

# Public Document Pack

Mid Devon District Council

## Environment Policy Development Group

Tuesday, 7 November 2023 at 5.30 pm  
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting  
Tuesday, 23 January 2024 at 5.30 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.

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## Membership

Cllr M Fletcher

Cllr B Fish

Cllr C Adcock

Cllr G Czapiewski

Cllr C Harrower

Cllr B Holdman

Cllr J Poynton

Cllr S Robinson

Cllr G Westcott

## **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 and substitute Members**  
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2      **Declarations of Interest under the Code of Conduct**  
To record any interests on agenda matters.
- 3      **Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
Note: A maximum of 30 minutes is allowed for this item.
- 4      **Minutes of the Previous Meeting** *(Pages 5 - 10)*  
To consider whether to approve the minutes as a correct record of the meeting held on Tuesday 10<sup>th</sup> October 2023
- 5      **Chairman's Announcements**  
To receive any announcements that the Chairman may wish to make.
- 6      **Performance Dashboard**  
To provide Members with a verbal update on the Performance Dashboard from the Corporate Performance and Improvement Manager
- 7      **Climate and Sustainability Update**  
To receive a verbal update from the Climate and Sustainability Specialist
- 8      **Review of Bin It 123 and the way forwards** *(Pages 11 - 24)*  
To receive a report from the Corporate Manager for People, Governance and Waste reviewing the Bin It 123 scheme.
- 9      **Quarter 2 Environment Enforcement Statistics** *(Pages 25 - 30)*  
To receive a update from the Corporate Manager for People, Governance and Waste regarding Quarter 2 Environment Enforcement
- 10     **Fly Tipping Policy Review** *(Pages 31 - 40)*  
To receive a report from the Corporate Manager for People, Governance and Waste reviewing the Council's Fly Tipping policy

- 11 **Access to Information - Exclusion of the Press and Public**  
Discussion with regard to the next item, may require the Environment PDG to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Environment PDG would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing
- 12 **2024 - 2025 - Fees and Charges** (Pages 41 - 50)  
To receive a report from the Deputy Chief Executive (S151) regarding Fees and Charges for 2024- 25
- 13 **Work Programme** (Pages 51 - 54)  
To receive the current work plan for the Environment PDG.

**Stephen Walford**  
Chief Executive  
Monday, 30 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 Manager two working days before the meeting to give time for a response to be prepared.

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Democratic Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

If you would like a copy of the Agenda in another format (for example in large print) please contact David Parker on: [dparker@middevon.gov.uk](mailto:dparker@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**  
held on 10 October 2023 at 5.30 pm

### **Present**

#### **Councillors**

M Fletcher (Chairman)  
B Fish (Vice Chairman), C Adcock, C Harrower,  
B Holdman, L Knight, J Poynton, S Robinson and  
G Westcott

#### **Councillors on Line**

Cllrs. E Buczkowski, J. Buczkowski, N. Bradshaw,  
A Glover, L Taylor & D Wulff.

### **Apologies**

#### **Councillor(s)**

G Czapiewski

### **Also Present**

#### **Councillor(s)**

J Wright and R Gilmour

### **Present**

#### **Officer(s):**

Paul Deal (Corporate Manager for Finance, Property and  
Climate Change), Jason Ball (Climate and Sustainability  
Specialist), Darren Beer (Operations Manager for Street  
Scene), David Parker (Democratic Services & Policy  
Research Officer) and Sarah Lees (Democratic Services  
Officer)

## 23 **Apologies and substitute Members (0:03:04)**

Apologies were received from Cllr G Czapiewski who was substituted by Cllr Lloyd Knight.

## 24 **Declarations of Interest under the Code of Conduct (0:03:38)**

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

None were declared.

## 25 **Public Question Time (0:03:56)**

There were no Questions from members of the Public

## 26 **Minutes of the Previous Meeting (0:04:17)**

The minutes of the previous meeting, held on Tuesday 15 August 2023, were approved as a correct record and **SIGNED** by the Chairman.

## 27 **Chairman's Announcements (0:04:48)**

The Chairman encouraged all Councillors to share any ideas for this Policy Development Group to address/look into where possible.

## 28 **Cabinet Member for Environment and Climate Change Update (0:5:22)**

The Cabinet Member for Climate Change addressed the PDG. She thought that the Council were making good progress. Mid Devon were working with the Devon Energy Planning Group, were bidding for Green Grants and making available more Electric Vehicle Charging points. There was ongoing engagement and support with local groups.

The Climate and Environmental Sustainability Statements Guidance\* was brought to the meeting and was ready to be recommended to the Cabinet for adoption.

With regard to the costs of reaching Net Zero, the value for money provided by our officer capacity was very high and the aspirations of the Council's Climate Action Plan were also very high and could only be met by the Council working in partnership to attract external partnership for finance.

Consideration was given to:

- Scope 3 Emission Factors take inflation into account but the figures were an estimate / difficult to be accurate. The Council should identify areas of spend where they can achieve savings, engage with major suppliers and ask them what they were doing to reduce their carbon footprint and set them goals.
- Scope 1 – static fuel use in buildings and transport would start to fall as the Council had decarbonised two Leisure Centres.
- The Climate and Sustainability Officer was happy to support all teams in all Policy Development Groups, he already tried to bring the Environmental good news to the Environment PDG but would be very happy to support e.g. the Homes Strategy and the Community PDG through Leisure.
- Devon County Council was about to issue its consultation with Town and Parish Councils with regard to £7m of Local Electric Vehicle Infrastructure (LEVI) funding about where they want Electric Vehicle Chargers. There were three areas of focus: (i) Street Level, (ii) Amenity or Community Car Parks, and (iii) Strategic Hubs (high volume turnover sites). Councillors should try to assist their Towns and Parishes to get as much of the LEVI funding as was possible spent within Mid Devon.
- Consideration could be given to village halls that have solar panels to offer EV charging, so that the energy used for the EV charging was renewable and generated locally.
- The Z-Pod installations in Cullompton were all net-zero with solar panels, electric heating, cooling and no gas.
- Councillor B Fish was asked to cross check the Net Zero Advisory Group membership against the membership of all PDG's, in order to get Climate Change awareness across the Council.
- The State of the District debate in March would include a discussion on Net Zero and the Council were about to consult with Towns and Parishes on the subjects that they wanted included in the debate.
- Consideration was given to what the Council could do about climate change without putting the burden on the tax payer. Climate change was coming

through in all reports in that every report had to consider climate change and be signed off. Councillors asked whether the climate change impact should move to the front of reports for Members of the public to see how the Council were tracking against objectives.

- What could the Council do to get climate and sustainability into planning and development? The Environment PDG did not have the remit for such matters but all the Members could attend the Planning Policy Advisory Group. It was on the Cabinet Member for Climate Change's radar to make Climate and Sustainability a part of planning and development.
- Members of the PDG commented that it would be helpful to know with Anaerobic Digesters what their carbon emissions were and what carbon emissions they save. The Climate and Sustainability Officer said that he was unable to obtain such information (each enterprise is different).
- The Council could reach out to Town and Parish Councils to get their local perspective about climate change.
- EV charging points and solar panels could be a revenue driver for the Council.
- Silverton Parish Council had been investigating EV Charging Points and were looking at the community hosting its own charging points. Once the pricing was available the information would be fed back in to the Environment PDG.

The report was **NOTED**.

**RECOMMENDED to Cabinet** that the "Guidance: climate and environmental sustainability statements" for officers and Members regarding climate and sustainability statements be adopted. The guidance related to business cases and committee reports and should be used and maintained to help shape decisions and delivery in line with policy and statutory obligations.  
(Proposed by the Chairman.)

Note: \*report previously circulated and attached to the minutes.

## 29 **MDDC draft Budget 2024 - 2025 - First Review (0:42:11)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) presenting the updated Medium Term Financial Plan (MTFP) which covered the period 2024/25 to 2028/29 for the General Fund (GF) and considered initial savings options.

The following was highlighted within the report:

- This was a 5 year plan with figures in relation to years 2 – 4 being best guesses.
- Inflation was likely to continue.
- The previous budget gap for 2024/25 of £1.5m had now increased to £2.1m partly as a result of stubborn inflation and the Government's indicative increase in planning fees not transpiring.
- Assumptions had been made in terms of not using any reserves and the need to revise the capital programme.

The Group considered the savings options outlined in Appendix 2 and discussion took place regarding:

- The Council was not intending to achieve savings by imposing compulsory redundancies but rather it would consider not replacing people automatically when they left and undertake a thorough review of the risks involved in each case.
- What the green, amber and red risk categories meant. –  
GREEN : – a saving which did not significantly impact upon service delivery.  
AMBER: - savings would impact on service delivery but that impact would be manageable.  
RED: - savings would impact upon service delivery and would require changes to the levels of services offered.
- How staff sickness could best be managed and what the Council was already doing regarding this.
- The savings did not add up to £2.1m and there would need to be a further round of cuts.

The shortfall covered two aspects;

- £1m in year savings targets – a £400,000 staffing saving and £625k to avoid drawing from General Reserves. Hopeful if not confident that the Council would be able to absorb this - recommendations will be fed back to the Cabinet.
- £1m inflationary pressure across pay, utilities, supplies and services.

**RECOMMENDED** to the Cabinet that:

- i. Pool Cars be removed.
- ii. The Cross Council Shared Saving Scheme be continued and that the savings reflect the figure likely to be received rather than the prudent previous budget forecast.
- iii. Garden Waste Fees be increased in line or just above inflation. (Councillor B Holdman abstained from this vote).
- iv. Increase trade waste charges above 3% base.
- v. Staff – de-scoping or down-sizing activity, should turnover allow for natural wastage approach, managing workforce resource effectively through targeted vacancy and turnover management.
- vi. Reduction in Agency spend.
- vii. Reduction in cost of sickness.
- viii. The Council's own Business Rates – possibility of reduction following appeals.
- ix. Energy costs – possible movement depending on new unit price. There was a need to reduce usage.
- x. Fuel costs – possible movement depending on how prices move.

(Proposed by the Chairman)

Note: \*report previously circulated and attached to the minutes.



### 30 **Himalayan Balsam (01:34:10)**

Concern had been raised in Oakford Parish, as the sewage treatment plant there was full of this invasive species. It grew up to 2 – 3m high and then the seed pods explode, covering an area of seven square metres and continuing down the water courses. The only way to stop it was to cut it before its seeds disperse. Consideration was given to:

- Environment Agency and South West Water not responding
- Upper Culm had a very good Himalayan Balsam Action Group where volunteers cut the weed down.
- Cullompton being flooded because the leats and streams were clogged with Himalayan Balsam and other invasive species.
- Lobbying Regional Director of the Environment Agency to see whether they had a strategy to clear Himalayan Balsam.
- Service Level Agreements with Voluntary Groups that receive funding from Mid Devon District Council.

The Cabinet Member for Climate Change would work with Cllr R Gilmour to raise this matter with the Environment Agency and perhaps also bring in Lucy Jefferson the Co-ordinator from Connecting the Culm. The member also suggested that other members of this PDG also attend the Sustainable Tiverton AGM which would be taking place soon.

The Chairman agreed to take forward an action to invite the Environment Agency and relevant authorities to appear before this Group.

### 31 **Work Programme (01:52:40)**

It was mentioned that tours of the Exeter Energy from Waste Centre could be arranged and that dates were available from April for all Members.

The Cabinet Member for Environment and Services asked for coffee pod recycling and the recycling of pots and pans to be added to the work plan.

The Environment PDG Chairman would liaise with Planning Policy Advisory Group relating to Housing Energy Efficiency.

The Bereavement Services Fees and Charges item would be broadened more widely to Fees and Charges.

Note: \* Work Programme previously circulated

(The meeting ended at 7.29 pm)

**CHAIRMAN**

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**Report for: Environment PDG**

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Date of Meeting:	07 November 2023
Subject:	Review of Bin-it 123 including Side Waste Collection
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Environment and Services
Responsible Officer:	Darren Beer, Operations Manager – Street Scene and Open Spaces Matthew Page, Corporate Manager for People, Governance and Waste
Exempt:	None
Wards Affected:	All – District wide
Enclosures:	None

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

This report considers the following:

- The effectiveness of the council's waste and recycling scheme, known as the Bin-it 123 scheme, as implemented in October 2022
- The steps the service have taken to raise awareness of the public in the District around the need to use appropriate containers and caddies for recycling.
- The non-collection of side waste and the steps being taking to educate and support the public before enforcement action is taken.
- Future options for consideration and the way ahead.

## **Recommendation(s):**

**To review the contents of this report and provide recommendations for future reports**

### **Section 2 – Report**

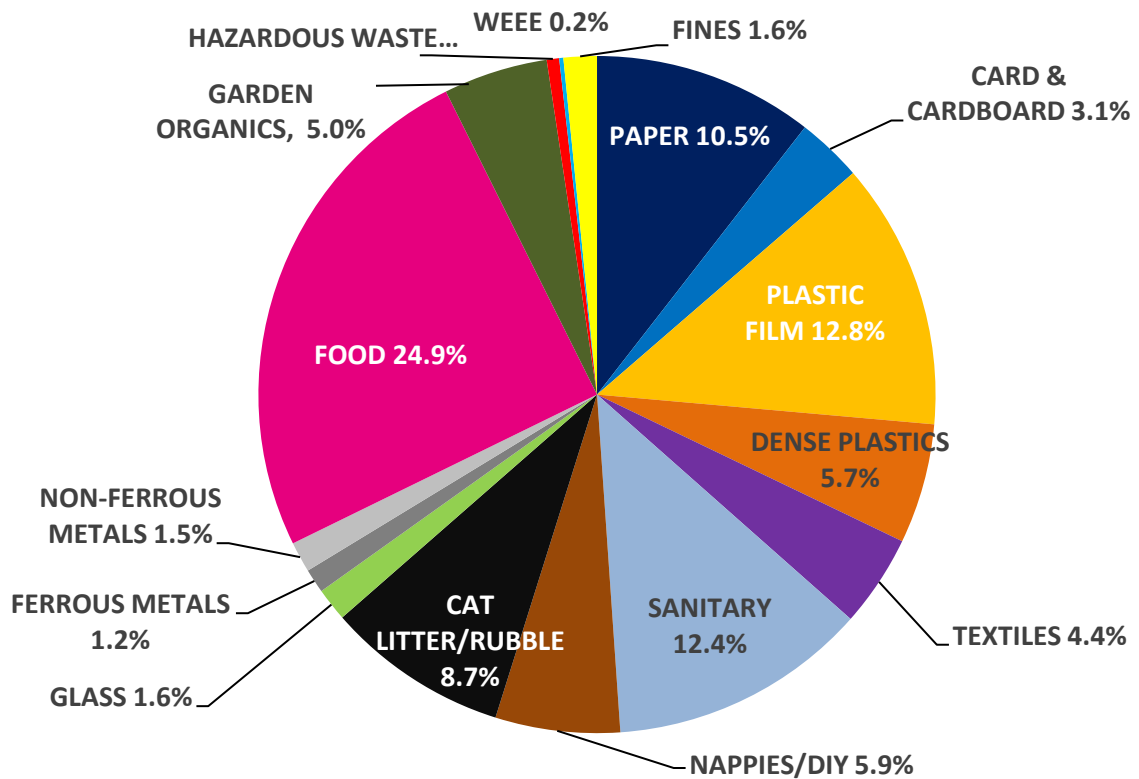
#### **1.0 Introduction**

- 1.1 A review of the current waste and recycling scheme was presented to the Environment PDG in August 2023 and a request was made to provide a further update for November 2023 on the performance of Bin-it 123.
- 1.2 This report outlines what education and enforcement that is currently taking place around side waste and recycling. It outlines a way forward in terms of raising further awareness of good recycling practice to maximise the reduction in our carbon footprint.
- 1.3 Included in the report are ideas and suggestions provided by members with a view to review and provide further narrative for members to make informed decisions on future steps and proposals.

#### **2.0 Background Information**

- 2.1 It is possible that Government will mandate how recycling collections are completed in the years ahead, including garden and food waste collections, along with the types of material to be recycled. This will be fulfilled through Defra legislation (Consistency in Household and Business Recycling, Extended Producer Responsibility and Deposit Return Scheme). For reference, Consistency is now known as Simpler Recycling.
- 2.2 At the time of publishing this report, the Government announced the broad future direction of travel regarding Waste and Recycling services due to be implemented from the 1 March 2026. Many of the components we are already delivering such as weekly food recycling and garden waste collections.
- 2.3 In terms of the detail of Waste and Recycling collections and how these will be carried out, we await the detail and the legislative next steps that will be taken particularly between now and the next general election. We do not anticipate that our current Bin-it 123 scheme will change and it is up to us to make the current scheme work as well for the public as possible. Hence the importance of this report.

2.4 The graph below shows an analysis of 200 residual waste bins in Mid Devon that was carried out at the beginning of October 2022, prior to the commencement of three weekly residual waste collections:

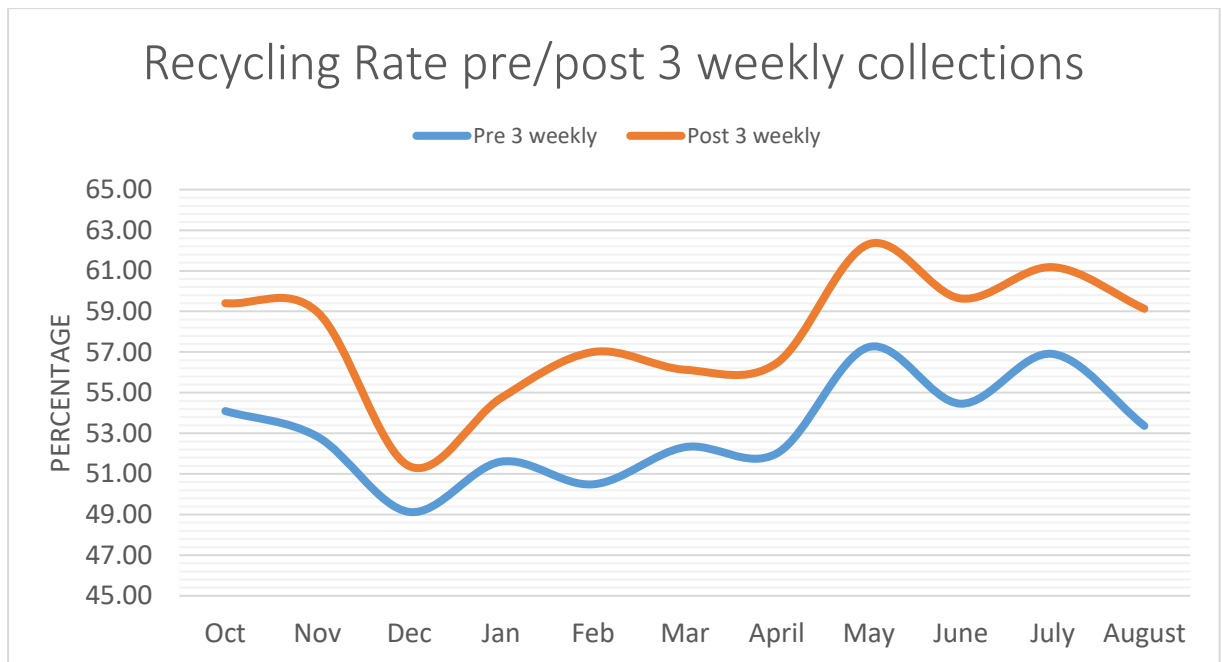


2.5 It clearly shows the volume of materials that could be recycled including around 25% food waste. There has been vast improvements in Mid Devon, which can be seen in Section 3, thanks again to the support of the majority of our residents.

2.6 Devon and Torbay’s 2022 Residual Waste Composition Analysis identified that the diversion of food waste into organic waste collection services is particularly important to help reduce costs and improve performance. An accompanying report identified other key actions to improve service efficiency and to reduce costs, including the enforcement of side-waste policies. The report highlighted that if recyclable waste had been put in the right bins, this could save approximately £3.6m in Devon, and £2.0m in Torbay.

### 3.0 Review of Bin It 123 Performance including Statistics

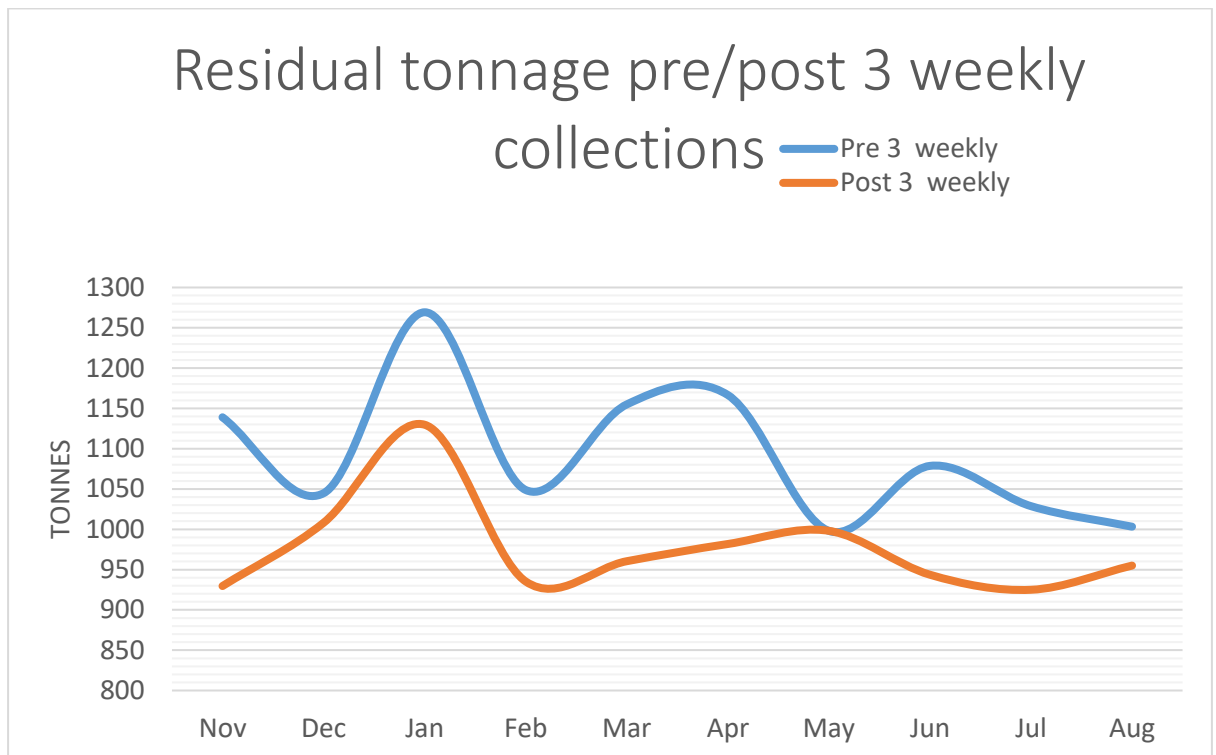
3.1 The below graph shows recycling rates for Mid Devon (NI192), October 2021 to August 2022 (blue line) and October 2022 to August 2023 (orange line). It clearly shows the positive impact of introducing three weekly waste collections into the District. It shows the similar seasonal trends with around a 4.5% recycling rate difference.



3.2 The below shows in table form the information from the above graph.

	Pre 3 x weekly (%) 2021/22	Post 3 x weekly (%) 2022/23
Oct	54.09	59.41
Nov	52.84	58.98
Dec	49.13	51.39
Jan	51.60	54.74
Feb	50.49	57.00
Mar	52.32	56.13
April	52.01	56.46
May	57.24	62.31
June	54.46	59.64
July	56.91	61.18
August	53.37	59.13

3.3 The below graph shows the residual waste collected (tonnes), November 2021 to August 2022 (blue line) and November 2022 to August 2023 (orange line). Again, as in 3.1 the graph shows the positive comparisons both before and after the introduction of three weekly collections and the mirroring seasonal changes but with a clear reduction in the tonnages collected.



3.4 The table below shows the details from the graph above.

Month	Pre 3 weekly (tonnes) 2021/22	Post 3 weekly (tonnes) 2022/23
Nov	1138.95	929.61
Dec	1044.73	1008.06
Jan	1269.23	1129.72
Feb	1048.78	935.3
Mar	1154.92	960.41
Apr	1166.64	981.78
May	998.05	998.13
Jun	1078.67	943.67
Jul	1028.73	924.99
Aug	1003.23	955.01
Total:	10931.93	9766.68

3.5 As can be seen from the table above there has been a reduction of 1165 tonnes collected (over a ten month period) since the roll out of three weekly collections compared to the same period before the roll out. This is a significant positive change and filters into the data collected (NI191) for

residual waste collected per household annually, which was 364.5 kg/household in 2021/22, 327 kg/household in 2022/23 and currently forecast to be around 315 kg/household in 2023/24.

3.6 The table below compares the recycling rates by District across Devon and Torbay between 2021/22 and 2022/23.

<b>NI192</b>	<b>2021/22</b>	<b>2022/23</b>	<b>Change (%)</b>
East Devon	61.00%	59.50%	-1.60%
Exeter	25.50%	24.50%	-1.00%
<b>Mid Devon</b>	<b>53.70%</b>	<b>55.40%</b>	<b>1.80%</b>
North Devon	48.20%	45.60%	-2.60%
South Hams	46.70%	44.80%	-1.90%
Teignbridge	55.60%	53.80%	-1.80%
Torridge	53.90%	52.60%	-1.30%
West Devon	54.10%	53.90%	-0.20%
<b>Devon</b>	<b>55.10%</b>	<b>54.00%</b>	<b>-1.10%</b>
Torbay	37.10%	38.20%	1.10%

3.7 The table shows that only Torbay and Mid Devon increased their recycling rates in 2022/23 compared to the previous year. Both made significant changes to their waste and recycling collection schemes with Mid Devon increasing the recycling rate by 1.8% during this period. This is even more impressive when nationally, reports have suggested that recycling rates have remained static or decreased across the country. It should also be noted the current performance in Mid Devon (3.2) compared to the 2022/23 figures.

3.8 Overall the material recovery streams have shown a decline across the Districts, such as plastic and textiles whilst there has been some recovery from packaging based streams such as cardboard and glass. It is likely that changes to packaging type, composition, and density, as industry aims to reduce packaging placed on the market, will play a part in these reductions now and in the future. Mid Devon has seen considerable increases in areas such as food waste collected, which has given markers to show that the scheme is working in diverting this product into the blue food caddies. There has also been further increases in the tonnages collected for card, aluminium and steel.



#### **4.0 Steps taken to raise awareness of the public in the District around the need to use appropriate containers and caddies for recycling**

- 4.1 A series of measures have been taken by Officers to raise awareness of the public regarding the future tightening of restrictions regarding side waste and the need to use the appropriate containers and caddies for recycling.
- 4.2 Measures have included press releases outlining the success of the Bin-it 123 scheme to date and encouraging more recycling through National Recycling Week, a radio advert put out on Radio Exe for three weeks requesting residents recycle as much as possible, and social media postings on a variety of topics and proactive enforcement of littering and fly tipping from the District Officer team.
- 4.3 There was also a positive mention of our increase in recycling rate on the BBC Spotlight Evening News on the 18<sup>th</sup> October 2023.

#### **5.0 Education and Enforcement regarding non collection of side waste**

- 5.1 Bin-it 123 has now been in place for a year which has included the waste and recycling crews collecting side waste from households. This has help embed the new scheme and support residents with these significant changes through education and advice. As can be seen from the tables above there has been a considerable improvement in the recycling rate along with a reduction in the waste collected. The majority of residents support the scheme and follow good practice with regards the waste hierarchy. See graphic below:



- 5.2 There are still however some considerable issues associated with persistent non-recyclers. Some households are still putting recycling out for collection in black bins and seagull sacks instead of using the appropriate recycling containers, which in turn slows down rounds. This is limiting our recycling collection rate, and ultimately the scheme is not reaching its full effectiveness.
- 5.3 We are now in a position to take the next step through further education, support and enforcement of Bin-it 123. The service was given the go ahead by both the Environment PDG and Cabinet in August for tighter restrictions

around residents leaving out side waste along with the requirement for residents to use the appropriate containers and caddies for recycling (and black bin for residual waste).

- 5.4 At the time of writing this report, 13500 households have been audited and of these around 1800 are still putting out side waste for collection, which equates to around 13% of those households reviewed still not complying with the scheme.
- 5.5 The following steps highlight the education and enforcement that will be taken to ensure residents support the scheme and follow good practice. A flow chart is also attached (Appendix 1 - Education and Enforcement regarding non collection of side waste):
- a) A team of Recycling Officers have begun auditing the above issues and accompanying the collection teams in the District until information on all households has been collated.
  - b) At this point a letter will be sent to those that have not followed the scheme (See Appendix 2 – Letter to residents) pointing out the reason behind the letter being sent.
  - c) A further audit will be undertaken for three more weeks to understand the impact the letter has had on residents complying (or not) with the scheme.
  - d) Those residents not complying will be sent another letter informing them that side waste will no longer be collected with guidance on how to reduce waste and what can be separated for recycling. There will also be a sticker placed on the bin stating that side waste was placed out for collection. This will also be supported through education by door knocking those residents not complying with the scheme.
  - e) From week seven no side waste will be collected and Recycling Advisors will continue door knocking, collecting information on those addresses still not complying with relevant information passed on to the Enforcement Team.
  - f) The Recycling Officers will continue to support residents through advice and review of bin contents to ensure waste is placed in the correct container.
  - g) The Enforcement Team will begin the formal process where education has not produced the desired results. A formal notice of the intention to take action can be served on the property. At this stage an Enforcement Officer will need to be involved to help explain the service and issue advice. However this stage is recorded and monitored.
  - h) A Fixed Penalty Notice can be issued where all attempts at education have failed. A Fixed Penalty Notice (FPN) can be issued if education has been unsuccessful in effecting a change in resident's behaviour and side waste is still presented or the resident does not recycle.

Note: During the Christmas period it is proposed to still collect side waste but request that residents comply where possible.

## 6.0 Future Options for Consideration

- 6.1 Members have made a series of comments and suggestions regarding future proposals for consideration at Environment PDG. Members are asked to further input into these suggestions taking into consideration both the financial and operational implications for the Council. The list includes but is not restricted to:
1. Review the viability of collecting coffee pods in the District
  2. Review the viability of collecting pots and pans in the District
  3. Further education around the right product in the right box
  4. Further work with schools

**Financial Implications:** None in relation to this report.

It should be noted that an increase in recycling tonnages for each material will increase our recycling credits for that material. This increase also has an effect on the income received from each product. At present this is difficult to determine due to the constant variations in market values. Shared savings through the DCC Shared Savings Scheme would potentially increase as we decrease waste and increase recycling.

**Legal Implications:** Under Section 46 of the Environmental Protection Act Waste Collection Authorities may by means of notice specify how householders present their waste for collection.

**Risk Assessment:** The risks associated with the recommendations in this report relate mainly to the handling of appropriate education and enforcement activity – both areas where the current team have significant experience. This report recommends a further tightening up of the policy, and as such the risk of not addressing these issues are that the policy does not achieve its full effectiveness. In the event that any future changes are trialled (or mandated by government) a register of risks would need to be compiled in advance of those proposed service changes. There are potential risks, including impacts on; carbon emissions, the carbon footprint, operational costs and other resources required (from containers to personnel).

**Impact on Climate Change:** An increase in recycling would further enable the Council to reduce its carbon footprint and hit its carbon net zero commitment. Recycling is one of the most 'mainstream' concepts of addressing overarching sustainability goals, therefore it is vital to make sure that the council is maximising the effectiveness of both its scheme design, but also its operational implementation. Being a large rural district, our waste and recycling vehicles cover a lot of mileage annually, and there are opportunities to potentially reduce fuel usage with the future types of vehicles Mid Devon would be looking to procure.

**Equalities Impact Assessment:** The service will continue to provide assisted collections according to the current policy; considerations for residents residing in

HMOs, flats and properties with no outside space will be included in any proposed project plan. The service would review the lessons learnt and best practice from recent changes along with a review of other councils who have successfully implemented strategic changes to their waste collections operations.

**Relationship to Corporate Plan:** This report identifies with the 'Environment' priority area of the Corporate Plan for 2020-2024 *'increase recycling rates and reduce the amount of residual waste generated'*. Supporting and enabling customers to recycle and reduce residual waste contributes to Mid Devon District Councils' commitment to the Devon Climate Emergency.

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

**Statutory Officer:** Andrew Jarrett  
Agreed by or on behalf of the Section 151  
**Date:** 30 October 2023

**Statutory Officer:** Maria De Leiburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 30 October 2023

**Chief Officer:** Stephen Walford  
Agreed by or on behalf of the Chief Executive/Corporate Director  
**Date:** 30 October 2023

**Performance and risk:** Steve Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 30 October 2023

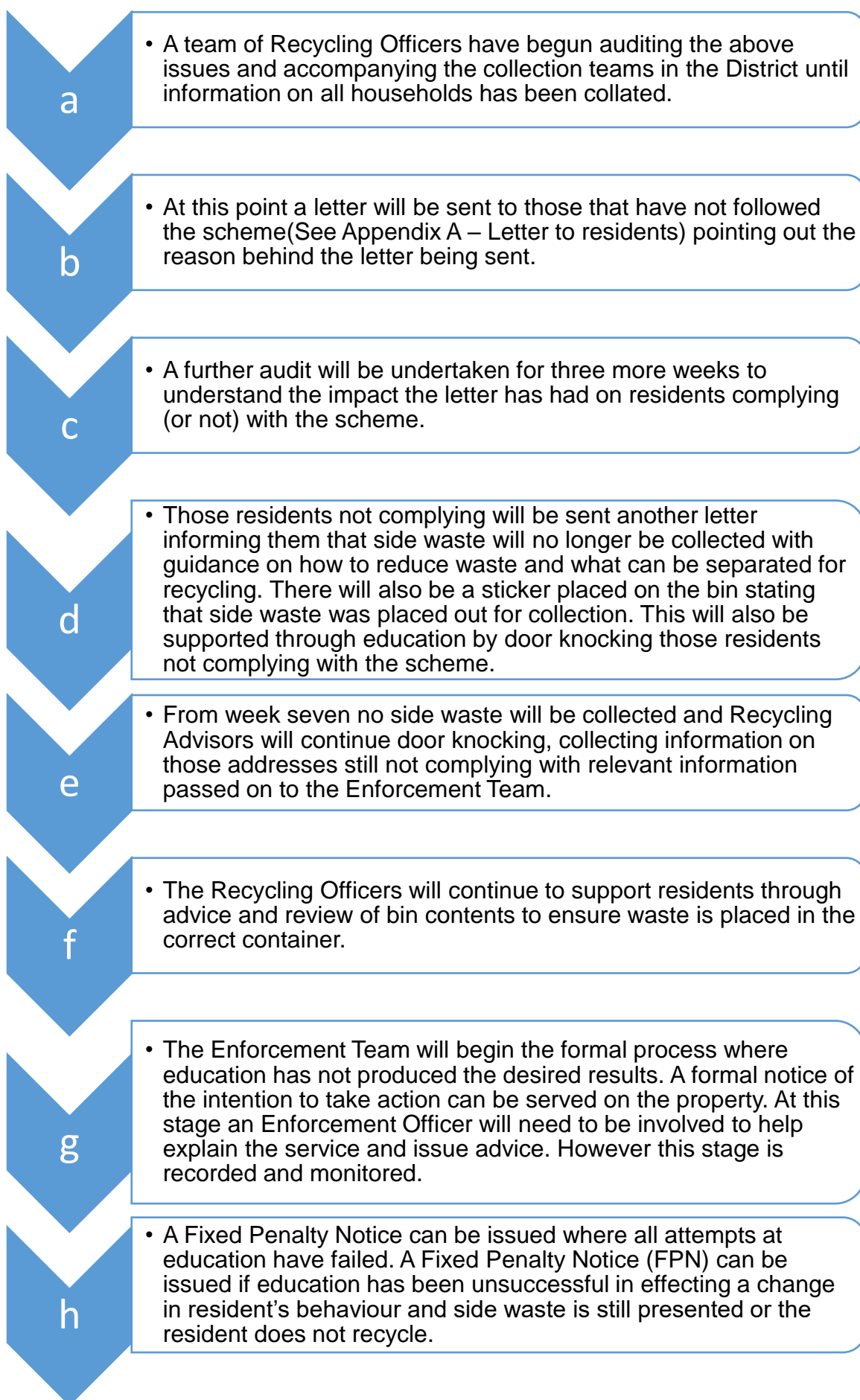
**Cabinet member notified:** Yes

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

**Contact:** Darren Beer, Operations Manager – Street Scene and Open Spaces  
**Email:** [dbeer@middevon.gov.uk](mailto:dbeer@middevon.gov.uk)  
**Telephone:** 01884 255255

**Background papers:** N/A

## Appendix 2 - Education and Enforcement regarding non collection of side waste



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**Street Scene Services**  
**Phoenix House**  
**Phoenix Lane**  
**Tiverton**  
**EX16 6PP**

website: [www.middevon.gov.uk](http://www.middevon.gov.uk)  
contact: Waste & Recycling  
telephone: 01884 255255  
email: [bin-it123@middevon.gov.uk](mailto:bin-it123@middevon.gov.uk)

Date:

Dear Occupier,

**Reference: Waste and Recycling Collection**

On a previous collection, we noticed there were issues with your waste and/or recycling. This included:

Leaving of side waste adjacent to your wheeled bin.

We require all residents within Mid Devon to place waste within their wheeled bin or reusable seagull sack provided as part of the Bin-It 123 service, which launched in October 2022. If you are struggling to contain your waste within your wheeled bin/reusable seagull sack or require some assistance with your waste or recycling, please call our Customer Service department on the above phone number and we will arrange to visit your property to provide advice on your waste and recycling needs. . Failure to adhere to waste and recycling requirements will lead to formal action being taken under S46 of the Environmental Protection Act 1990

If you require more recycling containers, these can be ordered via our website: [www.middevon.gov.uk](http://www.middevon.gov.uk) or by calling our Customer Services team on 01884 255255.

Please ensure that your waste and recycling is placed at the kerbside or other agreed collection point after **6.00pm** on the evening before your appointed day of collection, or before **6.00am** on the morning of your collection.

If we can help in any other way with your waste or recycling concerns, or if you have any queries, please contact us on the above contact methods.

Yours faithfully

Mid Devon District Council  
Waste & Recycling Department

# What goes where?



If you wish to speak to the team about an issue or would like a visit to discuss your waste and recycling situation, please contact us by emailing [bin-it123@middevon.gov.uk](mailto:bin-it123@middevon.gov.uk) or calling 01884 255255

[www.middevon.gov.uk/bin123](http://www.middevon.gov.uk/bin123)

Street Scene staff are now carrying out education and enforcement with residents who are not complying with our collection scheme.





**Report for: Environment PDG**

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Date of Meeting:	07 November 2023
Subject:	Environment and Enforcement Quarter 2 Performance Update
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Environment and Services
Responsible Officer:	Luke Howard, Environment and Enforcement Manager
Exempt:	N/A
Wards Affected:	All
Enclosures:	N/A

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

This report will provide members with an overview of performance from the Environment and Enforcement service during Quarter 2 of the financial year 2023/24

**Recommendation(s): Report for note only**

**Section 2 – Report**

**1.0 Introduction**

- 1.1 Quarter two (Q2) has seen the introduction of the new car parking tariff charges introduced in late June. It is likely to take some time to see how this introduction settles with users. Early statistics and data do not indicate a loss in vends or user activity to date. This will be kept under review.
- 1.2 The service has had a particular focus on fly tipping and littering offences during Q2. The team have obtained evidence following investigating several commercial sized fly tipping incidents, liaising closely with 3<sup>rd</sup> partner agencies and our own cleansing services to resolve and dispose of the waste.

## 2.0 Quarter two

- 2.1 The service has performed well in the current climate when compared to similar time periods last year.
- 2.2 Due to reduced staffing resource and a high quantity of PACE (Police and Criminal Evidence Act) interviews during Q2, the team have only been able to part complete the district cleansing inspections. It is expected that the remainder will be completed over the coming weeks with Q3 review commencing straight after.
- 2.3 The enforcement team undertook training relating to interviews under caution following PACE procedures. This training was really useful for the confidence and knowledge of the team, providing them with a greater understanding of the process and confirming our current procedures are correct.

## 3.0 Car Parking

- 3.1 The introduction of the new tariff changes took place at the end of June. So far, statistics relating to the introduction has not shown a decline in user numbers or vends through our varying payment options. In fact, user uptake appears to have increased – see 3.2. It is felt a period of six to nine months will be needed to gain a true understanding on how these changes have landed. Initial information looks promising.
- 3.2 Pay and Display income

Quarter 2 pay and display	Coins	Card	Ringo	Total
2023*	£91,811.65	£94,722.30	£76,336.80	<b>£262,892.75</b>
2022*	£90,497.85	£74,422.50	£43,367.15	<b>£208,287.50</b>

\*all figures include VAT.

The initial parking consultation meeting was held in September. The group was well attended by representatives of Mid Devon Members, communities, local businesses and Town Councils who provided useful feedback and ideas relating to parking and use of the current parking stock. A further meeting is scheduled to take place at the end of the year to revisit some of the ideas suggested and look forward to the financial year 2024/25 to make future recommendations to the Economy PDG.

## 3.3 Q2 PCN Statistics comparing years 2019-2023

Quarter 2 (July-Sept) PCN Issuance	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
<b>PCN's issued</b>	<b>470</b>	<b>236</b>	<b>469</b>	<b>664</b>	<b>728</b>

#### 4.0 Environmental Enforcement

- 4.1 The team were involved in PACE training during September. This two-day course provided by a Keep Britain Tidy Environmental Legal Specialist, gave the team a deeper knowledge base surrounding interviews under caution. It also highlighted varying sections of the Environmental Protection Act 1990 that were open to use by the authority. The course was extremely beneficial and team feedback has been very positive.
- 4.2 The service has seen the number of fly tipping reports decrease steadily over the last 12 months. However, reports and investigations pertaining to commercial fly tipping seemed to have increased during that time. The team have been active in investigating and taking enforcement action against those individuals found to be fly tipping. During Q2, the team held 14 interviews under caution. Some of these interviews related to the same incident due to multiple names and addresses being found.
- 4.3 The service has been actively working with a small selection of businesses to identify their duty of care in relation to waste. This initial outreach by the team is going to be followed up by a much larger campaign in early 2024, ensuring businesses have the appropriate trade waste agreements and waste transfer notes for their waste.
- 4.4 The service continues to work in cross service walk arounds with the housing team, addressing arising issues that tenants have in respect of environment and street scene.
- 4.5 Abandoned Vehicle Stats Q2

Total Reported	103
Not Abandoned/Gone	85
Action Required	18
Moved by owner after notice	16
Removed by MDDC	2
Fixed Penalty Notices issued	1
Action not Taken	0

#### 4.6 Environmental Enforcement Statistics Q2 comparing 2022/23 with 2023/24

Q2	2022/23	2023/24	Increase/Decrease
Patrols Conducted	43	78	35
FPN's Issued	4	21	17
Dog Fouling/PSPO	2	3	1
Littering	0	15	15
Fly Tipping	2	3	1

#### 5.0 Street Cleansing and Grounds Maintenance

5.1 During August the Grounds Maintenance service assisted a multi service operation to clear and make safe a property within the district. The work consisted of cutting back and removing very sizeable overgrowth from the front and rear of the property. The team completed the works ahead of predicted schedule and to a very good standard.

5.2 Fly tipping reports have reduced compared to those reported in Q1, however, the team have been involved with the removal of several larger commercial scale fly tipping incidents. The service has removed/disposed of:

Fly Tipping Collections	Time Spent	Cost of disposal (Tyres and Asbestos) £'s
<b>98</b>	<b>58Hrs</b>	<b>£0.00</b>

#### Financial Implications

There are no financial implications as a direct result of this report.

#### Legal Implications

The Authority has a statutory responsibility to fulfil investigation and enforcement into environmental crimes such as abandoned vehicles, littering, fly tipping and public space protection orders.

#### Risk Assessment

Risk assessments in relation to the role of district officer in place. No further risk assessment required.

#### Impact on Climate Change

The report is focussed on advising how the service is actively working to reducing environmental crime. This will have a positive impact on climate and the corporate strategy relating to this.

#### Equalities Impact Assessment

There are no equality issues identified in this report.

## **Relationship to Corporate Plan**

The service development is designed to align with corporate plan on reducing environmental crime issues within the district.

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

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 30 October 2023

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 30 October 2023

**Chief Officer:** Stephen Walford

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

**Date:** 30 October 2023

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 23 October 2023

**Cabinet member notified:** Yes

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

**Contact:** Luke Howard, Environment and Enforcement Manager

Email: lhoward@middevon.gov.uk

Telephone: 01884 233033

**Background papers:**

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**Report for: Environment PDG**

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Date of Meeting:	7 <sup>th</sup> November 2023
Subject:	Fly Tipping Policy Review
Cabinet Member:	Cllr Josh Wright, Cabinet member for Environment
Responsible Officer:	Luke Howard, Environment and Enforcement Manager Matthew Page, Corporate Manager for People, Governance and Waste
Exempt:	N/A
Wards Affected:	All (District)
Enclosures:	Appendix 1- Fly Tipping Policy

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

This report looks to explore and make recommendations regarding recent increases to the Fixed Penalty Notice (FPN) fine amount for fly tipping and breach of care for household waste offences This relates to local authorities (LA) tackling anti-social behaviour in their communities.

**Recommendation(s):**

1. Delegate authority to the Environment and Enforcement Manager in respect of determining FPN value.
2. To amend the fly tipping policy to allow
  - for a sliding scale in respect of fly tipping Fixed Penalty Notice (FPN) amount, with the minimum being £400 and maximum amount £1000.
  - For a sliding scale in respect of breach of duty of care for household waste fixed penalty with the minimum being £150 and the maximum amount £600
3. To amend the fly tipping policy (see attached) for general updating purposes.

## **Section 2 – Report**

### **1.0 Introduction**

- 1.1 On July 31<sup>st</sup> 2023, Central Government released new legislation in respect of Local Authorities and Police powers to tackle anti-social behaviour in communities. This was released under their Anti-Social Behaviour Action Plan. The plan provides local authorities with additional powers and increased fine amounts for offences that contribute to anti-social behaviour, of which fly tipping is one.
- 1.2 The current MDDC policy on fly tipping relates to previous legislation capping the maximum FPN amount to £400. The new legislation provides authorities with the ability to increase the maximum FPN amount to £1000.

### **2.0 FPN Sliding Scale**

- 2.1 The increase of the FPN provides LA's the opportunity to introduce a sliding scale in respect of the fine amount. An Environmental Legal Specialist working with Keep Britain Tidy has ratified this.
- 2.2 Therefore, it is proposed that MDDC introduces a sliding scale for fly tipping FPN's, with the minimum fine being £400 and the maximum amount £1000. The introduction of a sliding scale will enable the authority to better sanction individuals for the offence committed.
- 2.3 The idea surrounding a sliding scale is that offenders who leave a couple of black bags could argue that a £1000 fine is not proportionate to the offence committed. It would also be problematic for LA's to meet prosecution criteria where the proportionate element is not met. Therefore, a sliding scale that allows the Environment and Enforcement Manager to determine the fine based on quantity and environmental impact of the offence would be a more proportionate way of enforcement.
- 2.4 Current court sentences reflect similar value to the maximum FPN fine amount, so the use of the FPN relieves pressure on the court process and enables offenders to discharge their liability through payment of a FPN.
- 2.5 Alongside proportionate fines for each offence, the sliding scale is likely to encourage offenders to make payment in a timely manner. This reduces the cost of staff time in preparing case files for prosecution and the associated court costs.
- 2.6 The waste duty of care requires occupiers of domestic property to take all reasonable measures available to them in the circumstances to ensure that they only transfer household waste produced on that property to an authorised person for disposal. This reduces the chance of waste ending up in the hands of those who would fly-tip it. It is an offence to fail to comply with the duty of care. The sliding scale for waste duty of care offences is now £150 to £600.



### **3.0 Impacts of Fly Tipping**

- 3.1 During 2022/23, in MDDC there were 605 reported incidents of fly tipping. These varied in scale from singular black bags to van sized loads, with a higher percentage being that of the latter. This is equivalent to 96 tonnes of waste disposed of illegally.
- 3.2 While the Enforcement Team is proactive in taking action against offenders, it is hoped an increased fine amount would deter those who may consider fly tipping from a commercial standpoint. We have encountered acts of commercial fly tipping where due to the cost of disposal being similar to that of the FPN amount it is then deemed by some offenders worth risking committing the offence in the first place. A higher FPN would mitigate this as an option for offenders and provide a deterrent factor in those circumstances.

### **Financial Implications**

Acts of fly tipping cost the authority significant sums of money in relation to the collection and disposal involved.

It is believed a reduction in staffing time required for prosecution cases will have a positive financial impact. Any income generated by payment of FPN's will be reinvested back into the service to offset costs.

### **Legal Implications**

The authority has a statutory duty to remove and dispose of Fly Tipping within communities. We have powers under S33 of the Environmental Protection Act 1990 to prosecute offenders for the offence.

### **Risk Assessment**

There are no associated risks with the recommendations.

### **Impact on Climate Change**

Fly tipping has a significant impact on environment and climate. Taking positive action to deter and prevent acts of fly tipping is beneficial to communities and the overall environment in Mid Devon.

### **Equalities Impact Assessment**

There are no equality issues with the recommendations.

### **Relationship to Corporate Plan**

Creating a better standard of living for residents within Mid Devon is a key element for all service areas. It is believed the recommendations will further enhance this for communities and provide the enforcement service with the tools to effectively manage and prevent fly tipping incidents in the district.

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

**Statutory Officer:** Andrew Jarrett  
Agreed by or on behalf of the Section 151  
**Date:** 30 October 2023

**Statutory Officer:** Maria De Leiburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 30 October 2023

**Chief Officer:** Stephen Walford  
Agreed by or on behalf of the Chief Executive/Corporate Director  
**Date:** 30 October 2023

**Performance and risk:** Steve Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 23 October 2023

**Cabinet member notified:** Yes

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

**Contact:** Luke Howard, Environment and Enforcement Manager  
Email: lhoward@middevon.gov.uk  
Telephone: 01884 233033

**Background papers:**



## **Fly Tipping Policy**

**Date of issue: October 2023**

**Review date: January 2030**

## **Contents**

- 1.0 Introduction and legislation
- 2.0 The procedure for fly tipping
- 3.0 Duty of care for household waste
- 4.0 Fixed penalties
- 5.0 Amount of fixed penalties

## **1.0 Introduction**

- 1.1 Fly tipping is the illegal dumping of any waste onto land that has no licence to accept waste. It can vary in scale significantly from a bin bag of rubbish to a large quantity of waste dumped from a truck. Enforcement legislation is embodied within the Environmental Protection Act 1990 sections 33 and 34.
- 1.2 The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 came into force on 9 May 2016 which amends the Environmental Protection Act 1990 to allow the issuing of fixed penalties for waste deposit offences.
- 1.3 Mid Devon District Council (The Council) is a contributor to the web based National Fly Tipping Database Fly Capture.
- 1.4 All authorised District Officers in the Street Scene and Open Spaces service are fully trained in enforcement procedures and receive regular update training. All delegated officers will act in accordance with this policy and refer to this policy when making enforcement decisions.

## **2.0 Flytipping Enforcement Procedure**

- 2.1 In the first instance, The Council's preferred action is to secure compliance through education and information. Enforcement action will require delegated officers to follow set procedures and protocols in order to ensure consistency in the collection of evidence and the enforcement actions applied. These actions represent a zero tolerance to environmental crime.

This policy supplements the guidance continued in the Operations Directorate Enforcement Policy. The Street Scene service encompasses numerous powers and duties that enable the control of behaviour of individuals and/or businesses in the interest of public health and the environment.

- 2.2 The Council may use CCTV to issue and pursue fixed penalty notices for fly tipping provided it is in compliance with Regulation of Investigatory Powers Act 2000.
- 2.3 A fixed penalty notice may be issued to someone caught in the act or subsequently determined guilty of the offence of fly tipping. Where evidence is obtained for a more serious case of fly tipping, and the case meets the threshold for prosecution, a file will be prepared for prosecution.
- 2.4 In cases of fly tipping found on public open spaces or on highways. A letter shall be sent to the alleged offender with an explanation of the offence committed and an invitation for them to attend an interview under caution. The purpose of the investigation is to ascertain why the offence was committed and to see if there is a plausible explanation for the committed offence. If the interviewers are not satisfied, consideration may be given to either issuing a Fixed Penalty Notice or prosecuting.

- 2.5 Evidence held by the District Council shall be held in prosecution files which will be stored electronically in line with Data Protection Act 2018.
- 2.6 Interviews under caution will be carried out under the Police and Criminal Evidence Act 1984 (PACE).
- 2.6.1 The Council may seize a vehicle, trailer or mobile plant suspected of being involved in waste<sup>1</sup> crime.
- 2.6.2 Mid Devon District Council has the right to legally enter land, vehicles or premises to investigate fly tipping offences.
- 2.7 Mid Devon District Council can serve a notice on anyone it thinks can provide information on the details of the driver of a vehicle used at the time when the offence was committed, using the DVLA WEEE system.
- 2.8 All offences that involve a vehicle may be investigated within 7 days of the offence taking place. The Council has the ability to check owner details of a vehicle within this time. After 7 days, a registered keeper check cannot take place using the WEE system.
- 2.11 A range of enforcement options are available for each offence. The case officer dealing with a situation will liaise with the Environment and Enforcement manager to determine the appropriate outcome. Any cases recommended for prosecution will be presented to Legal Services for comment and review prior to proceedings being instigated.

### **3.0 Duty of care for household waste**

- 3.1 The duty of care requires occupiers of domestic property to take all reasonable measures available to them in the circumstances to ensure that they only transfer household waste produced on that property to an authorised person for disposal. This reduces the chance of waste ending up in the hands of those who would fly-tip it. It is an offence to fail to comply with the duty of care.
- 3.2 The Council may issue a FPN when an individual appears to have failed to comply with their duty of care under section 34(2A) of the Environmental Protection Act 1990 in England. For example:
- Where fly-tipped waste can be traced back to an individual who is found to have failed to take reasonable steps to ensure that they transferred the waste to an authorised person.

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The Department for Environment, Food and Rural Affairs (DEFRA) states that "material is considered to be waste when the producer or holder discards it, intends to discard it, or is required to discard it."

- Where an unauthorised carrier is found to be carrying household waste that was directly transferred to them by the occupier of a domestic property.
- Where an individual is found to have transferred their household waste to an unauthorised person at a site that does not have a permit or exemption.

3.3 The fixed penalty notice (FPN) for breaches of the household waste duty of care provides an alternative to prosecution. It allows an individual to discharge liability for the duty of care offence by payment of a financial penalty

#### **4.0 The Fixed Penalty Policy**

4.1 A Fixed Penalty Notice (FPN), in the appropriate case, can be issued on the spot or following a PACE interview. The FPN must identify the offence and give reasonable particulars of the offence. It must also state no proceedings may be instituted for the offence before the end of the period of 14 days following the date of the notice; and that the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period. The FPN should also state the person to whom and the address at which the fixed penalty may be paid.

4.2 District Officer who proposes to give a FPN to a person may require the person to give the person's name and address. It is an offence to—  
 (a) fail to give a name or address when required to do so, or  
 (b) give a false or inaccurate name or address in response to a requirement :

4.3. The Council will ensure all enforcement complies with the principles of the Regulators Code<sup>2</sup>.

4.4 District Officers must be authorised in writing by the authority to:

- Issue FPNs
- Investigate crimes
- Seizing vehicles and enter on to private land for the purposes of investigation.

4.5 Some cases may not be appropriate for a fixed penalty notice and may proceed directly to prosecution. The fixed penalty is not an appropriate sanction for:

- operators in the waste management industry
- repeat offenders

- those responsible for large-scale fly-tipping or the fly-tipping of hazardous waste

These types of incident will continue to be enforced by using existing prosecution powers.

- 4.6 Convicted parties of flytipping can be fined an unlimited amount or imprisoned for up to 5 years.

## **6.0 Amount of fixed penalty**

- 6.1 The Council has specified that FPN's relating to fly tipping will work on a sliding scale. The minimum charge for a fly tipping offence being £400 and the maximum amount £1000. Delegated authority has been given to the Environment and Enforcement Manager to determine the fine amount based on the facts of each case.

- 6.2 The Council has specified that FPN's relating to household duty of care offences will work on a sliding scale. The minimum charge for a household duty of care offence being £150 and the maximum amount £600. Delegated authority has been given to the Environment and Enforcement Manager to determine the fine amount based on the facts of each case.

- 6.3 The Council will attempt to recover the costs spent on investigations, clean up and enforcement work from the:
- Offender
  - Occupier or landowner





**Report for: Environment Policy Development Group**

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Date of Meeting: 7 November 2023

Subject: 2024/25 Fees and Charges

Cabinet Member: James Buczkowski – Cabinet Member for Finance

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

Exempt: Yes – Appendix 1

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: Appendix 1 – Env PDG Fees and Charges (Part 2)

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

To present to Member's the proposed Fees and Charges for 2024/25 for discussion.

### **Recommendation(s):**

**That the Policy Development Group recommends to Cabinet the proposed Fees and Charges for 2024/25:**

## **Section 2 – Report**

### **1.0 Introduction**

1.1 For the 2023/24 budget a full review and refresh of all fees and charges was undertaken by the service managers, using techniques such as benchmarking

and other in-depth reviews. The majority of charges increased, and in many cases by more than annual inflation due to fees previously being frozen during the period of the pandemic. As part of the approval, delegated power was given to increase fees annually in line with inflation, or where the market will bear it, potentially above annual inflation following a review by the relevant Policy Development Group. The additional income will help balance the annual budget.

## **2.0 2024/25 Review**

- 2.1 During the summer the level of fees and charges have been reviewed. This is slightly earlier than in previous years to ensure that they can be built into service estimates and avoid making unnecessary cuts. This covering report summarises the main points, with the details being provided in Annex 1.
- 2.2 September's Consumer Price Index (CPI) stood at 6.7%. This is the proposed uplift value applied to the majority of fees and charges for 2024/25. Where any proposal exceeds this, the justification will be presented to the relevant PDG.
- 2.3 PDG Members are asked to consider these increases and either recommend them to Cabinet for approval in December or propose alternative rates where they do not support an inflationary uplift. If there are changes to those recommended that result in reduced income, then this will create a shortfall in the budget that will need to be funded from another source. Members are asked to recommend how that resultant shortfall could be mitigated.

## **3.0 Conclusion**

- 3.1 If the PDG accepts the proposed uplifts, it should recommend approval by Cabinet, and the additional income generated by these proposals be reflected in the 2024/25 budget.

## **Financial Implications**

The current budget for the General Fund shows a potential deficit of £765k, with an increasing funding deficit projected in future years. Were Members to decide to reject any of the proposals, then additional savings of the same value would be required to deliver a balanced budget.

## **Legal Implications**

The Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services unless there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.

## **Risk Assessment**

The proposed fee uplifts are mainly inflationary. Therefore it is assumed that this will not have a material impact on the usage of that service. Any proposed uplift above inflation has been assessed by the service manager to again not materially alter the usage of the service.

### **Impact on Climate Change**

The proposed uplifts are not deemed to negatively affect climate change.

### **Equalities Impact Assessment**

Mid Devon District Council has statutory public sector equality duties concerned with eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on the basis of protected characteristics such as gender, race, disability or age. These duties do not prevent the Council reducing services or charging where necessary – provided that decisions are taken in accordance with the Act. The proposed uplifts are considered to be a proportionate approach and therefore do not impact on those with protected characteristics.

### **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:** 24 October 2023

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 24 October 2023

**Chief Officer:** Stephen Walford

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

**Date:** 24 October 2023

**Performance and risk:** Dr Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 24 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)

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

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## ENVIRONMENT PDG WORK PLAN 2023-2024

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
<b>7th November 2023</b>				
7.11.23	Climate and Sustainability Update		Jason Ball	
7.11.23 12.12.23	<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		Paul Deal	
7.11.23 12.12.23	<b>Review of Bin It 123 including Side Waste Collection</b> To discuss a suggestion relating to Side Waste collection		Matthew Page	
7.11.23 12.12.23	Fly Tipping Policy		Matthew Page	
7.11.23	Environment Enforcement Quarter 2 Update			
<b>23rd January 2023</b>				
10.10.23 14.11.23	<b>MDDC Draft Budget 2024-25 Second Review</b> To review the draft Budget for 2024 - 25		Deputy Chief Executive (S151) Andrew Jarrett	
7.11.23 12.12.23	Environment Educational Enforcement Policy		Matthew Page	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
23.01.24	Climate and Sustainability Update		Jason Ball	
23.01.24 6.02.24	The Council's Statutory Duty towards Bio Diversity and Nature		Climate and Sustainability Specialist	
23.01.24 6.02.24	Renewable and Alternative Energy, Energy Efficiency including Community Energy Projects		Jason Ball	
23.01.24 6.02.24	Green Standards in Planning including Renewable and Alternative Energy, Energy Efficiency and Community Energy Projects		Jason Ball	
<b>12th March 2023</b>				
12.03.24	Climate and Sustainability Update		Jason Ball	
12.03.24	<b>Recycling of Coffee Pods</b> To discuss the possibilities for the recycling of Coffee Pods		Matthew Page	
12.03.24	<b>Recycling of Pots and Pans</b> To discuss the possibility of Recycling Pots and Pans		Matthew Page	
12.03.24	<b>Chairman's Report for ~2023-2024</b> To receive a report from the Chairman of the Environment PDG on the work of the Group for 2023-2024			



Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
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