appropriate use of the property and equipment.

## 11 Improvements

11.1 MDH has an aging and largely rural housing stock. In this regard, many of our properties are unlikely to meet modern building standards in relation to protection from dampness, thermal properties and access to affordable heating. Subject to funding, MDH will endeavour to carry out improvements to properties to assist tenants with creating a warm, healthy environment, free from damp and mould. Improvements could include:

- Provision of a mould treatment kit for free of charge
- Change of heating type from all electric to gas or renewable
- Internal insulation (thermal boarding)
- External insulation
- Cavity wall insulation
- Floor or ceiling insulation
- Retro-fit damp proof membrane or injection
- Additional mechanical extraction
- Heat recovery units
- Positive input ventilation units
- Additional external drainage

11.2 As improvements fall outside the scope of responsive repair, right to repair and Decent Homes Standard timescales, any commitment to improvements are likely to be on a much longer term timescale and subject to change.

## 12 Landlord Responsibilities

12.1 Section 11 of the Landlord and Tenant Act 1985 places an obligation on the Council, as a landlord, to maintain the exterior and structure of the property. This includes installations for the provision of water, heating systems, drainage, sanitary appliances and gas and electricity. It ensures a rented property is kept in a good state of repair.

12.2 As also set out in the tenancy agreement, MDH commits to meeting its legal obligation to keep in repair the structure and exterior of the building, including roof tiles, gutters, drains and pipes.

12.3 Keeping in repair and proper working order the installations for water, gas, and electricity includes basins, sinks, baths, toilets, water tanks and pipes, gas pipes, boilers, electrical wiring, radiators and any other installation for space heating and water heating.

12.4 It is important to note, and in accordance the Landlord and Tenant Act 1985, MDH only has to repair the dwelling back to the standard it was when a tenant moved in, as long as the condition was satisfactory at that time. MDH is not required to upgrade or improve any part of the property, unless agreed in the tenancy agreement or undertaken by MDH voluntarily.

12.5 Reasonable timescales:

12.5.1 Where repairs fall within the scope of responsive repairs and the right to repair scheme these will be dealt with in accordance with the timescales set out in the repairs' handbook and right to repair guidance.

12.5.2 Where repairs fall outside of the scope of responsive repairs or the right to repair scheme, and especially where external contractors are needed, temporary repairs will be attempted and major works will be carried out within a reasonable time period. This is normally before the end of the following financial year (for example major re-roofing, major re-plastering, and major concreting works, bathroom or kitchen renewal).

12.5.3 Improvement works generally carry no statutory timescales, and a reasonable timescale could vary between 6 months and several years, where agreed.

## 13 Tenant Responsibilities

13.1 In accordance with the Tenancy Agreement, our tenants have a contractual responsibility for:

- *'reducing damp, mould and condensation through ventilation and controlling moisture'*

13.2 As set out in section 11 of the Landlord and Tenant Act 1985, a tenant or leaseholder has a duty to “use the premises in a tenant-like manner”. In essence, this means that our tenants are expected to take good care of the dwelling, carry out daily maintenance tasks and not do anything that directly leads to a deterioration of the fabric of the building or the installations and facilities provided. For example, they should:

- Keep the dwelling clean
- Heat and ventilate the property appropriately – MDH will support and signpost tenants if there is financial hardship

13.3 The Defective Premises Act 1972 sets out that as a landlord, MDH cannot be liable for injury or damage caused by something that the tenant is responsible for repairing.

13.4 Tenants have an obligation to allow access for inspections and repairs, in accordance with the tenancy agreement.

## 14 Education and Improvement

14.1 All MDH officers will receive training on understanding the causes and symptoms of damp and mould, the potential impact on health, and the importance of reporting concerns. Technical officers and operatives will receive more in depth training to aid diagnosis and ensure appropriate investigations and repairs are carried out.

14.2 Accepted methods of diagnosing and treating dampness are regularly being reviewed and developed by industry experts. Technical officers will continue their professional development by monitoring changes in best practice and adopting new techniques.

14.3 The causes of damp and mould are complex and in many cases, our tenants may need support to understand the causes of damp, mould and condensation, as well as how to avoid this. MDH will ensure that this education is in a range of formats including verbal, written, audio, visual and video.

## 15 Exclusions and Limitations

15.1 Misuse / damage – where damp and mould is caused by misuse or damage, tenants may be responsible for arranging for or paying for repairs. In extreme cases, possession may be sought for breach of tenancy agreement.

15.2 Rooms outside of the habitable part of the property – sheds, store rooms, single skin stores, loft spaces and former coal stores do not form part of the habitable property and may not be free from damp or mould.

15.3 Leaseholders – MDH will be responsible for anything listed within the freeholder’s obligation within the lease. The cost of this is apportioned accordingly.

15.4 Garages – garages are not guaranteed to be dry or free from damp. They are designed to be secure off road parking for standard vehicles only.

## 16 Complaints and Feedback

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

16.2 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.

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

16.4 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’.*

16.5 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.

16.6 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 then be escalated to a stage 2 complaint if they are still not satisfied with the response. Having been through stages 1 and 2 if the tenant is still not satisfied, the tenant may contact the Housing Ombudsman Service.

16.7 MDH's complaints procedure is detailed on Mid Devon District Council website:  
[Feedback and Complaints](#)

## 17 Review and Version Control

- 17.1 MDH will review this policy every 10 years and as required to address legislative, regulatory, best practice or operational issues.
- 17.2 This policy was produced in 2023 and is version 1.00.
- 17.3 This policy was adopted by Cabinet on xxxx.
- 17.4 This policy was adopted by Council on xxxx



## Damp and Mould 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.

<b>Service:</b>	Mid Devon Housing
<b>Name of policy being assessed:</b>	Damp & Mould Policy
<b>Lead officer responsible for EIA:</b>	Operations Manager for Building Services
<b>Is this a new or existing policy:</b>	New Policy

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

The aim of the Damp and Mould Policy is to take every reasonable action to identify, remedy and provide advice on damp and mould in Council homes in order to ensure a safe, health and comfortable environment for our residents, as well as to protect the fabric of our buildings.

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

This policy has been written to ensure that wherever possible, residents are not adversely affected by the causes of damp and mould and drives forward an agenda of proactive action to tackle/manage the causes of damp and mould.

**3. Who is intended to benefit from the policy?**

The Damp & Mould Policy will apply to all tenants

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

- All tenants
- Household members
- Family members of tenants

**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?**

<b>Characteristic:</b>	<b>Impact:</b> Please <input checked="" type="checkbox"/> the relevant box		<b>Comments/Action:</b>
<b>Age:</b>	Positive	<input checked="" type="checkbox"/>	Very young and old tenants are more likely to be impacted by the effects of ongoing damp and mould issues.  This will be mitigated by quick evaluation and resolution of any problems which may occur
	Neutral	<input type="checkbox"/>	
	Negative	<input type="checkbox"/>	
<b>Disability:</b> 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	<input checked="" type="checkbox"/>	Tenants with a disability may be unable to resolve damp and mould problems themselves and may need assistance to help with causes  This will be mitigated by quick evaluation and resolution of any problems which may occur
	Neutral	<input type="checkbox"/>	
	Negative	<input type="checkbox"/>	



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

<b>Result</b>		
Are there any aspects of the policy, including how it is delivered or accessed, that could contribute to inequality?	Yes	<p style="text-align: center;">No ✓</p> <p>No major change needed: equality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken</p>
Will this policy have an adverse impact upon the lives of people, including employees and service users	Yes	<p style="text-align: center;">No ✓</p> <p>The policy provides a transparent framework that MDH will follow to ensure decisions on damp and mould and procedures that follow are</p>

		carried out in line with the policy.
<p><b>Monitoring and Review:</b>  MDH will regularly review the EIA, in line with legislative changes or good practice, or if the policy impacts any group directly.</p> <p>Operations Manager for Building Services: Mike Lowman</p> <p>Signed:</p>		



**Report for: Homes Policy Development Group**

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Date of Meeting: 26<sup>th</sup> September 2023

Subject: **REVIEW OF MID DEVON HOUSING (MDH) RECHARGES POLICY**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing and Property

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

Exempt: No

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 – Recharges Policy  
Annex B – Recharges Policy Equality Impact Assessment (EIA)

**Section 1 – Summary and Recommendation**

MDH, as a social landlord, incurs costs that arise from works and other activities which are normally the responsibility of the tenant, including repair of damage, pest control, and property cleans and clearances. The MDH Recharges Policy seeks to define the circumstances where such recharges occur and make clear MDH's intention to recover such costs.

**Recommendation:**

**That the PDG recommends that Cabinet adopt the updated MDH Recharges Policy and Equality Impact Assessment contained in Annexes A and B respectively.**

## **Section 2 – Report**

### **1 Introduction and historic performance**

- 1.1 The Social Housing Regulation Act received Royal Assent in 2023 and has now become law. At the point of review and update to this policy has been taken into account. The Act 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.
- 1.2 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. The Regulations take account of the aims and ambitions 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)
- 1.3 As part of the new consumer regulation regime, from April 2023, the RSH introduced 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.
- 1.4 The TSM measures under the Homes Standard relevant to this policy include:
- TP01 - Overall Satisfaction
  - TP02 - Satisfaction with Repairs
  - TP08 - Agreement that the landlord treats tenants fairly and with respect

### **2 Review of the Recharge Policy**

- 2.1 There has been a Recharge Policy in place for several years with the most recent version adopted in September 2018. It is therefore due to for review.
- 2.2 The review has taken into account the regulatory framework changes set out in Section 1 above, any new guidance from the regulators and other recent MDH or wider Council policy updates to ensure compliance and consistency.

- 2.3 The main aims of the updated MDH Recharge Policy are to set out:
- Under what circumstances we recharge tenants
  - When we would decide not to recharge a tenant
  - How to recover overdue chargeable repairs
  - To take fair but firm action to ensure that all debts relating to rechargeable repairs are collected to cover MDH costs
- 2.4 MDH will be pro-active in preventing relevant chargeable repairs by:
- Keeping tenants fully informed throughout their tenancy regarding their responsibilities and obligations relating to rechargeable repairs
- 2.5 The MDH Recharge Policy further sets out when a recharge will be made, confirming that tenants will be recharged for work carried out that is not MDH responsibility and that MDH will, as far is reasonably practicable, recover the costs.
- 2.6 A tenant may be recharged for any work MDH is required to complete which is not MDH responsibility as a landlord. Examples include: the replacement and fitting of light bulbs; replacement of lost keys; or repair of damage caused by a tenant, family member or visitor.
- 2.7 MDH cannot make charges in relation to a tenant exercising a statutory right. For example, a tenant cannot be recharged for submitting and withdrawing from a mutual exchange, although costs are incurred to MDH in assessing an application. However, if, during an inspection of the property triggered by a mutual exchange application, rechargeable repairs were identified, then it would be consistent with the proposed policy to recover those costs.
- 2.8 Naturally, situations may arise where recharges are inappropriate, and MDH officers are expected to use good judgement within the framework of the Policy. For example, a recharge may sometimes not be made where the tenant is a victim of domestic abuse, and the property damage was made by the perpetrator. Consideration of vulnerabilities, including mental health issues, will also be considered prior to the recovery of recharges.
- 2.9 In common with most landlords, MDH often identifies recharges during its inspection of properties following the termination of a tenancy. MDH will seek to recover costs that are the former tenant's responsibility, for example, damage to fixtures and fittings, removal of rubbish and belongings, or making good alterations done without MDH consent. Following the death of a tenant, the recovery of costs is from the deceased tenant's estate. This will be dealt with sensitively and appropriately by MDH.

- 2.10 The revision of the existing policy also includes further definition of responsibilities to ensure that all stakeholders are clear about accountabilities.
- 2.11 There are no other materially relevant changes to the policy.

### **3 Consultation**

- 3.1 The draft policy was sent to the following partner charity organisations for comment between 1<sup>st</sup> August and 31<sup>st</sup> August 2023:
- Citizens Advice (Torridge, North, Mid and West Devon)
  - Navigate (Somerset/Devon community social isolation and financial hardship)
  - CHAT (Churches Housing Action Team Mid Devon)
- 3.2 Tenants were invited to comment on the draft policy between 4<sup>th</sup> August and 31<sup>st</sup> August 2023
- 3.3 Members of the Homes PDG were invited to comment on the draft policy between 9<sup>th</sup> August and 31<sup>st</sup> August 2023.
- 3.4 No comments or concerns were received from either tenants, partners or members.
- 3.5 Despite a lack of response to consultation, it is important that tenants are fully aware of the updated policy. To this end, should the policy be adopted, MDH will proactively signpost the policy on our webpages/Facebook pages and in the next tenant newsletter. Where relevant, particularly in relation to queries, service requests or complaints we will also ensure specific tenants or other stakeholders are made directly aware of the updated policy as required.

### **4 Historical Performance**

- 4.1 The following results are from the pilot Tenant Satisfaction Survey completed in 2022 and provide some context around overall tenant satisfaction and that more specifically related to repairs or other matters relevant to recharges:
- TP01 – Overall Satisfaction – 70%
  - TP02 – Satisfaction with Repairs – 69%
  - TP08 - Agreement that the landlord treats tenants fairly and with respect – 66%
- 4.2 To provide further context, a total of £61,702 was billed for recharges in 2022/2023. These were categorised as follows:
- Voids 42 totalling £42,234.67 average charge £1,005.59

- Non-voids 66 totalling 7,842.51 average charge £118.83
- Handyman charges 45 totalling £9,024.83 average charge £200.56
- Missed calls (scheduled appointments with no access) 130 totalling £2,600.00 average charge £20.00

4.3 Of the £61,702 billed in 2022/2023, £18,607 has so far been collected (30.1%).

4.4 With high proportion of recharges being associated with voids, this is a uniquely challenging collection environment where we are seeking to secure payments from tenants or former tenants where one (or often several) of the following circumstances may apply

- Vulnerable adults with very low income
- Possession proceedings are occurring (often as part of a wider rent debt and other tenancy compliance issues)
- Tenants have moved to an unknown address and/or may have left without notice
- Where the debt rests with the limited estate of a deceased tenant

There are further issues where individual debts are very small and therefore not viable to recover (for example missed calls).

4.5 As a discretionary service, we reserve to right to withdraw access to the Handyman scheme where there is a debt against a previously provided service.

4.6 Consequently, there are historic debts which remain live in order to secure maximum opportunity for recovery, though these will, at the appropriate stage, be written off in accordance with MDH and Corporate income and recovery policies. As at 31/03/2023, there was an overall debt of £137,866 outstanding in respect of recharges where a level of recovery is secured year on year as set out above. To provide some context, this is less than 1% of the overall Housing Revenue Account.

## **5 Recommendations**

5.1 In accordance with the above:

1. That the PDG recommends that Cabinet adopt the updated MDH Recharges Policy and Equality Impact Assessment contained in Annexes A and B respectively.

## **Financial Implications**

The financial implications are contained within the Housing Revenue Account (HRA) and are summarised in the body of the report. It is important to prioritise financial management of this account to ensure the all available funds are available and are used to the best possible effect.

## **Legal Implications**

The Council is (and must be) a registered provider of social housing and therefore is required to comply with the regulatory framework and consumer standards operated by the Regulator for Social Housing (RSH).

As such, it is necessary to ensure that the Recharges Policy addresses all the relevant legal obligations the Council has as a landlord for the housing estate. Consequently, the policy has been produced to ensure MDH has a clear basis for compliance with the relevant statutory consumer standard, which is the Home Standard in this case.

This overarching framework consequently sets the legal standards for the compliance and performance required of MDH. Under legal changes introduced by the landmark Social Housing (Regulation) Act 2023, the RSH also now holds substantial new powers to intervene where failures to meet standards have caused, or could have caused, serious harm to tenants and/or where we have failed to put tenants at the heart of the service we provide. Overall, this significant change in the regulation of social housing brings forward the following changes which the Council must be mindful of when making policy decisions that impact our tenants.

- Strengthening of the RSH to carry out regular inspections of the largest social housing providers and the power to issue unlimited fines to rogue social landlords
- Additional Housing Ombudsman powers to publish best practice guidance to landlords following investigations into tenant complaints
- Powers to set strict time limits for social landlords to address hazards such as damp and mould
- New qualification requirements for social housing managers
- Introducing stronger economic powers to follow inappropriate money transactions outside of the sector

## **Risk Assessment**

Failure to have an adequate Recharges Policy in place will mean the HRA is unable to effectively and consistently recover revenue to which it is due in a way that is transparent and fair. It will also mean there is insufficient clarity of the respective responsibilities of tenant and MDH (as the landlord) where it comes to chargeable services. This may undermine the position of the tenant and/or weaken the position of MDH overall in terms of effective tenancy management and a positive tenant/landlord relationship. In turn, this may result in below benchmark tenant satisfaction scores in the TSMs as set out above. Therefore, not-having an effective Recharges Policy may result in MDH being non-compliant with statutory provisions regulated by the RSH and failing in its duties.

The enhanced powers of the RSH to intervene where RPs are failing in its duties or performing poorly are set out in the legal implications above. Under these new powers, the RSH will be able to impose performance improvements and potentially fine registered providers where performance is poor and/or adequate assurance is not provided.



Additionally, a failure to collect all income could impact the ability to fund necessary management and maintenance activities and/or the delivery of new housing into the MDH stock, although this risk is reduced by the relatively low level of recharges against the overall HRA.

### **Impact on Climate Change**

The MDH Recharge Policy does not have any direct impact on the Council's Climate Change ambitions or specific carbon reduction targets.

### **Equalities Impact Assessment**

The recharges policy sets out to ensure a careful balancing act is retained where there is compliance with Homes Standard and an approach which set out a fair and transparent approach to recharges. Consequently, that this approach is equitable to all tenants yet recognises there will be exceptional circumstances within individual cases where recovery of a debt is either not appropriate or not practical.

Furthermore, MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Our housing estates must be accessible to those with disabilities and we have in place a regular schedule of inspections to ensure that all defects are identified and rectified as soon as possible. Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually. Older tenants may find it difficult to maintain their gardens and the Neighbourhood team will endeavour to signpost those affected to voluntary organisations which may be able to provide help and will manage issues accordingly.

The full Equalities Impact Assessment of this specific policy update is attached to this report in Annex B.

### **Relationship to Corporate Plan**

This policy is a regulatory requirement of MDH and does not directly align with any of the specific current Corporate Plan targets. However, it is consistent with one of the overarching aims of the Plan which is to have sustainable and prosperous communities.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 12 September 2023

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 12 September 2023

**Chief Officer:** Simon Newcombe

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

**Date:** 24 August 2023

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 01/09/2023

**Cabinet member notified:** Yes

#### **Section 4 - Contact Details and Background Papers**

**Contact:** Angela Haigh, Housing Finance and Performance Manager or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Email: [ahaigh@middevon.gov.uk](mailto:ahaigh@middevon.gov.uk) / [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)

Telephone: 01884 255255

#### **Background papers:**

Current Recharges Policy September 2018

<https://www.middevon.gov.uk/media/201718/recharges-policy-v32-september-2018.pdf>



# RECHARGES POLICY

2023

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## 1 Introduction

- 1.1 Mid Devon Housing (MDH) is part of Mid Devon District Council (the Council). It is responsible for the Council's housing stock including the maintenance, management and letting of its properties and estates.
- 1.2 This policy sets out MDH approach to the recovery of recharges. These are costs for any repairs/work that MDH have been required to carry out to a MDH property following damage, unauthorised or non-compliant DIY, neglect, misuse or abuse by tenants, residents, members of their household, or visitors to their home, and leaseholders or the leaseholders tenants.
- 1.3 In addition, it covers the cost of clearing redundant possessions left when a property is vacated, any work carried out by MDH to repair or maintain the property that is the resident's responsibility, or any costs relating to non-statutory works requested by the tenant or leaseholder such as the Handyperson Scheme.

## 2 Legal Framework and Context

- 2.1 Under the Homes Standard, The Regulator of Social Housing (RSH) requires all registered providers to provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time and meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
- 2.2 Social Housing (Regulation) Act has received Royal Assent, meaning the bill has now been enacted into law. This 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.
- 2.3 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. The Regulations take account of the aims and ambitions of the White Paper and 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)

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 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.

2.5 The TSM measures under the Homes Standard relevant to this policy include:

- TP01 – Overall Satisfaction
- TP02 – Satisfaction with Repairs
- TP08 - Agreement that the landlord treats tenants fairly and with respect

2.6 Other Legal Frameworks which this policy considers are:

- Tenancy Agreements
- The Lease
- Section 20 Landlord and Tenant Act 1985 (as amended by the Commonhold and Leasehold Reform Act 2002)
- Decent Homes Standard 2006 – Annex A ‘Component lifetimes and definition of ‘in poor condition’ used in the national measurement of the disrepair criterion’
- Licence Agreements

### 3 Policy Aims and Objectives

3.1 The main aims of the MDH Recharge Policy is to describe:

- Under what circumstances we recharge tenants
- When we would decide not to recharge a tenant
- How to recover overdue chargeable repairs
- To take fair but firm action to ensure that all debts relating to rechargeable repairs are collected to cover MDH costs

3.2 MDH will be pro-active in preventing chargeable repairs by:

- Keeping tenants fully informed throughout their tenancy regarding their responsibilities and obligations relating to rechargeable repairs

## 4 Definitions

4.1 For the purposes of this policy, the following definitions apply:

- **Tenant** – means any person, or registered provider of social housing that has a tenancy agreement with the MDH or is a leaseholder with MDH
- **Council Property** – means any land/property owned by MDH either as the freehold or leasehold owner
- **Wilful Damage** – damage caused to MDH Property intentionally
- **Neglect** – damage caused to MDH Property due to neglect
- **Misuse** – damage caused to MDH Property/land by incorrect or improper use, for example, damage to doors and graffiti to walls
- **Accidental damage** – damage caused to MDH Property/land accidentally, for example, knocking a light fitting with a ladder when decorating
- **Emergency repair** – a repair that is required to remove immediate danger to people, avoid flooding or major damage to the property, make the property secure, or restore total loss of heating in the winter
- **Tenancy Agreement** – any tenancy agreement with MDH, including MDH house/flat tenancies, garage tenancies, garage ground rent plot agreements, tenancy at will agreements and any other agreement whereby a person is in occupation of housing land owned by MDH
- **Uncontainable leak** – a leak that cannot be contained by the largest container capable of being placed underneath the leak or cannot be contained by using an isolation valve (excluding the mains stop tap). NB. If the container is filling to the top within 12 hours this is deemed to be uncontainable

## 5 Tenants Responsibilities

5.1 Tenancy Agreements relating to MDH dwellings set out which repairs tenants are responsible for. It advises tenants that they must keep their home in a reasonable condition, and leave it clean and tidy when they end their tenancy. It states that we will recharge the tenant for the cost of making good any damage they have caused and clearing any damage they may have caused and cleaning any items left behind.

5.2 All other types of Tenancy Agreements set out the tenant's responsibilities for repair and maintenance of land/property they are occupying.

5.3 Specifically the MDH tenancy agreement states:

- *'you must pay for the costs of making good any damage to the Property (including fixtures and fittings) or to other Council property caused by you or anyone instructed by you (including contractors) failing to take reasonable care.'*

- *If you make any unauthorised improvements you must return your Property to its condition before the improvements were made. You are liable for the cost of doing so. If you do not carry out the work within a period of time specified by us we may carry out the work and you will be liable for our costs.*
- *If, we or any agency, for example the Police, damage your property, fixture and fittings, furniture or belongings or the shared areas because we need to gain access to your Property, for example the issue of a warrant of execution or other legal power of entry, if this was something you have done wilfully or illegally, you must arrange for the damage to be repaired. You must do this within a required period of time or you will be recharged for the works to put right.'*

## 6 Unauthorised or Substandard Alterations

- 6.1 If a tenant undertakes any alterations to a MDH property without prior written consent from MDH, works must cease immediately and the tenant must seek retrospective consent. Where MDH deems that the intended work is not suitable or acceptable then the tenant must reinstate the property to its original condition.
- 6.2 For any works carried out that need to be made safe due to health & safety concern the tenant would be required to ensure that works are ceased until made safe.
- 6.3 If works are carried out by a tenant that do not meet an acceptable standard, the tenant will be required to rectify the matter and make good any issue identified.
- 6.4 If a tenant fails to complete works to an acceptable standard after being notified of the matter then the tenant will be recharged for any costs incurred by MDH.
- 6.5 There will be an expectation that whoever undertakes the work on behalf of the tenant is competent to do so; in the case of Solid Fuel, Gas, or Electric works persons must be qualified and registered with the appropriate governing body at the time such as HETAS, NICEIC or Gas Safe. Certification will be required for the work and failure to provide such certification will deem the work potentially dangerous and as such unacceptable.

## 7 Neglect, Wilful Damage and Misuse MDH Property

- 7.1 Tenants have a 'duty to use the premises in a tenant-like manner'. This means that tenants are expected to take good care of the dwelling, carry out daily maintenance tasks and not do anything that directly leads to a deterioration of the fabric of the building or the installations and facilities provided. For example, they should keep the home clean as well as heat and ventilate the property appropriately.



7.2 Where MDH has clear evidence that a defect or damage to any MDH Property has been caused by neglect, misuse or wilful damage by the tenant, or by members of the household including visitors to their home, the tenant will be held responsible and will be recharged for costs incurred in some cases MDH will commence legal proceedings.

7.3 Neglect for example could include:

- Failing to dispose of rubbish properly
- Losing keys
- Putting nappies, wet wipes, 'flushable' wipes, sanitary products or other inappropriate items in toilets
- Putting grease or food items in drains
- Forcing stiff windows

7.4 Wilful damage for example could include:

- Damaged doors or windows, DIY which has damaged the fabric/ structure of the property or its internal parts
- Failing to use ventilation and heating, leading to condensation mould
- DIY which has damaged the fabric/ structure of the property or its internal parts

## 8 Accidental, Deliberate or Criminal Damage

8.1 Where works are required because the tenant, a member of their household or a visitor to their home has deliberately or accidentally caused damage to the property, the tenant will be recharged. This includes damage to any MDH property for example fixtures and fittings in their home, gardens, garages or any communal fixtures or fittings owned by the MDH and that are the responsibility of the tenant to replace or repair if lost and/or damaged.

8.2 If the property has been damaged due to criminal activity by persons other than the tenant, a member of his household or invited visitors, for example criminal damage to a window or a door, the repair may not be recharged to the tenant.

8.3 We will liaise with the Police after the crime has been logged to ensure that they are satisfied that a crime has been committed

8.4 Serious incidents such as fire or flood can cause significant damage to both the fabric of the building and any contents. In some cases, the property may be uninhabitable during the period in which repairs are carried out. Claims for damage to contents should be dealt with through a tenant's contents insurance and damage to the building should be dealt with through the landlord's building's insurance. In the event that damage that fire or flood is caused through tenant action, or as a result of a faulty fitting or appliance (for which the tenant is liable for the fault), a recharge will apply, which in MDH discretion maybe capped at the landlord's insurance excess. Discretion is less likely to be applied in relation to recharges where the cause of damage is, for example:

- Chip pan fire
- Candles
- Overloaded electric sockets
- Fire or flood caused as a result of criminal activity by a tenant or household member
- Indoor smoking
- Unattended baths

8.5 Where the cause of fire or flood is as a result of a failure of a fitting or appliance that MDH is responsible for, and has been found to be negligent in the maintenance of that fitting or appliance, the cost of repairs to the fabric of the building will be covered entirely by MDH and a contribution may also be made to cover damage to contents, inconvenience and/or re-decoration, as well as temporary accommodation costs.

## 9 Damage caused by Police or Emergency Services

9.1 Where the Police are executing a warrant and/or have a justified reason to forcibly enter a property, any damage caused during this process will be recharged to the Police, unless a criminal activity is discovered during the entry of the property. In this case the tenant would be recharged for any damage caused in executing the warrant.

9.2 Where the Police or other emergency services undertake a forced entry of the property for the health and welfare of any adult occupant(s), then no recharge will be applied and the cost will be absorbed by either MDH or the Police. If tenants authorise the attendance of third party agencies to carry out boarding up works, MDH will not be liable for the cost of this, as we offer a 24 hour emergency service. If emergency services force entry which could have reasonably been prevented by the tenant, the tenant may be charged for the damage.

## 10 No Access and Carded Appointments

- 10.1 Where the tenant has had suitable notice and refused access for MDH or its appointed contractor to carry out our statutory obligations, for example the annual gas service or cyclical electrical test, MDH will recharge the tenant for any costs incurred with the aborted visit and any subsequent attempts to gain access. This will include lost officer time, travel costs, administration fees, and court costs where applicable.
- 10.2 If a tenant is out or does not answer the door when we visit for a pre-arranged repair appointment, MDH will recharge the tenant for any costs incurred with the aborted visit.

## 11 Assignments – Mutual Exchanges

- 11.1 Prior to tenants mutually exchanging MDH properties, MDH will carry out an inspection of the property to identify necessary repairs and any tenant improvements, fixtures or fittings, and potential damage which are not MDH responsibility and also comply with any statutory duties.
- 11.2 MDH will advise the incoming tenant that in assigning or surrendering their old tenancy they accept the new property in its existing condition. The tenant will be required to sign a disclaimer to this effect that places the costs of works arising from the exchange to fall on them as the in-coming tenant. In particular the tenant will be informed in writing of:
- Any fixtures and fittings installed by the outgoing tenant which are not MDH responsibility
  - Defects caused by the outgoing tenant which are not MDH responsibility, for example broken door handles or holes in walls
- 11.3 It will not always be possible for Council Officers to identify every non-standard fixture and fitting, poor DIY job or damage to property. The responsibility therefore lies with the incoming tenant to carry out a full inspection with the outgoing tenant.
- 11.4 MDH will not accept liability for non-standard items, DIY or damage on the basis that it was not apparent during the inspection.
- 11.5 MDH may charge for gas and electrical inspections where two or more tenants undertake a mutual exchange when:
- A full inspection is required due to unauthorised electrical alterations
  - A full inspection is required due to unauthorised alterations which have compromised the safety of the gas and/or electrical supply A full inspection is requested by the incoming or outgoing tenant

## 12 Abandoned Possessions

- 12.1 Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) details the rights that MDH has to dispose of possessions left at MDH’s properties (including communal areas).
- 12.2 At any time before the item vests in MDH, the owner may collect it, on payment to MDH of such sum as MDH may require in respect of costs incurred (a) in making inquiries, or serving notice, and (b) in looking after the item.
- 12.3 The MDH Disposal of Possession Procedure outlines what actions MDH will take when they find possessions in or on MDH’s property or land

## 13 Other Recharges

- 13.1 Where it can be established that the tenant his/her family or guests are liable through wilful or negligent actions MDH will recharge the tenant for any costs incurred by MDH in:

- Replacing any lost or broken door entry key fobs or keys and for changing locks
- Storing tenant’s belongings following vacating the MDH Property
- Removing graffiti and rectifying any damage
- Relation to vandalism to MDH Property, where the Court has prosecuted the perpetrator or where the individual has admitted the damage
- Taking legal action where the tenant has prevented us from carrying out our legal obligations
- Clearing items from communal areas
- Damage identified following routine property inspections
- Removal of trees or hedges which are not MDH responsibility, if these are deemed to be dangerous or overgrown
- Tidying of gardens including shrubs and trees that have been neglected or are overgrown
- Wilful damage caused to the solar PV system where it is installed
- Use of the Council’s Handyperson scheme to carry out specified works on the tenant’s behalf
- Damage caused by excessive hoarding of items within the property/land
- Clearing dog fouling
- Garage or garage ground rent plot evictions (to include clearance costs and lock changes)
- Damage to car parking areas and the removal of unauthorised vehicles
- Removing abandoned or non-roadworthy vehicles
- Damage to fences and gates owned by MDH
- Damage to the structure of the building

- Attending a power failure caused by blown light bulbs or faulty appliances
- Attending a blocked waste where the tenant has not tried to clear it themselves, or where the cause of the blockage is deemed to be through neglect or misuse
- Removing rubbish or items left at the property/land on ending a Tenancy Agreement
- Damage to communal TV aerials
- Excessive cleaning required to a property/land due to neglect
- Unnecessary water damage caused to MDH property where a tenant has failed to report it to MDH, refused to turn the stop tap, or refused access to remedy a leak
- Any other circumstances that cause an unreasonable cost to MDH

13.2 Please note the above is not an exhaustive list.

13.3 Private owner occupiers - may be responsible for payments towards the cost of the upkeep of paths, car parking areas, roads, general ground maintenance and the upkeep and maintenance of septic tanks. This will be dependent on the clauses specified in the private property owner's conveyance or transfer. Leaseholders will be responsible for paying any costs included in their annual service charges

13.4 MDH reserves the right to refuse to carry out rechargeable works provided that by doing so, we are not putting tenants at risk. This may be due to previous non-payment of a debt or where it is unlikely that repayment arrangements will be kept.

## 14 Key Component Lifespans

14.1 A number of the key components within a property have a recognised lifespan as laid down by the 'Decent Homes Standard'.

14.2 Under the 'Component lifetimes and definition of 'in poor condition' used in the national measurement of the disrepair criterion' table at Annex A of the Decent Homes Standard, a kitchen is deemed to require replacement at 30 years and a bathroom at 40 years. However it is recognised that in reality social landlords and tenants prefer these amenities to be replaced more frequently, to enable them to be maintained at a reasonably modern standard.

14.3 Taking this into consideration and in order to have reasonably modern facilities the legislation set a replacement date at 20 years for a kitchen and 30 years for a bathroom.

14.4 Provided that the tenant regularly cleans, looks after, and does not subject the component to abuse or misuse, there is no reason why these two components should not last the lifespan stated.

14.5 Examples of actions that could reduce the lifespan of the component are:

- The use of incorrect cleaning products
- Lack of cleaning
- Excessive water on or around the kitchen units or worktop
- Failure to use a chopping/cutting board, and cutting directly onto the worktop
- Placing hot pans onto the worktop
- Slamming kitchen unit doors and drawers
- Swinging/hanging off kitchen doors and drawers

14.6 Where it is evident that an early replacement is required and this is likely to be due to misuse or abuse, the tenant will be recharged. However due to the lifespan of the components this will be done based on the age of the component to be replaced, for example:

- Kitchens 1 to 5 years old = 100% of replacement cost
- Kitchens 5 to 10 years old = 75% of replacement cost
- Kitchens 11 to 14 years old = 50% of replacement cost
- Kitchens 15 & 17 years old = 25% of replacement cost
- Kitchens 18 to 20 years old = No Charge
  
- Bathrooms 1 to 7 years old = 100% of replacement cost
- Bathrooms 8 to 16 years old = 75% of replacement cost
- Bathrooms 17 to 21 years old = 50% of replacement cost
- Bathrooms 22 to 27 years old = 25% of replacement cost
- Bathrooms 28 to 30 years old = No Charge

## 15 Collection of Charges

15.1 When a rechargeable repair is identified, the tenant, and/or leaseholder/freeholder will be advised of the approximate cost of that repair (a schedule of rates for rechargeable repairs is kept by the Repairs team).

15.2 Bulky waste charges can be obtained by contacting the Council's Customer Services team. Tree management charges need to be quoted for individually.

- 15.3 Any works the MDH carry out whether on behalf of a tenant or due to a tenant refusing to accept liability for a repair that is their responsibility, where the said disrepair could constitute a security and/or health and safety matter then it will result in a recharge and the normal recovery procedures will be implemented.
- 15.4 If rechargeable works are carried out to empty properties, garages or garage ground rent plots where the tenant has absconded or moved away, then these debts will be pursued using MDH former tenant procedures. If all other means of recovery have been exhausted, MDH will consider passing this to a debt recovery agent. A record of the former tenant and the outstanding debt will be held against that individual for future reference on MDH housing management system.
- 15.5 Tenants can carry out works themselves, and they can also engage a qualified specialist if necessary, for example where works relate to heating or lighting. The individual or company used must have public liability insurance and be appropriately registered for the applicable trade, for example a qualified registered electrician or gas engineer.
- 15.6 All works must be completed to a standard accepted by us. The relevant planning permissions, building regulations and asbestos survey results need to be obtained by the tenant at their own cost. Where applicable, the tenant is required to provide certification and to dispose of waste in line with waste regulations.
- 15.7 Where MDH carry out works, a payment agreement may be completed and signed by the tenant confirming that they are accepting liability for the works. MDH will issue a recharge invoice for any works undertaken by us. Payments for any work should be made by the tenant prior to works being carried out unless agreed otherwise. Where this is not possible an arrangement plan will be made with the Neighbourhood Officer or other relevant Officer.
- 15.8 Where works are non-statutory or non-urgent, MDH reserves the right to refuse to carry out works until full payment is made. If this work is not carried out by the end of the tenancy, the rechargeable cost of works will be raised as a void recharge.
- 15.9 A recharge invoice will be raised even where MDH have no forwarding address, for example when a property has been abandoned or a tenant evicted. Former tenancy debts will be pursued in line with the MDH [Income Management Policy](#) and the [Corporate Recovery Policy](#).

- 15.10 If there are multiple debts owed by the tenant and they are unable to pay the recharge outright, the payment of rent arrears will remain the priority debt. The recharge sub account will be put on hold until the rent account is cleared.
- 15.11 When necessary and appropriate, MDH will start legal action to recover any unpaid sums. Any costs incurred for taking such action will be recharged to the tenant. MDH will not take legal action against tenants where repayment agreements have been made and are being complied with.
- 15.12 Recharges will only be written off in exceptional circumstances where it is agreed that the debt is irrecoverable, in line with the MDH [Income Management Policy](#) and the [Corporate Recovery Policy](#).

## 16 Exceptions

- 16.1 MDH reserves the right to waive the cost of a recharge in exceptional circumstances; however this will be at MDH discretion.
- 16.2 If damage is caused to the property as a result of domestic abuse actions or antisocial behaviour, the tenant will be advised to report the incident to the Police to obtain a valid crime reference. The tenant may not be recharged, but the third party, where known, will be pursued for the damage. Crime references will be followed up, and if the Police find that damage was not caused by criminal action, the recharge will remain with the tenant. MDH take a trauma informed approach and will deal with such cases sensitively in order to tailor our service to the needs of the tenants.
- 16.3 Also, when considering raising any recharge, MDH will take into account any protected characteristics as defined within the Equality Act 2010 of a Tenant.

## 17 Reducing Occurrences

- 17.1 We carry out tenancy home checks at our properties to ensure tenants are looking after their homes. Cases of damage and/or neglect will be recorded and followed up. We will help tenants who need support to maintain their tenancy.
- 17.2 We will provide information about recharges to current and prospective tenants during the sign up process and this is reiterated in the Tenancy Agreement.
- 17.3 We will promote the availability of low cost home contents insurance to new and existing tenants. Tenants are encouraged to take out household insurance.



## 18 Complaints and Feedback

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

18.2 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

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

18.4 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'.*

18.5 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.

18.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, which can escalate from stage 1 or stage 2 if they are still not satisfied with the response. Having been through stages 1 and 2 and they are still not satisfied, the tenant may contact the Housing Ombudsman Service.

18.7 MDH's complaints procedure is detailed on Mid Devon District Council website: [Feedback and Complaints](#)

## 19 Review and version control

- 19.1 MDH will review this Policy every 10 years and as required to address legislative, regulatory, best practice or operational issues.
- 19.2 This policy was produced in 2023 and is version 4
- 19.3 This policy was adopted by Cabinet on xxxx



## Recharge 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.

<b>Service:</b>	Mid Devon Housing
<b>Name of policy being assessed:</b>	Recharge Policy
<b>Lead officer responsible for EIA:</b>	Operations Manager for Building Services
<b>Is this a new or existing policy:</b>	Revision of existing policy

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

The aim of the Recharge policy is to ensure costs, which arise from Mid Devon Housing (MDH) carrying out any works (which are normally the responsibility of the tenant), are recovered through a recharge and that tenants are made aware of this. For example; repairs, pest control, deep cleans and property clearances.

MDH aims to ensure that, as far as is possible, all monies due, in respect of any work or repairs deemed as rechargeable and payable by the tenant, are collected within agreed timescales and tenants are offered an appropriate method of paying the charges due.

Tenants will be offered an appropriate method of paying the charges due eg. a repayment plan may be put into place to allow a tenant to repay by monthly instalments.

In emergencies, (e.g. gaining entry when the tenant has lost their keys), the requirement for payment in advance may be waived, provided that the tenant agrees that they will meet the cost of the work.

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

To ensure that recharges are managed effectively and in a timely way as to minimise the disruption to the tenant or delay work to property which requires a chargeable repair and that the Council's costs are recovered.

**3. Who is intended to benefit from the policy?**

The Recharge Policy will apply to all tenants


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

- All tenants
- Household members
- Family members of tenants

**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: Please <input checked="" type="checkbox"/> the relevant box		Comments/Action:
Age:	Positive	<input type="checkbox"/>	Young and old tenants are more likely to have a low income and may be unable to pay the recharge.
	Neutral	<input type="checkbox"/>	
	Negative	<input checked="" type="checkbox"/>	

			This will be mitigated by the offer of paying the re-charge via a repayment plan
<b>Disability:</b> 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	✓	Positive: Discretion will be used in regards to people with disabilities and/or behaviour problems in terms of whether or not they will be re-charged if damage is not deliberate (accidental damage).
	Neutral		
	Negative	✓	Negative: Tenants with a disability, who are liable for a re-charge, are more likely to be on a lower income and have difficulty paying the re-charge.  To mitigate this, a repayment plan will be offered.
<b>Gender:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Gender reassignment:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Marriage and civil partnership:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Pregnancy and Maternity:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Race:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Religion and Belief:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Sexual Orientation:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Result</b>			
Are there any aspects of the policy, including how it is delivered or accessed, that could contribute to inequality?		Yes	No ✓

		No major change needed: equality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken
Will this policy have an adverse impact upon the lives of people, including employees and service users	Yes	No  The policy provides a transparent framework that MDH will follow to ensure decisions on recharges and procedures that follow are carried out in line with the policy.
<p><b>Monitoring and Review:</b>  MDH will regularly review the EIA, in line with legislative changes or good practice, or if the policy impacts any group directly.</p> <p>Operations Manager for Building Services:</p> <p>Signed:</p>		



**Report for: Cabinet**

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Date of Meeting:	17 <sup>th</sup> October 2023
Subject:	Makeup of the senior officer structure in light of posts held vacant
Cabinet Member:	Cllr Luke Taylor, Leader
Responsible Officer:	Stephen Walford, Chief Executive
Exempt:	No
Wards Affected:	All
Enclosures:	None

**Section 1 – Summary and Recommendations**

This report consider the makeup of the senior officer structure. The recommendation is to delete one of the Director roles in order to achieve financial savings. The post is currently vacant following a retirement earlier this year, therefore there are no redundancy costs associated with the removal of this post.

Advice has been sought from the Local Government Association (LGA) as to the appropriateness of the revised structure and the recommendation reflects such advice.

**Recommendation(s):**

- 1. That the senior officer (leadership team) structure be revised to delete one post, with responsibilities realigned across remaining posts as appropriate.**
- 2. That the new leadership team structure be implemented as soon as possible, subject to consultation with those employees affected, and in accordance with the relevant national terms and conditions for local authority senior officers.**

## **Section 2 – Report**

- 1.0 The council has had the same basic organisational makeup in its senior officer structure for almost seven years, with three Director-level posts alongside the Monitoring Officer. During that time, the remit of posts and postholders has varied, but the core capacity at strategic level has remained broadly consistent.
- 1.1 Following the retirement of a Director earlier this year, the team has operated in a holding pattern pending consideration of next steps. Such considerations have included leading by example when asking other teams to utilise vacancy management opportunities to deliver the savings targets as set by the council, alongside the desire to understand the priorities and expectations of the new administration following the elections in May 2023.
- 1.2 Given the changing nature of local government service provision and regulatory expectation, advice was also sought from the Local Government Association (LGA) on the appropriate senior officer structure for a direct delivery model District Council. This was done to provide some external assurance to Cabinet that the recommendations contained in this report were viable, sensible and achievable.
- 1.3 As part of the LGA assistance, all four of the current leadership team were interviewed, with the feedback reflecting a set of ‘excellent relationships and remarkable collaboration’ across senior roles. Such observations lend additional credibility to the ongoing functionality and effectiveness of the team in a resource-constrained environment.
- 2.0 In conclusion, the revised structure is deemed to be a good way forward for the organisation in light of current and future known challenges. It has been benchmarked by the national association for local government, and has the potential to realise financial savings compared to the current position without incurring any redundancy costs.

### **Financial Implications**

The recommendations, when implemented, will deliver a financial saving as compared to the currently-budgeted structure. Such savings will be reported through financial monitoring reports and summarised annually in the statutory pay statement that publishes the remuneration of officers who earn over £50,000.

### **Legal Implications**

It is considered that the council can continue to meet its legal obligations with this reduced senior officer structure. The legal implications resulting from the decision will relate to the appropriateness of implementing the changes in accordance with relevant employment law. This will be done in accordance with MDDC policy and with advice from SW Councils as required in order to minimise any risk.

### **Risk Assessment**

The main risks relate to the sufficiency (capacity) of strategic officer resource moving forward. However, this was considered, and external advice sought, as part of the process of formulating these recommendations. Risk is considered minimal.



## **Impact on Climate Change**

None identified.

## **Equalities Impact Assessment**

Implementation will be in accordance with MDDC HR Policy with evaluation undertaken externally by SW Councils. No other impacts identified.

## **Relationship to Corporate Plan**

The council's most senior officers work closely with the administration to advise on, and implement, the council's priorities as expressed in its corporate plan. This decision aligns to overarching efficiency ambitions but, as highlighted above, is probably most noteworthy in relation to the reduced capacity that will exist at strategic level.

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 27/09/23

**Statutory Officer:** Maria de Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 27/09/23

**Chief Officer:** Stephen Walford

**Date:** 13/09/23

**Cabinet member notified:** Yes.

## **Section 4 - Contact Details and Background Papers**

**Contact:** Stephen Walford

Email: [swalford@middevon.gov.uk](mailto:swalford@middevon.gov.uk)

Telephone: 01884 255255

**Background papers:** None

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**Report for: Cabinet**

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Date of Meeting:	17 October 2023
Subject:	2024/25 – 2028/29 Medium Term Financial Plan Update
Cabinet Member:	James Buczkowski – Cabinet Member for Finance
Responsible Officer:	Andrew Jarrett – Deputy Chief Executive (S151)
Exempt:	N/a
Wards Affected:	All
Enclosures:	Appendix 1 – Budget Options Summary by Service Appendix 2 – Budget Options for consideration

**Section 1 – Summary and Recommendation(s)**

To present to Member's the updated Medium Term Financial Plan (MTFP) which covers the period 2024/25 to 2028/29 and potential savings options for consideration / approval.

**Recommendation(s):**

**That Cabinet Members:**

- 1. Note the updated MTFP's for the General Fund covering the years 2024/25 to 2028/29**
- 2. Consider and agree the savings options within Appendix 2 taking into account the recommendations from the Policy Development Groups.**
- 3. Consider any additional suggestions to balance the remaining shortfall and request that the Policy Development Groups identify further savings option and recommend back to Cabinet for approval.**

## Section 2 – Report

### 1.0 Introduction and purpose of the Medium Term Financial Plan

- 1.1 The main purpose of the MTFP is to show how the Council will strategically manage its finances in order to support the delivery of the priorities detailed in the Corporate Plan 2020 – 2024 and future years beyond that plan. This will importantly need to take account of the new council administration in their emerging corporate plan ambitions
- 1.2 On 19 September, the first draft MTFP covering the period 2024/25 to 2028/29 for the General Fund was presented to Cabinet. This estimated a funding shortfall of £2,103k in 2024/25 rising to £5,206k by 2028/29. This is largely driven by inflation and assumptions around further cuts in grant funding based upon a number of assumptions and the most up to date information available at this time. Clearly, any major variations in these assumptions would require a fundamental review of the Council's MTFP and would be reported back to Cabinet and the wider Membership as soon as practical, coupled with proposed courses of action that could be implemented.
- 1.3 The Council has a legal requirement to set a balance budget and needs to ensure its overall costs are affordable i.e. they can be funded through income and planned short-term use of reserves. Members therefore need to take the necessary decisions and actions to manage net spending within affordable limits.

### 2.0 2024/25 – 2028/29 General Fund Budget – Updated Forecast

- 2.1 During the summer, Leadership Team and services have been reviewing a range of budget options that could be considered in order to help mitigate that remaining budget shortfall across the five years of this MTFP, with a particular focus on 2024/25. Indicative areas where possible budget savings could be found have formed the basis of the discussions with the Policy Development Groups (PDG's) – note Community PDG is scheduled after this Cabinet meeting. In addition the PDG's were asked to identify further options to resolve the immediate budget gap for 2024/25 and future years.
- 2.2 Following identification of these proposed options, the draft budget shortfall for 2024/25 will reduce. The value of that reduction will depend on members' appetite for the specific proposals. In putting forward the options, officers have applied a risk level to them based upon Red, Amber, Green as follows:

**Red** – indicates the saving could be taken, but there are higher risks/ implications associated with it and therefore officers would not recommend it;

**Amber** – indicates the saving could be taken, but there are risks and implications associated that members need to be aware of / accept;

**Green** – indicates a saving that is recommended by officers.

2.3 The overall value of the savings proposed is as follows:

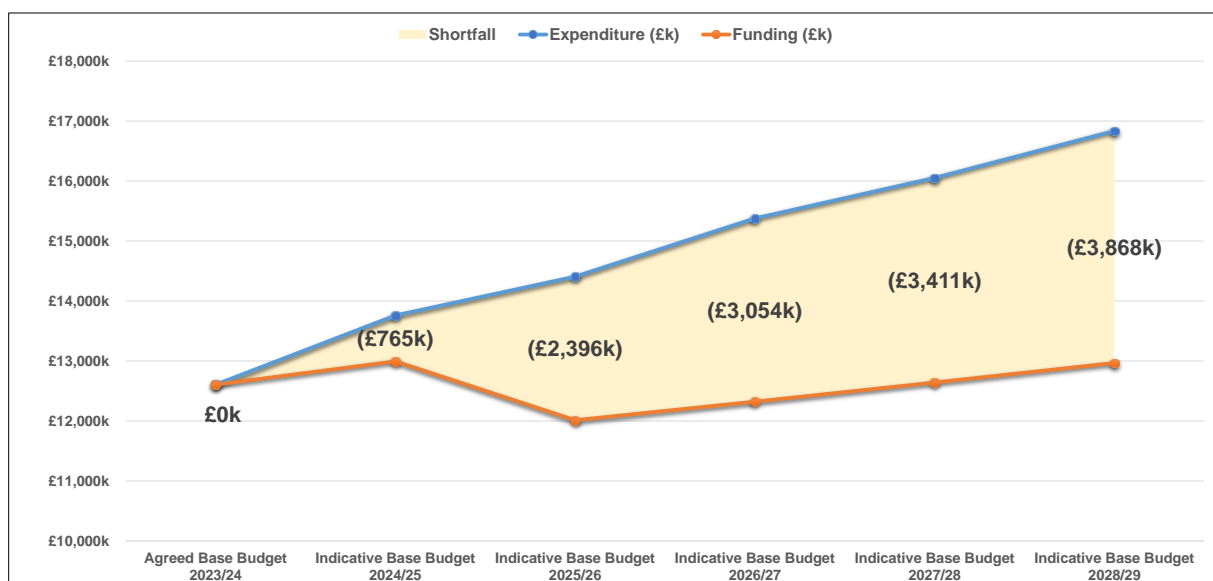
£269,380	£535,566	£532,731	<b>£1,337,677 TOTAL</b>
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If fully approved, the revised overall position for 2024/25 is a shortfall of £765k as shown in Table 1 below and the associated graph. **Appendix 2** shows the savings summary at a granular service level, and **Appendix 3** shows the savings proposals in detail. Note that the revised shortfall falls to £1,298k if the red savings are not approved.

**Table 1 – MTFP General Fund Summary**

2023/24		2024/25	2025/26	2026/27	2027/28	2028/29
£000		£000	£000	£000	£000	£000
0	September Annual Shortfall	2,103	1,631	658	357	457
	Savings Options	(1,338)	0	0	0	0
0	Cumulative Shortfall	765	2396	3,054	3,411	3,868

**Graph 1 – MTFP General Fund Cumulative Budget Gap 2023/24 to 2028/29**



2023/24 has only been balanced after a staffing savings target of £400k and a further contribution from General Reserves of £625k. Unless all of this c£1m can be found during the financial year through ongoing savings, the shortfall will need to be met through reserves which as Qtr 1 was projected to be c£0.5m.

2.4 It should be noted that there is a generic line to capture potential savings in staffing budgets. This is the largest saving but this is only natural given the overwhelming majority of our budget is made up of the staffing resource.

2.5 It should also be noted that the Leader of the Council made a powerful public statement at Cabinet on 19 September about the value of the officers and their

commitment as an administration to avoiding the need for any staff redundancies. **Therefore any staffing saving will only be taken if a post becomes vacant.**

- 2.6 Members will appreciate that all budget options will require political support and therefore if some suggestions are deemed to be unacceptable then other savings will need to be proposed. Members should indicate where these alternatives should be sought.

### 3.0 **Next Steps**

- 3.1 With or without the red savings approved, there is still a way to go to balance the 2024/25 budget. Both Cabinet and the PDGs are asked for their views on service prioritisation, ideally identifying which services are critical in their opinion and which they believe reductions will be acceptable. This can help inform officers to enable the identification of additional budget saving options for review by the PDGs in the November suite of meetings.

- 3.2 Other mitigations could include additional income from fees and charges. For example, we are able to charge for services, for example the Green Waste service, Planning and Car Parking. Some services are experiencing greater take up, i.e. Leisure and Car Parking, however, some are also seeing the impact of the economic conditions, with Qtr. 1 forecasting a drop in income from Planning and Building Control and recycle prices dropping.

- 3.3 Therefore, all options to limit costs where possible, including vacancy management processes and a review of fees and charges are being considered. However, pressures are so great that it's unlikely that this will be sufficient to compensate for the pressures the Council is seeing. Some combination of Government intervention through additional grant funding and use of Reserves is almost inevitable.

### 4.0 **Conclusion**

- 4.1 The significant General Fund budget shortfall remaining is a challenge and the identification of further budget reductions is critical to balancing the budget for 2024/25 and indeed future years.

- 4.2 Moving forward, Members and Officers need to look to reduce the pressures over the next few years reflected in our MTFP and will need to identify ongoing savings to prevent the reliance upon reserves.

- 4.3 In order to conclude the statutory budget setting process, updates to the draft budget position will go through the PDG's and cabinet meetings before being agreed at Full Council on the 21 February 2024. During this period Officers will

continue to identify and examine further savings possibilities that can reduce the longer term budget gap.

### **Financial Implications**

The current budget for the General Fund shows a potential deficit of £765k, with an increasing funding deficit projected in future years. This highlights the need to take steps to plan for further reductions to our ongoing expenditure levels.

### **Legal Implications**

None directly arising from this report, although there is a legal obligation to balance the budget. There are legal implications arising from any future consequential decisions to change service provision, but these would be assessed at the time.

### **Risk Assessment**

The MTFP continues to make a number of financial assumptions based on a sensible/prudent approach, taking account of the most up to date professional advice that is available. Management must ensure that any proposed savings required to balance the budget are robust and achievable.

### **Impact on Climate Change**

The allocation of resources will impact upon the Council's ability to implement/fund new activities linked to climate change, as the MTFP sets the broad budgetary framework for the Council over the coming years. However, some provision has already been included in the base budget and further evaluation/consideration will be made as the draft budget passes through the PDGs over the next few months. Significant investment is currently forecast within the Capital Programme, however this will be dependent upon full options appraisals and levels of Grant funding available.

### **Equalities Impact Assessment**

No implications arising from this report.

### **Relationship to Corporate Plan**

The Medium Term Financial Plan (MTFP) sets out the financial resources available to deliver the Council's ongoing Corporate Plan priorities.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett  
Agreed by or on behalf of the Section 151  
**Date:** 6 October 2023

**Statutory Officer:** Maria De Leiburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 6 October 2023

**Chief Officer:** Stephen Walford  
Agreed by or on behalf of the Chief Executive/Corporate Director  
**Date:** 6 October 2023

**Performance and risk:** Dr Steve Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 09 October 2023

**Cabinet member notified:** Yes

### **Section 4 - Contact Details and Background Papers**

**Contact:** Andrew Jarrett – Deputy Chief Executive (S151)  
Email: [ajarrett@middevon.gov.uk](mailto:ajarrett@middevon.gov.uk)  
Telephone: 01884 234242

**Contact:** Paul Deal – Corporate Manager for Finance, Property and Climate Change  
Email: [pdeal@middevon.gov.uk](mailto:pdeal@middevon.gov.uk)  
Telephone: 01884 234254

#### **Background papers:**

- 2024/25 – 2028/29 Medium Term Financial Plan update (September Cabinet)



General Fund Summary	Statutory, Discretionary, Mixed	2023/24 Annual Budget	Low Risk	Medium Risk	High Risk	TOTAL Savings	% of Budget
		£	£k	£k	£k	£k	%
Corporate Management	Mixed	1,338				0	0%
Performance & Improvement	Discretionary	97	3			3	3%
Bereavement Services	Statutory	(32)	5			5	-16%
Parks & Open Spaces	Discretionary	340			50	50	15%
Commercial Estate	Discretionary	(215)	5	25		30	-14%
Property Services	Discretionary	1,766				0	0%
Community Alarms	Discretionary	(95)				0	0%
Homelessness & Rough Sleeping	Statutory	23				0	0%
Housing Options	Statutory	412				0	0%
Financial Services	Mixed	843		40		40	5%
Revenues & Benefits	Statutory	849	0	0	0	0	0%
Human Resources	Mixed	583		15		15	3%
Customer Services	Discretionary	680				0	0%
Communications	Discretionary	109	0	0	0	0	0%
Legal & Democratic Services	Mixed	1,328	7			7	1%
Car Parks	Discretionary	(546)		40		40	-7%
Street Scene	Discretionary	1,238				0	0%
Waste Services	Mixed	2,225	149	15		164	7%
Fleet Management	Discretionary	54	13			13	24%
Economic Development	Discretionary	974	0	0	0	0	0%
Planning	Statutory	1,024				0	0%
Recreation & Sport	Discretionary	1,402				0	0%
IT Services & Digital Transformation	Discretionary	1,379			19	19	1%
Pannier Market	Discretionary	79			100	100	126%
Community Grants	Discretionary	139		19		19	14%
Licensing	Statutory	24	13	7		20	82%
Public Health	Statutory	710	4	4		8	1%
Climate change	Discretionary	119	0	0	0	0	0%
Cross Cutting	Mixed	0	30			30	
Staffing	Mixed		41	371	364	776	
<b>All General Fund Services</b>		<b>16,845</b>	<b>270</b>	<b>536</b>	<b>533</b>	<b>1,339</b>	<b>8%</b>

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## 2024/25 Headline Savings options - Round 1

## Appendix 2

Saving Ref	Cabinet / PDG	Service	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk	Medium Risk	High Risk
						(£k)	(£k)	(£k)
1	Cabinet	Financial Services	Paul Deal	IE290	More proactive treasury management investment – i.e. longer term investments, alternative investment vehicles (money market funds, bonds etc), reduce available cash balances to increase investment. Key risk is cash flow – should any unknown significant payments arise, this may lead to a cash shortfall for a period of time until the investment can be returned. This can be covered through short term borrowing (overnight etc) at low rates.		£ 30,000	
2	Cabinet	Financial Services	Paul Deal	FP200	A reduction in our purchase of internal audit support, after any increase in charges. This needs to be agreed with DAP and should they need to make any redundancies, or incur costs, we will be liable for all or a share of the costs.  The risk is relatively minimal as we have received a "Reasonable Assurance" opinion for the last few years, with few audits given limited or no assurance. However, we do weaken our governance mechanism and have less resource to draw open if an issue is identified and a critical friend is required.		£ 10,000	
3	Cabinet	Property Services	Paul Deal	PS various (2121 Code)	Update in Planned Maintenance Budgets - Currently planned to be same level as in 2023/24, but a fuller review of requirements is needed to more accurately understand the requirements. Savings / Pressure to be known by end of November.  Implications: only high risk matters are dealt with so if something outside of this breaks there are risks.		?	
4	Cabinet	Property Services	Paul Deal	PS Commercial Income	A review of leases leads to updates and an increase in income. Figure based on c 5% increase  Key risk is that rental does increase - current economic climate may not lead to an increase in rental, therefore the lease will not be updated unless necessary. Note this excludes potential rental of Phoenix House (as the Police rental is already included).		£ 25,000	
5	Cabinet	Property Services	Paul Deal	Transfer of Assets / Financial Contribution	An assumption that either a financial contribution or transfer of assets is secured with some or all of the major Town Councils. Current negotiations are not overly encouraging. Therefore, as indicated previously, some services will cease.  Reputational risks are likely.			£ 150,000
6	Cabinet	Property Services	Paul Deal	PS Service Income	Service Income - cemeteries, bus departures. Figure based on c 5% increase  Potential risk of decreasing demand	£ 10,000		
7	Cabinet	Property Services	Paul Deal	Corporate Invest to Save Projects	Increased Solar Income add adding further solar panels to Phoenix House and the Multi-storey car park. This should cover all usage by PH and offer substantial energy to be sold to local neighbours. This can also reduce anti-social behaviour and fire escape risks.  Risks should be minimal - but vandalism and lack of interest in purchasing the energy created.	?		
8	Cabinet	Property Services	Paul Deal	Phoenix House rental to tenants	Currently negotiating with Devon County Council for them to take space in Phoenix House  Risks should be minimal.	?		
9	Cabinet	Legal and Democratic Services	Maria De Laburne	LD600	Review IKEN (CMS) to see if continue - would need to terminate the contract so may be some initial costs	£ 7,000		
10	Cabinet	Corporate Performance and Improvement	Steve Carr / Matthew Page	CM300	SPAR maintenance contract (£3,230 p.a.) - end support agreement. Risks relate no longer being able to access support for the platform, but there has been limited need for this over the past 12 months +. Agreement runs until 31 August 2024	£ 1,615		
11	Cabinet	Corporate Performance and Improvement	Steve Carr / Matthew Page	CM300	LG Inform Plus. Do not renew access to this data platform which is used for benchmarking. Alternative sources of benchmarking information will be required. Subscription can be restarted at any time.	£ 1,200		

2024/25 Headline Savings options - Round 1

Appendix 2

Saving Ref	Cabinet / PDG	Service	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk	Medium Risk	High Risk
						(£k)	(£k)	(£k)
12	Cabinet	Human Resources	Matthew Page / James Hamblin	HR200	Reduction in Corporate Development Training  Implications: Reduced development opportunities for employees Could impact upon a 'strength' at the Council in terms of retention and recruitment of staff Will reduce offering to employees		£ 5,000	
13	Cabinet	Human Resources	Matthew Page / James Hamblin	HR100	Income generation following implementation of new structure To be balanced against the needs of the services at MDCC		£ 10,000	
14	Cabinet	ICT	Brian Trebilcock	IT500	Removal of Opentext RKYV software for Electronic Document Management and migration onto Sharepoint Online Implications: •Reduction in cost of software. •Organisational wide project with a significant lead time and high service impact. •Every service would need to manually check files, data cleanse and redefine filing structures •Fundamental shift in asset tagging of information and changes to data security and data flows •Capacity issues within ICT, Information Management team and services Risks •Every service impacted and capacity within teams would need to be increased/staff seconded to project •Inadequate planning and governance controls could mean loss of data which may have operational/legal impact if ill-defined •Additional resource in ICT/Info Management required to manage project OR consultancy required for programme and governance •Additional/alternative data storage costs			£ 18,700
15	Community	Public Health	Simon Newcombe	PH600	Remove Pest Control contract – The use of the service has been declining year on year, and budget had been reduced to £1000. This only covers those on qualifying benefits in the private sector for the treatment of rats and mice. All other forms of pest are not covered and signposted to the preferred contractor. The current contract with Pestokill has been extended to June 2024 but it is proposed that we do not renew this contract going forward. Implications: · Low-income households have to pay for rats and mice infestations previously provided FOC · Increase in more complex pest control cases requiring EH regulatory intervention due to failure of householders to take early treatments at cost (low risk) · Mitigation: availability of healthy homes grants and regulatory tools to deal with major infestations means that the risk of not providing the service is lower. Risks: · Equality Impact Assessment would show disproportionate impact on vulnerable, low-income residents although take up of the service has reduced significantly over the years / Will require a policy decision via CPDG and Cabinet · Increased public health impacts but potentially mitigated by the introduction of the Healthy Homes Grant · Reputational damage / less community resilience	£ 1,000		
16	Community	Public Health	Simon Newcombe	PH250	No longer provide GF budget for community safety partnership activity in Mid Devon but maintain contribution to DHR (domestic homicide reviews) as this is mandatory. Changes in funding for CSP work have already been introduced via adoption of a direct commissioning approach by PCC. Limited separate CSP new burdens funding is currently in place for new Serious Violence Duty responsibilities therefore the remaining residual budget is too limited to be utilised effectively. Implications: · With reduced external funding there will be less funding available for specific projects locally, but there continues to be specific funding from the OPPC for targeted action on Devon wide priorities. · Use of this funding has been adhoc over the years resulting in an EMR for underspend which would indicate that this funding is no longer required. There is a duty to undertake DHRs so part of the budget is being withheld to cover the contribution to DCC to coordinate these reviews (accounted for in projected). Risks: · Unable to contribute to any specific projects on community safety locally but these have been reduced over the years due to local capacity and changing need, PCC commissioning approach where the CSP support direct Community Grant bids by VCSE providers and more strategic working across partners	£ 3,870		

Saving Ref	Cabinet / PDG	Service	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk	Medium Risk	High Risk
						(£k)	(£k)	(£k)
17	Community	Public Health	Simon Newcombe	PH660	<p>Remove continuous air quality monitors (AQ Mesh). The current AQ mesh pods (x4) in place under statutory LAQM requirements but have reached the end of their life and need to be replaced. The cost per new pod is approx. £7280 as detailed below, with an annual cost of £2680 (not including any repairs or officer time to check the install). To replace all 4 would be £29,120 to come out of 23/24. The ongoing cost for 4 would be £10720. £10,000 could be a saving if we did not replace the pods. alternatively there would be a smaller saving if some pods remained.</p> <p>Spec from Ricardo</p> <ul style="list-style-type: none"> <li>SCS Cube spec to measure PM10, PM2.5 and NO2 is £3,000/unit (with 2-year manufacturer warranty)</li> <li>Extended warranty to cover years 3 and 4 and maintenance service during the start of year 3 is £850/unit</li> <li>Data sim is £180/unit/year, if paid for in advance</li> <li>QA/QC and data correction to near reference, monthly update reports, and website £2,500/year</li> <li>Installation £750. Assuming done in a day (2-sensors)</li> <li>Note the Cube units are mains powered and so need commando sockets for lamp column installation 13 amp rated feed via a standard commando socket rated at IP68 (waterproof!)</li> </ul> <p>Implications: The pods monitor PM10 and PM2.5 therefore we would no longer be able to measure these pollutants. These would continue to be desk-assessed under LAQM.TG22 guidance but district would not have capability to directly monitor including investigating any new potential exceedance areas, however previous x5 annual assessment reports have identified no new hotspots/risks.</p> <p>Risks: Reliance on reduced NOx tube monitoring only and minimum baseline compliance with statutory guidance under LAQM regime and AQ duties on Council Low - Medium Risk due to minimum statutory baseline compliance. This would generate the full saving of £11,500 via reduction in budget. Sufficient budget would be retained within relevant cost-centre for reduced NOx monitoring (see below) and calibration of noise monitors</p>	£ 11,500		
18	Community	Public Health	Simon Newcombe	PH660	<p>Reduce number of NOx tube monitoring sites from 20 to 10. There have been no exceedances and DEFRA are recommending that the AQMAs are no longer needed. This is an opportunity to review the monitoring sites and reduce the number</p> <p>Implications: There would be less coverage of the district for monitoring but it would be more tactically focussed on ongoing at risk, exceedance or adjacent proposed major development areas only Would need to be kept under review should significant changes to traffic flow arise in areas not covered and monitoring sites introduced as necessary - statutory requirement under LAQM (see below) and annual screening assessment reporting into Defra</p> <p>Risks: Less comprehensive set of data for DEFRA return - represents minimum monitoring requirements to satisfy Local Air Quality Management (LAQM) requirements under stat. guidance (LAQM TG22) Changes to air quality slower to be identified but trend position retained at remaining longer-term sites</p>	£ 420		
19	Community	Public Health	Simon Newcombe	PH660	<p>Stop provision of planning advice relating to all areas of public health. We have contracted to provide this expertise as we do not have the full specialist expertise or resources in house to provide this service. However this is not a statutory function.</p> <p>Implications This is not a statutory service and is only advisory. There would be no provision of comments on planning applications from Public Health once this contract has ended. Currently planning utilise Janet for advice and support more than Public Health and with the new air quality spd planning may wish to fund Janet directly to advise them on this area.</p> <p>Risks Public health comments are preventative and good practice to avoid future nuisance complaints. There is a risk that nuisance issues will increase. However public health has a duty to investigate regardless</p>		£ 6,000	

2024/25 Headline Savings options - Round 1

Appendix 2

Saving Ref	Cabinet / PDG	Service	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk	Medium Risk	High Risk
						(£k)	(£k)	(£k)
20	Community	Public Health	Simon Newcombe	PH733	End the following subscriptions: EMAQ plus training - provides 6 detailed training courses per year on environmental protection including an exam for competency Implications: Access to the reduced rate in specialist training would be lost. However the current Team leader for community has undertaken most of the available competencies. This could be re-instated in future should it become necessary but there are other courses available. Risk Low risk but does mean that only one person in Public health has the competencies		£ 1,376	
21	Community	Public Health	Simon Newcombe	PH733	Public health RIAMs premium subscription - provides access to templates documents, community chats and forums for advice on all aspects of EH Implications The service would no longer be able to access the various templates and documents, the EH community for support and advice or the reduced rate training Risk A piece of work is needed to fully identify how much the service is used by the team. If it is rarely utilised then the risk is low however if the team, especially less experienced team members, rely on the service for day to day delivery of the statutory service then the risk is higher.		£ 3,850	
22	Community	Public Health	Simon Newcombe	PH733	ABC food law - provides bespoke training courses on specialist food safety matters including specific approved premises Implications The team currently rely on this tool for training, templates and guidance. However going forward it may be possible to stop this subscription once internal processes and officers are up to speed. At present as this is not the case it would be high risk to remove this. Risk The team need to be up to speed before this is no longer available. The current risk is that the FSA do not believe we can meet our statutory functions or comply with the FSA plan so it is important that we get on top of this before considering a reduction in our resources			£ 225
23	Community	Public Health	Simon Newcombe	PH354	Empty Homes Network - advice and access to webinars Implications Dealing with empty homes is not a statutory function the network provides advice and guidance on tools for empty homes officers and we do not have this resource at present Risk Risk is low as we do not need the membership and it can be re-instated in the future if required	£ 95		
24	Environment	Street Scene	Matthew Page / Darren Beer	FM580	Removal of pool cars Implications: None	£ 13,000		
25	Environment	Waste	Matthew Page / Darren Beer	WS725	Impact of Shared Saving Scheme - Forecast in April and actual amount will be sent in September 2024. Budget £150K forecast £290K but could be more.	£ 140,000		
26	Environment	Waste	Matthew Page / Darren Beer	WS700	Increase Garden Waste Fees in line or above inflation (includes extra forecast above budget for 2023-24) Implications: May result in reduction in residents subscribing to scheme		£ 15,000	
27	Environment	Waste	Matthew Page / Darren Beer	WS710	Increase trade waste charges above 3% base (Increase of further 1%) Implications: Potential for customers to change provider	£ 9,000		
28	Economy	Car Parks	Matthew Page / Darren Beer	CP520 / 530 / 540	Increase in income from parking charges raised above 3% (includes extra forecast above budget for 2023-24) Implications: Users seeking alternative parking		£ 40,000	

Saving Ref	Cabinet / PDG	Service	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk	Medium Risk	High Risk
						(£k)	(£k)	(£k)
29	Community	Community Grants	Adrian Welsh	CD200	<p>There is an opportunity to review the wider Community Grants. These grants currently total £138k with currently seven beneficiaries. These are due for review. This will provide a political challenge as reductions to these organisations will be controversial. This review would need to form part of a corporate wide assessment. The current breakdown is as follows:</p> <p>Churches Housing Action Team (CHAT) £12,500            Citizens Advice £15,500            Involve – Voluntary Action in Mid Devon £12,000            Mid Devon Mobility £22,000            Grand Western Canal £45,000            Tiverton Museum of Mid Devon Life £27,500            Tourist Information Service £4,000            Total Grants £138,500</p> <p>A saving target of £18,500 is proposed, with Community PDG to decide how to make this saving.</p>		£ 18,500	
30	All	ALL	ALL	All Services	<p>Potential savings could be made in certain areas linked to de-scoping or downsizing activity, should turnover allow for a natural wastage approach in these identified areas. Organisation-wide turnover should allow for a realisation of some of these savings over the coming months and years. However, they are categorised as amber/red to denote that these are not immediately realisable (amber) or would not be recommended due to the severe negative impact on service delivery (red). This aligns with the early steer from the administration around prioritising and protecting service delivery to customers alongside a desire to ensure no redundancies are required given the opportunities to manage workforce resource effectively through targeted vacancy and turnover management.</p>	£ 40,680	£ 370,840	£ 363,806
31	All	ALL	ALL	All Services	<p>Reduction in agency spend following implementation of new structure</p> <p>Implications:            Will require services to scrutinise need and develop greater relationships with agency providers, negotiating where required            Could result in services offering a lesser service at a lower rate should it be decided agency spend is not favourable</p>			?
32	All	ALL	ALL	All Services	<p>Reduction in cost of sickness</p> <p>Implications:            Would require us to take a less risk adverse attitude to managing sickness which could result in claims            Will require consistency across the whole organisation</p>			?
33	All	ALL	ALL	All Services	Business Rates - possible reduction arising from appeals	?		
34	All	ALL	ALL	All Services	Energy costs - possible movement depending on new unit price. Need to reduce usage.	?		
35	All	ALL	ALL	All Services	Fuel Costs - Possible movement depending on how prices move	£ 30,000		
<b>TOTAL</b>						<b>£ 269,380</b>	<b>£ 535,566</b>	<b>£ 532,731</b>

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# NOTIFICATION OF KEY DECISIONS

November 2023

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>MTFP</b> 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	14 Nov 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
<b>Crediton Masterplan</b>	Cabinet	14 Nov 2023	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration	Open
<b>S106 Governance</b>	Cabinet	14 Nov 2023	Joanna Williams, Planning Obligations Monitoring Officer	Cabinet Member for Finance	Open
<b>Meeting Housing Needs SPD</b> To adopt the SPD	Cabinet	14 Nov 2023	Richard Marsh, Director of Place	Cabinet Member for Housing and Property Services	Open
<b>Infrastructure Funding Statement: Infrastructure List</b>	Cabinet	14 Nov 2023	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration	Open

Agenda Item 9.

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Qtr. 2 Budget Monitoring</b> 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
<b>2023/24 Mid-Year Treasury Management Report</b> 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
<b>Schedule of Meetings</b> To receive a draft Schedule of Meetings for 2024/2025	Cabinet Council	14 Nov 2023 20 Dec 2023	Maria De Leiburne, District Solicitor and Monitoring Officer	Cabinet Member for Working Environment	Open
<b>Council Tax Base</b> To consider the Council Tax Base for 2024/25	Cabinet Council	14 Nov 2023 20 Dec 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Bereavement Services Fees and Charges</b> This may need to move to a wider paper on Council Charges for consideration by all PDG's	Environment Policy Development Group  Cabinet	7 Nov 2023  12 Dec 2023	Paul Deal, Corporate Manager for Finance, Property and Climate Change	Councillor Josh Wright	Open
<b>Review of Bin It 123 including Side Waste Collection</b> To discuss a suggestion relating to Side Waste collection	Environment Policy Development Group  Cabinet	7 Nov 2023  12 Dec 2023	Matthew Page, Corporate Manager for People, Governance and Waste	Councillor Josh Wright	Open
<b>Fly Tipping Policy</b>	Environment Policy Development Group  Cabinet	7 Nov 2023  12 Dec 2023	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for Environment & Services	Open
<b>Environment Educational Enforcement Policy</b>	Environment Policy Development Group  Cabinet	7 Nov 2023  12 Dec 2023	Matthew Page, Corporate Manager for People, Governance and Waste	Councillor Josh Wright	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Private Sector Housing Fees &amp; Charges</b>	Homes Policy Development Group  Cabinet	21 Nov 2023  12 Dec 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
<b>Review of Tenancy Agreements - Project Plan</b> To receive a project plan to ensure reform	Homes Policy Development Group  Cabinet	21 Nov 2023  12 Dec 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
<b>Tenancy Inspection Policy</b> To receive a review of MDH Tenancy Inspection Policy	Homes Policy Development Group  Cabinet	21 Nov 2023  12 Dec 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
<b>Town and Parish Charter</b>	Community Policy Development Group  Cabinet	5 Dec 2023  9 Jan 2024	Maria De Leiburne District Solicitor and Monitoring Officer	Cabinet Member for Community & Leisure	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Enforcement Policy</b> To receive a report regarding the Enforcement functions of the Council to include Licensing and Regulatory (not Planning).</p> <p><u>NB:</u> A Joint Policy Development Group meeting will need to be held as this covers all the Enforcement activity of the Council except Planning.</p>	<p>Community Policy Development Group</p> <p>Cabinet</p>	<p>7 Dec 2023</p> <p>9 Jan 2024</p>	<p>Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615</p>	<p>Cabinet Member for Community &amp; Leisure</p>	<p>Open</p>
<p><b>Silverton Neighbourhood Plan</b></p>	<p>Cabinet</p>	<p>12 Dec 2023</p>	<p>Richard Marsh, Director of Place</p>	<p>Cabinet Member for Planning and Economic Regeneration</p>	<p>Open</p>
<p><b>Phoenix House Accommodation Opportunities</b></p>	<p>Cabinet</p>	<p>12 Dec 2023</p>	<p>Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242</p>		<p>Open</p>
<p><b>Joint Strategy</b></p>	<p>Cabinet</p>	<p>12 Dec 2023</p>	<p>Tristan Peat, Forward Planning Team Leader</p>	<p>Cabinet Member for Planning and Economic Regeneration</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>2024/25 Budget Update</b> 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
<b>Destination Management Plan for Mid Devon</b>	Economy Policy Development Group	4 Jan 2024	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration	Open
	Cabinet	6 Feb 2024			
<b>Economic Strategy 2024 - 2029</b>	Economy Policy Development Group	4 Jan 2024	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration	Open
	Cabinet	6 Feb 2024			
<b>2024/25 Budget Update</b> 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
<b>Homes Safety Policy</b> To receive a new policy which incorporates the existing Gas Safety Policy, Asbestos Management Policy & Fire Risk	Homes Policy Development Group	16 Jan 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884	Cabinet Member for Housing and Property Services	Open
	Cabinet	6 Feb 2024			

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
in Communal Properties Policy. New Policy includes regulated electrical safety checks being introduced to social housing landlords by the Social Housing Regulation Bill	Council	21 Feb 2024	244615		
<b>Homes Standard</b>	Homes Policy Development Group  Cabinet	16 Jan 2024  6 Feb 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
<b>Service Standards - Tenant Involvement &amp; Empowerment</b>	Homes Policy Development Group  Cabinet	16 Jan 2024  6 Feb 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Garage, GGRP and Parking Space Policy</b> To receive the revised Garage, GGRP and Parking Space Policy	Homes Policy Development Group  Cabinet  Council	16 Jan 2024  6 Feb 2024  21 Feb 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
<b>Health and Safety Policy</b> To receive the annual review of the Health & Safety Policy	Community Policy Development Group  Cabinet	23 Jan 2024  5 Mar 2024	Catherine Yandle, Operations Manager for Performance, Governance and Health & Safety Tel: 01884 234975	Cabinet Member for Community & Leisure	Open
<b>CCTV Policy</b> To receive the updated CCTV Policy	Community Policy Development Group  Cabinet	23 Jan 2024  6 Feb 2024		Cabinet Member for Community & Leisure	Open
<b>Customer Care Policy</b> To receive the updated Customer Care Policy	Community Policy Development Group  Cabinet	23 Jan 2024  6 Feb 2024			Open



Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Renewable and Alternative Energy, Energy Efficiency including Community Energy Projects</b>	Environment Policy Development Group  Cabinet	23 Jan 2024  6 Feb 2024	Jason Ball, Climate and Sustainability Specialist	Councillor Natasha Bradshaw	Open
<b>Green Standards in Planning including Renewable and Alternative Energy, Energy Efficiency and Community Energy Projects</b>	Environment Policy Development Group  Cabinet	23 Jan 2024  6 Feb 2024	Jason Ball, Climate and Sustainability Specialist	Councillor Natasha Bradshaw	Open
<b>The Council's Statutory Duty towards Bio Diversity and Nature</b>	Environment Policy Development Group  Cabinet	23 Jan 2024  6 Feb 2024	Climate and Sustainability Specialist	Cabinet Member for Climate Change	Open
<b>Policy Framework</b> To receive the annual Budget and Policy Framework setting out all of the Council's policies	Cabinet  Council	6 Feb 2024  21 Feb 2024	Member Services Manager	Leader of the Council	Open
<b>Business Rates Tax Base</b>	Cabinet  Council	6 Feb 2024  21 Feb 2024	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Finance	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Establishment</b>	Cabinet	6 Feb 2024	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for Working Environment	Open
<b>Pay Policy</b>	Cabinet	6 Feb 2024	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for Working Environment	Open
<b>Qtr. 3 Budget Monitoring</b> 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
<b>2024/25 Capital Strategy and Capital Programme</b> 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

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>2024/25 Treasury Management Strategy</b> To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Treasury Management Strategy and Annual Investment Strategy</p>	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
<p><b>2024/25 Budget Update</b> 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</p>	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
<p><b>2024/25 Council Tax Resolution</b> To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Band D Council Tax charge for 2024/25</p>	Council	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
<p><b>National Non Domestic Rates (NNDR1)</b></p>	Cabinet  Council	6 Feb 2024  21 Feb 2024	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Finance	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Income Management Policy</b> To receive a review of the MDH Income Management Policy	Homes Policy Development Group  Cabinet	19 Mar 2024  2 Apr 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
<b>Corporate Anti Social Behaviour Policy</b>	Community Policy Development Group  Cabinet	26 Mar 2024  14 May 2024		Cabinet Member for Community & Leisure	Open
<b>Single Equalities Policy and Equality Objective</b>	Community Policy Development Group  Cabinet	26 Mar 2024  14 May 2024	District Solicitor (Monitoring Officer)	Cabinet Member for Community & Leisure	Open

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