

Cabinet

Tuesday, 10 December 2024 at 5.15 pm
Phoenix Chamber, Phoenix House, Tiverton

Next ordinary meeting
Tuesday, 7 January 2025 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.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

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

Meeting ID: 392 832 535 294
Passcode: paexzZ

Membership

Cllr L Taylor	Leader of the Council
Cllr S J Clist	Cabinet Member for Housing, Assets and Property and Deputy Leader
Cllr J Lock	Cabinet Member for People, Development and Deputy Leader
Cllr N Bradshaw	Cabinet Member for Environment and Climate Change
Cllr J Buczkowski	Cabinet Member for Governance, Finance and Risk
Cllr G Duchesne	Cabinet Member for Parish and Community Engagement
Cllr S Keable	Cabinet Member for Planning and Economic Regeneration
Cllr J Wright	Cabinet Member for Service Delivery and Continuous Improvement
Cllr D Wulff	Cabinet Member for Quality of Living, Equalities and Public Health

AGENDA

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

1. **Apologies**
To receive any apologies for absence.
2. **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public.
3. **Declarations of Interest under the Code of Conduct**
To record any interests on agenda matters.
4. **Minutes of the Previous Meeting** *(Pages 7 - 28)*
To consider whether to approve the minutes as a correct record of the meeting held on 12 November 2024.
5. **2025/2026- Draft Budget** *(Pages 29 - 52)*
To receive a report from the Deputy Chief Executive (S151 Officer) on the 2025/2026 Draft Budget Report.
6. **Housing Rents** *(Pages 53 - 58)*
To receive a report from the Deputy Chief Executive (S151 Officer) on the Housing Rents.
7. **Updating Election Fees** *(Pages 59 - 62)*
To receive a report from the Chief Executive on the updating Election Fees Report.
8. **Corporate Performance Quarter 2 including Performance Dashboard** *(Pages 63 - 78)*
To receive a report from the Corporate Performance and Improvement Manager on the Corporate Performance Quarter 2 Report including the Dashboard.
9. **Corporate Risk Quarter 2** *(Pages 79 - 98)*
To receive a report from the Corporate Performance and Improvement Manager on the Corporate Risk Quarter 2 Report.
10. **Mid Devon Housing (MDH) Asset Management Strategy** *(Pages 99 - 122)*
To receive a report from the Head of Housing and Health on Mid Devon Housing Asset Management Strategy.
11. **Mid Devon Housing (MDH) Tenant Compensation Policy Update** *(Pages 123 - 152)*
To receive a report from the Head of Housing and Health on Mid Devon Housing (MDH) Tenant Compensation Policy Update.

12. **National Assistance Burial Procedure** *(Pages 153 - 174)*
To receive a report from the Head of Finance, Property & Climate Resilience on the National Assistance Burials Procedures.
13. **The Statutory Duty to Conserve and Enhance Biodiversity** *(Pages 175 - 192)*
To receive a report from the Head of Service for Finance, Property and Climate Resilience and the Climate and Sustainability Specialist on the Statutory Duty to Conserve and Enhance Biodiversity.
14. **Climate Strategy Action Plan** *(Pages 193 - 216)*
To receive a report from the Head of Service for Finance, Property and Climate Resilience and the Climate and Sustainability Specialist on the Climate Strategy Action Plan.
15. **S106 Governance Framework** *(Pages 217 - 234)*
To receive a report from the Director of Place and Economy on the S106 Governance Framework.
16. **Infrastructure Funding Statement- Infrastructure List** *(Pages 235 - 250)*
To receive a report from the Director of Place and Economy on the Infrastructure Funding Statement- Infrastructure List.
17. **Planning Enforcement- Enforcement Policy Update** *(Pages 251 - 256)*
To receive a report from the Director of Place and Economy on the Planning Enforcement, Enforcement Policy Update.
18. **Notification of Key Decisions** *(Pages 257 - 270)*
To note the contents of the Forward Plan.

Guidance notes for meetings of Mid Devon District Council

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 the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting.

Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called "turn on live captions" which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

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MINUTES of a **MEETING** of the **CABINET** held on 12 November 2024 at 5.15 pm

**Present
Councillors**

S J Clist, J Lock, J Buczkowski,
G Duchesne, S Keable, J Wright and
D Wulff

**Apologies
Councillors**

N Bradshaw (online) and L Taylor (online)

**Also Present
Councillors**

D Broom, E Buczkowski and G Westcott.

**Also Present
Officers:**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Haley Walker (Leisure Business Manager), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Thomas Muston (Conservation Officer), Tristan Peat (Forward Planning Team Leader), Christie McCombe (Area Planning Officer) and Laura Woon (Democratic Services Manager)

**Councillors
Online**

S Chenore, L J Cruwys, G Czapiewski, M Fletcher,
A Glover, C Harrower, L G J Kennedy, L Knight, R Roberts
and S Robinson

Officers Online

Dean Emery (Head of Revenues, Benefits and Leisure)
and Lisa Lewis (Head of Digital Transformation &
Customer Engagement)

78. APOLOGIES (00:04:16)

Apologies were received from Councillors: N Bradshaw (online) and L Taylor (online)

79. PUBLIC QUESTION TIME (00:05:00)

The Chair highlighted he was aware that many of the members of public would be attending this evening to hear discussion of the Grand Western Canal Conservation

Area Appraisal and Management Plan to meet the requirements of the Planning act 1990 and the NPPF 2023 and, possibly, to ask questions of the Cabinet.

He sincerely welcomed those who were here this evening with a genuine passion and interest in protecting the canal and grateful to those who had spent time and effort in participating in, and therefore supporting, the comprehensive consultation exercise that the Council ensured took place in support of this important piece of work. The consultation exercise and the valuable consultation responses received had allowed officers to refine the documents to produce what the Council considered to be a robust and up to date document which would support, protect and enhance the canal into the future.

As had been said before; it was unfortunate that the petition that was set up against the work was slightly misleading, however, he was pleased that Cabinet had the updated document before it this evening and he looked forward to the discussions that Cabinet would have in relation to it later in the meeting. Even more, he looked forward to continuing to see the Council's historic canal protected for our communities and residents.

Goff Welchman

At the first public consultation on the Grand Western Canal proposal, one of the forward planning officers were told that weakening the conservation area in anyway would invite developers to submit planning applications, the reply was "not to worry and that the land would never be built on." The reply was either astonishingly naïve or deliberately misleading, a few weeks later the Secretary of State who was in charge of planning, hates the green belt, was forcing housing to be increased and had over ruled at least one Planning inspector.

The officer's statement was rubbish, it was a reserved housing site and the Council already knew this. This Council were already building on it, we cannot afford to weaken the protection any further. The word "rubbish" was used in to a response to the Leader who attempted to discredit the petition to save the Conservation area and an apology for using this word was demanded. The Leader should apologise in regards to his attitude towards the deep concerns that had been expressed from a large number of local residents and visitors to the town who support our local businesses.

The petition should be debated in accordance to the Council's constitution at Full Council not denigrated.

Question 1: If the Council reduced the Grand Western Canal Conservation area in view of the background above, how could the residents of Tiverton trust the Council to continue to protect the site to enjoy?

Question 2: Would the Council adhere to the Constitutional rules and debate the petition at Full Council?

In view of the above the proposal should be called into Scrutiny and trust that any decision taken at Scrutiny had not been pre- determined from the current Chair of that Committee.

The Deputy Leader stated that Mr Welchman would receive a written response to his questions in the usual way and in a 'timely manner'

Paul Elstone

Question 1: The wording of the Canal Conservation Area petition, which was unfairly criticised by the Council Leader, was to raise public concerns with the Council about developers, or landowners, taking advantage of the removal of conservation area status.

It was ironic that tonight the Cabinet was being presented with a Tiverton Eastern Urban Extension (EUE) Area B map that showed the overall development plan boundaries. A boundary that fully includes a thick wooded area plus other land that was previously protected by conservation status.

While it may be suggested that it would be public open space – this could still impact established wildlife habitats therefore impact on the immediately adjacent canal. Would Cabinet understand why there was an increasing and widespread lack of public trust in what this Council says and what it actually does?

Question 2: The feedback from the Council to the various objections, to conservation area status being removed from what the public consider are sensitive areas, was effectively: - don't worry, the importance of the canal would be protected when considering future planning applications. Such statements are meaningless unless the Council actually enforces these protections.

An industrial sized operation had been allowed within 100 metres of the Canal Conservation Area at Crownhill, Halberton.

Yes, the Council did impose conditions in the planning permission but it had allowed this site to continue to operate in blatant breach of all operating planning conditions since 2019, creating noise, odours and dust as well as significant disruption even damage to the fragile road network and yes road traffic and pedestrian safety risk as well.

Despite repeatedly being made aware of serious planning condition breaches, the Council had done nothing meaningful about it. This demonstrated the reality of what this Council said it would do to protect areas and then didn't or couldn't.

Would Cabinet include in any recommendations on the Canal Conservation Area, a guarantee that all the planning conditions which apply to any development neighbouring the Canal Conservation Area would be fully enforced - and without any delay?

Question 3: The Council Leader was on record as saying 'Why let facts get in the way of a good petition' this when bad mouthing the integrity of the petition wording or lack of wording.

Accept, it or not, the Council Leader when challenging the integrity of the petition was also effectively challenging the intelligence of all those who signed it, it was his garbage moment. Once again why let the real facts get in the way when defending this Council's position or making political gain. The real facts follow.

The petition wording says, and I quote 'end the protection of parts of the canal area' it does not say the removal of the complete conservation area protection.

Will the Council Leader now publicly apologise to those who signed the petition and without any reservation?

The Deputy Leader stated that Mr Elstone would receive a written response to his questions in the usual way and in a 'timely manner'

Barbara Downs

The Council know of all the wildlife in Snake's Wood which also include deer, bats, water voles, badgers, kingfishers, owls, herons, wild birds and mice.

Are you aware of the following?

All bat species are legally protected by domestic and international legislation. This means the Council maybe committing a criminal offence if you disturb a bat in the roost. Do the Council know HS2 which was government and tax payers had funded and recently constructed a £100 million giant shed to protect the bats in the local patch of the woodland bisected by HS2.

In 1992 the protection of badgers act made badgers a protected species and were protected under a dedicated piece of legislation.

Barn owls are a schedule 1 species and also had legal protection.

Dormice were protected under schedule 5 of the Wildlife and Countryside Act 1981.

The owner of the wonderful canal barge company, Mr Phil Brind had said that if any reduction of the conservation area led to the eventual development of housing between Tidcombe Hall and Snakes Wood, then his business would be forced to close, resulting in the loss of Tiverton's main tourist attraction and the revenue for other traders in the town.

Question 1: Would you wish to be responsible for that?

To be assured that the Council knew all the factors above that the removal of the conservation status from Snakes Wood would cause.

Response from the Cabinet Member for Planning and Economic Regeneration:

The Council recognised the value of the canal for ecology. However, this matter was not relevant to the designation of the conservation area in terms of its special historic or architectural interest. Species and habitats are legally protected. This was included through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal was a designated Country Wildlife Site and also a designated Local Nature Reserve and Country Park.

Snakes Wood was designated as an area of Ancient Woodland and also a Country Wildlife Site. The canal and Snakes Wood were protected and managed through these designations.

Chris Downs- Sandy Elworthy read on his behalf

Question 1: The Mid Devon District Council (MDDC) Constitution Annex D section 5 was very clear stating that a public petition with over 1500 Mid Devon residents signatures must be debated at Full Council.

Also that a petition had to be submitted 10 days in advance of the meeting. The text of the Canal Conservation Area Petition was sent to Democratic Services on the 16th October or 14 days in advance, with the stated expectation that it would be debated at Full Council on the 30th October.

Democratic Services only responded 5 days later, on the 21st October, when stating the requirements of Appendix D - including the need to supply details of the Mid Devon residents signing the petition, of which there were 1,791 out of a total of 4,200.

This signatory information was fully extracted and provided to Democratic Services in easy access format early on the 29th October, or nearly 2 working days before the Full Council Meeting.

Given this information and with the proper will, why was the petition not debated at the Full Council meeting?

Question 2: Rather than call for a debate the Council Leader took it upon himself to denigrate the wording of the petition and used the meeting privilege to do this without allowing any response.

When the Council Leader stated that the petition was to be considered at Cabinet - preventing the petition from being debated at Full Council, either the Monitoring Officer or the Chair intervened to remind him of the Constitution requirements.

Bringing the Conservation Report before Cabinet for approval without the Full Council debate on the petition in the first instance was not only going against the MDDC Constitution, it was showing complete disrespect to those 1791 Mid Devon residents who signed the petition in good faith. Mid Devon residents who, I believe, fully understood the meaning of the petition - despite what the Council Leader had implied.

I understand that the MDDC Scrutiny Chair had already predetermined the position of the Scrutiny Committee on any possible call-in by stating (ahead of any Cabinet decision) that "he was not minded to call in the Conservation Report recommendations".

Would the Monitoring Officer please provide a full and unambiguous opinion (ahead of any Cabinet discussion and recommendation) with regards to the requirement for the Full Council to debate the Conservation Area petition before any Cabinet decisions were taken?

The Deputy Leader stated that Mr Downs would receive a written response to his questions in the usual way and in a 'timely manner'

Robert Wilks

I believe that the Council was to consider the designation of Snakes Wood in two further meetings and I would be grateful if my comments might be made known to the Council Members.

I am very interested in preserving our natural environment and Snakes Wood is one of the best in our vicinity. To hear that there was an intention to dispense it of its current status as a conservation area was unbelievable unless a survey, of which I am unaware, had been conducted. My time spent there of an evening this last summer surrounded by bats was a delight.

I believe that bats are a protected species and that their roosts are protected. If those roosts are natural, i.e. not in a loftspace, I thought that they could not be interfered with.

Question 1: Has the Council had Snakes Wood surveyed?

Response from the Cabinet Member for Planning and Economic Regeneration:

There had not been an ecological survey conducted for Snakes Wood as part of the review of the Conservation Area, as this was not required or relevant to its designation as a Conservation Area. A conservation area was designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation was not devalued through the designation of areas that lack special interest. Species and habitats were legally protected and supported by different legislation including the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Mr Drew

Noting that my wife runs Manleys B&B, which was the only hospitality business of its type within the Canal Conservation Area, the Council had consistently failed to engage with us in relation to this and numerous other matters. It was astonishing that we only became aware of this review because it was reported on Devon Live.

Despite reaching out to Mr Marsh personally in an effort to negotiate a compromise and saying "I look forward to your constructive response", I had never had a reply. Indeed the reason I am unable to address the meeting today was because we are on holiday and I naively thought that I would hear from the Council before it reported the matter to Councillors. Clearly the Officer's agenda was to get this passed under the radar so that the Council could remove a constraint to its house building plans. The fact officer's resort to machiavellian tactics should be called out by Members.

I might be naive in trusting the Council despite all that had gone before but I am not stupid enough to believe the claim that this was some dry technical exercise without consequences. Councillors need to be careful what they wish for. If they do not want to destroy the flora and fauna that make the canal the jewel in the crown of Mid Devon then they should oppose the officer's recommendation.

To be clear, without the Conservation Area status almost 1,000 trees could be removed from my garden by a future owner. As I made clear in my submission, none of them are veteran trees and so that advice was not relevant and not a reason to de-designate. Given their track record I have no confidence that officers would attend

my property or impose a Tree Protection Order (TPO) as that was an option I suggested to Mr Marsh.

Mark Baker, the Canal Ranger, has confirmed that the only record of several types of bats, including Barbastelle, Brown or Grey Long-eared, Leislars, Nathusius' pipistrelle or Natterers, had been recorded in my garden. This and other wildlife depend on owners like me working to enhance habitat. In contrast, the Council had harmed the canal by its failure to monitor the Edenstone development, which has resulted in silt and sewage entering the canal from Turnpike. In that context the Council's claim it "recognises the value of the canal for ecology" rings hollow.

Having regard to the above, and my detailed submission on pages 318 to 334 of the public pack.

Question 1:

By reference to quotes from the report to the relevant public meeting held by Mid Devon District Council in 1994, why did the Council designate No 16 Turnpike to be part of the Canal Conservation Area and, given that the statutory test had not changed in the interim, why had officers now reached the opposite conclusion in respect of the identical site that retains its attractive sylvan character?

Response from the Cabinet Member for Planning and Economic Regeneration:

The Council designated the Grand Western Canal in 1994, the Cabinet Report from October 1994 was not a detailed document and made no specific mention to No.16 Turnpike. There were no other records held by the Council on the decision from 1994 that included No.16 Turnpike. Nevertheless, the review of the Conservation Area was part of the Council's duty to review their conservation areas in accordance with Section 69 (2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF). Specifically when the review of the Conservation Area, Paragraph 197 of the NPPF is relevant which states:

'When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.'

Nos. 16 and 16A Turnpike were modern buildings which do not contribute to the Grand Western Canal Conservation Area's special interest or significance. There was no known association to the Grand Western Canal in terms of the canal's construction, use for transportation, its history and significance as a heritage asset. The Council recognised the value of the canal for ecology, however, this matter was not relevant to the designation of the Conservation Area in terms of its special historic or architectural interest. Species and habitats are legally protected. This was included through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan also seek to protect and enhance habitats and biodiversity. The canal is a designated Country Wildlife Site and also a designated Local Nature Reserve and Country Park. Additionally, it remains for the Council to assess whether any of the existing trees, or groups of trees merit the making of a Tree Preservation Order (TPO).

Dermot Elworthy

The review of the status Grand Western canal conservation area, there was no statutory compulsion to affect any changes to the existing arrangements. The current plan was drawn up in 1994.

To propose a proportion of the existing area to be excluded from the revised plans due to a claimed absence of architectural or historical interest in isolation of the contiguous areas and misunderstand the ethos underlying the 1994 scheme. Where the authors had the wisdom and foresight to construct as defined in the present plan.

There was historical area and architectural quality in the conservation area building and spaces which contribute to a sense of place. This was parallel with section 72 of the Planning and listed building conservation area act of 1990 and the Mid Devon Local Plan 2020.

I submit that the sense of place should not only be preserved but extended to include Snakes Wood, the area of architectural land eastwards of the hall and shared a boundary of Little Tidcombe Farm.

Those that seek to make those changes to the conservation area, had over looked the matter of Tidcombe Farm of historical interest.

The Grand Western Canal was possibly the attraction of Tiverton, the canal was important to the residents for many good reason as a feature. The land of the canal for more than a mile was the first open space and views to the south were a change and it was vital the land remained in the existing area.

The area revision should not be in isolation and should be protected from expected developers. Over 4000 public objections in respect to the proposal and dismissed at a previous meeting and would be the proposal to the Grand Western Canal and therefore would ask the committee to support this?

The Deputy Leader stated that Mr Elworthy would receive a written response to his questions in the usual way and in a 'timely manner'

Barry Warren

Mr Warren had registered to speak at the meeting as from the published agenda to have some clarification on some of these items. However, due to procedures and processes of the administration in relation to responses that had been received following the recent Scrutiny Committee and had been copied and pasted.

As Mr Warren's statement was not in relation to an item on the agenda, the Chair advised him to use an alternative method.

Question 1: Why?

The Deputy Leader as Chair reminded the Mr Warren his question needed to relate to the agenda.

Tim Bridger

Any petition with over 1500 signatures should be debated by full Council, over 4000 signatories from around the world the majority of whom had visited or lived in Mid Devon over 1700 were still residents.

The basis for the review was your contention that the revised NPF contained startling new rules regarding conservation areas, and that there was an active body of case law allowing appeals on the basis that an established conservation area lacked historical merit. Whilst I'd happily bet that a vanishingly few people had read the actual text of the NPF, there was not in fact any new direction within them regarding re-evaluation of existing conservation areas. There was one mention of conservation areas, paragraph 197 on page 57 of 64 - and it referred to the practice of making new conservation areas to try to thwart developers, not to existing conservation status areas. Still, why let facts get in the way of a good little land grab?

I can understand the Leader not wanting to read what other people had to say, but indeed even whilst officers were recommending that Tidcombe Hall fields be retained within the conservation area. Again, details matter why let the fact that the officers recommendation was we had been listened to or stand in the way.

Should the Cabinet wish to actually read the revised NPF, they would find written through it the concept of 'beauty', 'place', and 'local character and distinctiveness'. These were the elements of the conservation area that had been successfully defended up until this point, and the threat to Snakes Wood and the knock-on effect of opening up adjoining land to development would severely undermine the local character and distinctiveness that add to the beauty of the place.

Therefore, I contend that Cabinet cannot take any decision today on the conservation area, without contravening their own constitution, minor detail for this administration, no doubt - and that when it would correctly brought before them at a future date, they follow the clear instructions of the public and take off the table any reduction to the conservation area.

In relation to item 14 no update on the unfair increases to leisure charges that was asked for at Full Council, and further note that the exclusion of press and public goes against the supposed 'commitment' to transparency which was such a notable absence for this administration.

Finally with regard to item 9, Budget Monitoring, there was a charge of £38k for a 'leadership restructure' I am sure I am not the only Mid Devon resident who can see a much more simple and cost effective alteration to the leadership, that would benefit every person and would precipitate the necessary sea-change in culture, transparency, and accountability that this Council so badly needs. Your conduct demeans the office of leader.

80. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:50:00)

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

81. MINUTES OF THE PREVIOUS MEETING (00:50:15)

The minutes of the previous meeting held on 15 October 2024 were **APPROVED** as a correct record and **SIGNED** by the Deputy Leader.

82. **MID DEVON GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT (00:50:40)**

The Cabinet had before it a report * from the Director of Place and Economy on the Mid Devon Gypsy and Traveller accommodation assessment report.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- The number of pitches that were needed to provide permanent new homes for gypsies and travellers and plots to provide permanent new homes for travelling showpeople in the period 2023 to 2045.
- The interim targets were needed for development management purposes and would provide the basis for 5 year supply calculations. Those targets would also be included in the new local plan for the Council.
- The National Planning Policy required the Council to undertake an assessment of the housing needs for different groups in the community. This included the housing needs of gypsies, travellers and travelling showpeople.
- The assessment of the housing need provided technical information that could be used to help inform the preparation of the development plans and other plans, programmes and strategies, and also the determination of planning applications.
- A new Gypsy and Traveller Accommodation Assessment for Mid Devon had been undertaken by consultants “Opinion Research Services” and the final report was completed in September 2024. Similar studies had also been completed for Teignbridge District Council, Exeter City Council and East Devon District Council. The assessment replaced the previous assessment that was completed in 2015 and the findings of that study.
- The interim targets included the provision for: households that met the national planning definitions for gypsies, travellers and travelling showpeople; Households whose status was ‘undetermined’ (those who were unable to be interviewed), and also households that had not currently met the national planning definitions.
- This approach ensured that all the identified housing needs of the travelling community in Mid Devon were taken into consideration and would be planned for. It would provide headroom to mitigate where sites with planning permission may not come forward. Crucially, it would help ensure the Council met the duties of the Equalities Act 2010 and Housing Acts of 1985 and 2016.
- The assessment provided a forecast of housing needs based on travelling households who were residing on established sites in Mid Devon at the time of the survey. The household interviews undertaken for the assessment had identified no households living in other local authorities with a need to move to a site in Mid Devon.
- The Cabinet would note that the assessment had been unable to recommend targets for transit sites. This was due to the absence of detailed and consistent data that would be required through the monitoring of encampments across local authority areas. Officers would be investigating with colleagues from other local planning authorities on how to move forward.

- The recommendations included in the report had been considered and endorsed by the Planning Policy Advisory Group.

Discussion took place regarding:

- The Gypsy Traveller Accommodation Assessment had not been able to make recommendations about the need for the provision of transit sites in Mid Devon and the working progress of this.
- When visitors came to transit sites they would bring their own accommodation for a short time.
- More data in regards to transit sites to be provided at a later stage.

RESOLVED that:

1. The contents of this report and the Mid Devon Gypsy and Traveller Accommodation Assessment (Appendix 2) be **NOTED**.
2. The recommended interim targets included in Table 1 and Table 2 of this report to help guide decisions taken on planning applications for pitches to provide homes for gypsies and travellers and plots to provide homes for travelling showpeople be **APPROVED**.

(Proposed by Cllr S Keable and seconded by Cllr G DuChesne)

Reason for decision: As stated in the report

Note: * Report previously circulated.

83. **TIVERTON EASTERN URBAN EXTENSION, AREA B MASTERPLAN (01:05:04)**

The Cabinet had before it a report * from the Director of Place and Economy on the Tiverton Eastern Urban Extension, Area B Masterplan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- The Tiverton Eastern Urban Extension (EUE) was a 153ha site, allocated for development, to the east of Tiverton. It already benefited from an adopted Tiverton EUE Masterplan Supplementary Planning Document but this Masterplan did not cover the whole of the site in detail due to the absence of some site-wide survey work on land to the rear of properties on the southern side of Post Hill. This area of land was now known as Area B.
- The Local Plan reviews required the completion of a masterplan for Area B ahead of a planning application on the area. Recently, West County Land had been proactively working with the Area B allocation land and considered the future form of development in relation to this land. This had resulted in the Stage 1 consultation material available within the reports pack, produced in consultation with the Council.
- The consultation material set out some emerging ideas for Area B including some particular points that the public would be consulted on.

- Those included: a new point of access from Post Hill including changed prioritisation of traffic; the location for the formal sports included on the southern side of the former railway line; up to 10 units being served off Mayfair; and a street pattern for the main through route being more traditional (informal) in layout and design.
- The public consultation would commence on the 20 November 2024 through to 10 January 2025.

Discussion took place regarding:

- The earlier plans and the concerns of the size of the schools and any clarity on the proposed site and that it would meet national standards.
- The turning at the top of Post Hill and the rationale behind this.
- The problems that may occur in regards to Area B.
- The concerns regarding the Mayfair through road and the access to 10 properties as previously the Council had a commitment that there would be no vehicle access.
- The traffic calming methods that were currently in Blundell's Road and the calming methods that were proposed.
- Would Ward Members and those interested be offered a site visit to examine the area?

RESOLVED that:

1. The Tiverton EUE Area B public consultation materials (Appendix A) for a Stage 1 public consultation be **APPROVED**.
2. That delegated approval was given to the Director of Place and Economy, in conjunction with the Cabinet Member for Planning and Economic Regeneration, to make or approve any minor amendments to the consultation materials.

(Proposed by Cllr S Keable and seconded by Cllr G DuChesne)

Reason for decision: As stated in the report

Note: * Report previously circulated.

84. **CULLOMPTON TOWN CENTRE RELIEF ROAD (01:23:52)**

The Cabinet had before it a report * from the Director of Place and Economy on the Cullompton Town Centre Relief Road.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- At the Cabinet Meeting on the 4 June 2024, Members received an update on various strategic transport infrastructure schemes in Cullompton and that, at that time, the Council were awaiting a decision from Homes England regarding the possibility of additional funding to ensure delivery of the Cullompton Town Centre Relief Road. This decision had been deferred as a result of the general election that subsequently occurred in July 2024.

- In August, Homes England subsequently confirmed a positive decision by its Board to make available the full funding needed to deliver this hugely important scheme.
- This progress was vastly significant given that the Town Centre Relief Road was of key importance to improve the amenity of the town centre, tackle air quality problems and unlock housing in the area. Furthermore, the vast majority of Cullompton residents were keen to get this scheme delivered, with 92% of local residents supportive of the Relief Road proposal when asked earlier in 2024.
- Since that time, officers had been working hard to continue to progress the scheme. Proactive and positive steps had been taken in relation to the relocation of the Cricket Club, remobilisation of the design team and in making meaningful progress with Tesco in relation to the purchase of its land required to deliver the Relief Road. The latter had recently taken a welcomed and positive step in confirming the sale (subject to contract) of its land to support delivery of the road.
- Building-on and continuing this progress, the report provided an update, but also sought authority to enter into updated agreements with Homes England and Devon County Council which were necessary in order to now fully enable delivery of the Relief Road.
- The Homes England Grant Funding Agreement issued to Mid Devon was set out in a standard form and was an updated version of the previous contractual arrangements that were with them for the initial Housing Infrastructure Grant. Officers, including the Legal Services Manager, had reviewed the draft Agreement and would continue in negotiating and discussing specific matters and wording with Homes England.
- Similarly, the agreement with Devon County Council was also being updated to reflect the latest Homes England requirements and to ensure that the funding could readily be made available to the County Council to enable delivery of the road within the availability period of the grant funding. It should be noted that inflation and contingency had been allowed for within the project cost estimates/funding envelope and that the Council's cost liability would not exceed the funding envelope as set out. As Delivery Partner, Devon County Council would be responsible for delivery of the project - including cost, risk and programme. Updated and strengthened governance arrangements were being put in place to provide delivery assurance to the Council and to create a strong platform for delivery of this key infrastructure. Devon County Council was expected to also take a paper before its Cabinet in December 2024.

Discussion took place regarding:

- Was the agreement with Homes England binding once the Council entered it and could Homes England withdraw their funding once the agreement had been signed?
- At what point would the Relief Road become certain? Was it upon contract signing or at any other critical decisions point where the project could fail?
- Were there any alternative options to Devon County Council as a delivery partner in terms of value for money or contingency plans?
- The grant from Homes England and would this be recouped from S106 contributions and the fund retained by the Council for further potential infrastructure projects. Would these funds be ring fenced for infrastructure that would benefit Cullompton?

RESOLVED that:

- i. The entry into an updated Grant Funding Agreement with Homes England to secure £33.5 million of Housing Infrastructure Fund monies and grant delegated authority to the Director of Place and Economy in consultation with the Section 151 Officer and Director of Legal, People and Governance to finalise and sign the agreements in consultation with the Cabinet Member for Governance, Finance and Risk and Cabinet Member for Planning and Economic Regeneration be **APPROVED**
- ii. The entry in to an updated Agreement with Devon County Council (as Delivery Partner) to enable delivery of the Relief Road by the County Council as Highways Authority, in consultation with the Cabinet Member for Governance, Finance and Risk and Cabinet Member for Planning and Economic Regeneration be **APPROVED**
- iii. The use of Homes England Capacity Funding (£109,150) to support work streams during this financial year (2024/25) be **APPROVED**
- iv. To grant delegated authority to the Director of Place and Economy in consultation with the Section 151 Officer and Director of Legal, People and Governance to enter into any subsequent legal agreements should they become necessary to facilitate the completion of the project and in consultation with the Cabinet Member for Governance, Finance and Risk and Cabinet Member for Planning and Economic Regeneration be **APPROVED**

(Proposed by Cllr S Keable and seconded by Cllr J Buczkowski)

Reason for decision: As stated in the report

Note: * Report previously circulated.

85. **GRAND WESTERN CANAL CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN (01:49:00)**

The Cabinet had before it a report * from the Director of Place and Economy on the Grand Western Canal Conservation Area Appraisal and Management Plan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- The Grand Western Canal Conservation Area Appraisal and Management Plan, including the amendments to the extent of the Grand Western Canal Conservation Area be formally adopted.
- Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 stated that local authorities shall from time to time determine which parts of their area were areas of special architectural or historic interest, the character or appearance of which it was desirable to preserve or enhance.
- The Grand Western Canal Conservation Area was adopted in 1994, and had not been subject to a review or had proposals for its preservation and enhancement published.

- The Council had prepared the Conservation Area Appraisal and Management Plan in order to meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF), as amended in December 2023.
- This Appraisal & Management Plan was far superior and much more robust than the 1½ page brevity of the 1994 Report and it now had taken into account the changes in methodology and best practice.
- A full and comprehensive public engagement and consultation exercise on the draft document had taken place. The report included a summary of the public consultation and the key issues raised. All comments received were reported in full within Appendix 2, together with the Council's response and the changes that had been made to the Conservation Area appraisal.
- The specific changes made to the document following the public consultation included:

Land adjacent to Tidcombe Hall, Tiverton – The Council had been made aware that Tidcombe Hall and the land adjacent was at one time in the same ownership and had contributed to the layout of the canal. The land adjacent to Tidcombe Hall therefore had sufficient special interest to justify the retention in the Conservation Area and this approach was consistent with the National Planning Policy Framework (NPPF).

Pondground Cottage, Holcombe Rogus – The Council had been made aware that Pondground Cottage and the adjacent land had historic links to the nearby quarries and the canal. It was therefore proposed to retain this area within the Conservation Area boundary. This approach was consistent with the NPPF requirement to ensure that Conservation Areas had sufficient architectural or historic interest to warrant designation.

Area of woodland known as 'Snakes Wood', Tiverton – The boundary of the Conservation Area adjacent to Snakes Wood had been amended to include the canal's embankment. Residents who were opposed to the de-designation of the woodland and had raised a variety of points including ecology, wellbeing and health as positive attributes for the area. Local planning authorities should ensure that an area justified designation because of its special architectural or historic interest. This area of woodland was not of architectural or historic interest and therefore de-designation of the area was consistent with the NPPF requirement to ensure that Conservation Areas had sufficient interest to warrant designation. This approach was consistent with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

The Council recognised the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. The Council acknowledged the public appreciation of the values of conservation including wildlife. The public could be reassured that the Council had other ways to secure the value of sites like 'Snakes Wood' both within the policies of the Council and the biodiversity duty on the Council. This was a future task of the Planning, Environment & Sustainability Policy Development Group. However, those matters were not relevant to the designation of the conservation area in terms of its special historic or architectural interest. Those matters were supported through other

work of the Council as a Local Planning Authority and the promotion by the Council as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats were legally protected. This was also included through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Council Local Plan also sought to protect and enhance habitats and biodiversity. The canal was a designated Country Wildlife Site and also a designated Local Nature Reserve and Country Park.

Snakes Wood was designated as an area of Ancient Woodland and also a Country Wildlife Site. The canal and Snakes Wood were protected and managed through these designations.

A number of letters had been received following the public consultation and the publication of the report for this meeting. The Council had acknowledged this as they drew attention to the ecological value of the canal and Snakes Wood. The Council had already given careful consideration to this matter in the responses within Appendix 2 and those letters would be responded to in due course.

The recommendations included in the report had been considered and endorsed by the Planning Policy Advisory Group.

Discussion took place regarding:

- Members had attended Parish Council meetings and that Sampford Peverell Parish Council had taken part and visited people in the community in regards to the consultation.
- The exercise that had been undertaken in regards to the consultation had been appropriate and fully consulted with by those affected.
- The Grand Western Canal Joint Advisory Committee were supportive of the work undertaken by officers.
- The protection of Snakes Wood and whether the Council could further protect the woods.
- The accusation that had been made to the Council and the perceived lack of openness and transparency.
- The Process and the Council's duty to review conservation areas.
- The consultation and correspondence that had been received with regards to the Grand Western Canal.
- The Tidcombe Hall area and two previous planning applications that had been refused.
- The concerns about the conservation area status on the canal and the history of the canal.

RESOLVED that Cabinet recommend to Council that:

1. The Grand Western Canal Conservation Area Appraisal and Management Plan (Appendix 1 to this report), including proposed amendments to the extent of the Grand Western Canal Conservation Area made through Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and used to assist in the process of determining planning

applications and for implementing management proposals be formally **ADOPTED**.

(Proposed by Cllr S Keable and seconded by Cllr J Buczkowski)

Reason for the decision: As stated in the report

Note: * Report previously circulated.

86. **2024/2025 QUARTER 2 BUDGET MONITORING REPORT (02:18:05)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the Quarter 2 Budget Monitoring Report.

The Cabinet Member for Governance, Finance and Risk outlined the contents of the report with particular reference to the following:

- Cabinet were asked to note that the improved projected Outturn position for the General Fund was a £398k underspend. This was a significant improvement on the budget and the financial position compared to previous years.
- In regards to income, as outlined in the quarter 1 report, there continued to be areas where the Council had some large variances from budget, both under and over.
- This mainly reflected economic circumstances with Planning and Building Control income, which was lower than forecast due to the stagnation of the housing market. However, those were more than offset by areas that were forecasted to be well ahead of budget in areas such as Waste and Leisure, where recyclable prices were currently strong and Leisure Centre membership where numbers had increased.
- Regarding the expenditure, the key element was the salary budget. There were some significant variances, with underspends through prudent management of costs in services such as Finance, Human Resources (HR) or Legal, or overspends in Information and Communications Technology (ICT) or Environmental Enforcement.
- Although projected to be significantly lower than previous years, the requirement for agency staff was higher than expected. Areas of particular pressure were Waste, Finance, Legal and Planning Enforcement. The main Service variances were explained in Appendix B, with key income forecast shown within Appendix C, and staffing variances within Appendix D.
- The Housing Revenue Account (HRA) also showed a healthy underspend of £315k. This was largely due to staff savings and lower interest costs, but was partially offset by a lower than budgeted investment yield and increased costs of void properties.
- The capital programme had been reviewed and a new deliverable Budget for projects starting in 2024/25 was proposed, The budget was reduced by nearly £5m, made up of over £3m from projects that were no longer going ahead; £1.8m from projects that had been delayed until a future year; £1m from projects reducing in scope; £0.9m from projects being delivered ahead of schedule; and £0.300m from a new project following a successful grant bid.

- There was a sizable variance (£14.6m) against that revised 2024/25 deliverable Budget including £16.5m that would slip into future years, slightly offset by £2m overspend. There were two main reasons including movements in the HRA Development Programme and delays in the Cullompton Town Centre Relief Road which had now reached confirmation of funding being secured.
- Regarding 3Rivers, an application had been submitted on 28 August 2024 to Companies House for the company to be voluntarily struck off, the Council were in the very final few days before it was fully closed. There had been no issues.
- Work was in progress with the conversion of St George's Court into an over 60's community through the HRA, with the first properties included on the tenancy lists and occupation expected before Christmas. The unsold units at Bampton continued to be marketed and had recently generated meaningful interest but to date no offers had been received and would be kept under review.

RESOLVED that:

- i. The financial monitoring information for the income and expenditure for the six months to 30 September 2024 and the projected outturn position be **NOTED**.
- ii. The use of Waivers for the Procurement of goods and services as included in Section 8 be **NOTED**.
- iii. The update on the soft closure of 3 Rivers Developments Ltd be noted.
- iv. The revisions to the 2024/25 Deliverable Capital Programme total be **APPROVED**.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for the decision: As stated in the report

Note: * Report previously circulated.

87. 2024/2025 QUARTER 2 TREASURY MANAGEMENT REPORT (02:24:02)

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the Quarter 2 Treasury Management Report.

The Cabinet Member for Governance, Finance and Risk outlined the contents of the report with particular reference to the following:

- In line with regulations, the mid-year treasury management report required a more in-depth and informative report to be presented to the decision makers about the treasury aspects of the Council's finances.
- The continuation of the current policy and approval of the revised Capital Financing Requirement (CFR), Operational Boundaries and Authorised limits, which were included within paragraphs 5.4 and 5.5.
- In summary, good investment returns had been achieved on the treasury investment due to the slower than expected fall in increased interest rates. However, the rates had begun to fall. The greater yield was also helped by the

slippage on the capital programme enabling higher temporary investments to be made.

- An economic summary provided by the Council's Treasury Advisors, (Link Group), a summary of the deposits at the end of the quarter and the yields that had been achieved.
- No additional borrowing had been required and although potentially up to £6m may be required to be sought from external sources before the end of the financial year, this was lower than originally assumed within the 2024/25 budget.
- Based on the lower Q2 forecast, the report recommended a reduction in the Capital Financing Requirement, leading to a reduction in the Authorised Limit and Operational Boundary for external borrowing.

RESOLVED that Cabinet recommend to Council that:

- i. A continuation of the current policy outlined at paragraphs 4.0 – 4.5 be **AGREED**.
- ii. The changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current financial year at paragraphs 5.4 – 5.5 be **APPROVED**.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Note: *Cllr S Keable left the meeting at 19:49pm

Reason for the decision: As stated in the report

Note: * Report previously circulated.

88. **TAX BASE CALCULATIONS (02:27:00)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the Tax Base Calculations.

The Cabinet Member for Governance, Finance and Risk outlined the contents of the report with particular reference to the following:

- Each year the Council had to set the Council Tax base on which it and all precepting authorities calculated the precept. Within the calculations were the actual number of properties in the district, the reduction due to the Council Tax Reduction Scheme.
- The forecast growth in properties and the likely level of collection – all of which were converted into an Average Band D property.
- For 2025/26, the Council projected there would be 30,732.91 Band D properties, which was healthy growth of 510.81 on the current year and the Council expected to collect 97.5% of the precept as in the current year.
- The additional funding raised through the second homes premium (c£50k) approved in February 2024 would be earmarked for additional housing activity / projects.

RESOLVED that Cabinet recommend to Council that:

- That the calculation of the Council's Tax Base for 2025/26 in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at 30,732.91 an increase of circa 510.81 Band D equivalent properties from the previous financial year be **APPROVED**.
- That the current collection rate of 97.5% remain the same detailed in Section 2 be **APPROVED**.
- The premium charges in 3.7 & 3.8. The premium element of 3.7 will be used to support additional housing activity/projects to be **NOTED**.

(Proposed by Cllr J Buczkowski and seconded by Cllr D Wulff)

Reason for the decision: As stated in the report

Note: * Report previously circulated.

89. **CAR PARKING SPACES AT HALBERTON (02:30:32)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer on the Car Parking Spaces at Halberton

The Cabinet Member for Housing, Assets and Property Services and Deputy Leader outlined the contents of the report with particular reference to the following:

- Cabinet to consider the current proposal from Halberton Parish Council regarding the future arrangements of the 5 car parking spaces at the Orchard, Halberton.
- The report demonstrated that the Council worked with and liaised constructively with its Parish Councils.

Discussion took place regarding:

- Members were grateful for all the work that had gone into the current proposal.
- This report was a great example of working and engagement with Town and Parishes.

RESOLVED that:

The operation of the 5 car parking spaces at The Orchard, Halberton on a commercial basis as identified in paragraph 1.2 be **AGREED**.

(Proposed by the Deputy Leader as Chair)

Reason for the decision: As stated in the report

Note: * Report previously circulated.

90. **ACCESS TO INFORMATION- EXCLUSION OF PRESS & PUBLIC (02:33:00)**

The Chair stated that discussion with regard to the next item, required Cabinet 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 was required because consideration of this matter in public would disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet decided, in all circumstances of the case, the public interest in maintaining the exemption, outweighed the public interest in disclosing the information.

RESOLVED: That, in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for the next item, for the reason set out below:

Information under paragraph 3 (contains information relating to the financial or business affairs of any particular person including the authority holding that information).

(Proposed by the Chair).

91. **LEISURE MANAGEMENT SYSTEM UPDATE (02:34:00)**

The Cabinet had before it a report * from the Head of Revenues, Benefits and Leisure on the change to the Leisure Management System update.

The Cabinet Member for Service Delivery and Continuous Improvement gave a verbal update. Following discussion and having returned to open session, the Chair highlighted the following:

- The Cabinet had noted the update provided on the leisure management system, this was following Cabinets approval on the 4th June, for the digital transformation of the Leisure Service, a tender process for 'lot' (2.0) commenced.
- This was an update on the progress of the project.
- The Leisure team worked closely with Procurement throughout.
- The tender attracted a lot of interest through the ProContract portal with over 30 companies initially registering an interest. Nine companies underwent evaluation and moderation and had now successfully awarded to the preferred bidder.

Discussion took place regarding:

- The nine companies that underwent the evaluation.

RESOLVED that:

The Leisure Management System update be **NOTED**.

(Proposed by Cllr S Clist as Chair)

Note: * Report previously circulated

92. **NOTIFICATION OF KEY DECISIONS (02:35:30)**

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

The Clerk identified the changes that had been made to the list since it was published with the agenda. This included the following:

- The Housing Rents had been added to 10 December 2024 meeting.
- The Investment in Community Land Trust projects using Devolution funding had been added to 7 January 2025 meeting.

Note: * Key Decisions report previously circulated.

(The meeting ended at Time Not Specified)

CHAIRMAN



Report for: Cabinet

Date of Meeting:	10 December 2024
Subject:	2025/26 Budget Update
Cabinet Member:	James Buczkowski – Cabinet Member for Governance, Finance and Risk
Responsible Officer:	Andrew Jarrett – Deputy Chief Executive (S151)
Exempt:	N/a
Wards Affected:	All
Enclosures:	Appendix 1 – MTFP Position per PDG Appendix 2 – Capital Programme (GF) Appendix 3 – HRA MTFP summary position

Section 1 – Summary and Recommendation(s)

To present to Member's options to update the 2025/26 Budget for consideration / approval.

Recommendation(s):

- 1. That Cabinet approve the contents of this report, specifically the inclusion in the 2025/26 of the adjustments that:**
 - a. Cabinet requested were considered at the last meeting (para 3.4);**
 - b. The adjustments to previously agreed budget options (para 4.2);**
 - c. The proposed budget options (Section 5) that will be calculated as data or Government announcements are made.**
- 2. That Cabinet consider the proposed Capital Programme covering the period 2025/26 to 2029/30.**
- 3. That Cabinet consider the updated Housing Revenue Account Medium Term Financial Position.**

Section 2 – Report

1.0 Introduction

- 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 2024 – 2028 and future years beyond that plan.
- 1.2 This provides a consolidation of the progress made against setting the 2025/26 General Fund budget to date and outlines where options are being considered to fully close the remaining shortfall.
- 1.3 It also introduces an indicative Capital Programme covering the years 2025/26 – 2029/30 for consideration (**see Appendix 2**). Views are sought on the recommended programme and for approval on to Full Council in February.
- 1.4 Finally, this report provides an update on the HRA MTFP position (**see Appendix 3**). Views are sought on the forecast and options to balance the 2025/26 HRA budget.
- 1.5 The Council has a legal requirement to set a balanced 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 Background

- 2.1 On 17 September, the first draft MTFP covering the period 2025/26 to 2028/29 for the General Fund was presented to Cabinet. This estimated a funding shortfall of £1.2m in 2025/26 rising to £4.0m by 2028/29. This number is derived without any remedial action and is a cumulative figure – i.e. if the £1.2m is found to balance the 2025/26 position, the overall budget gap will reduce to £2.8m. Initial options were included for consideration that could reduce that £1.2m shortfall in 2025/26 to £390k.
- 2.2 Following consideration by the various PDG's during the September round of meetings, Cabinet agreed the majority of those options on 15 October, potentially reducing the shortfall down to £431k subject to further development of some options.

Original forecast Shortfall	£1,196k
Plus: Appendix 1 – proposed Green and Ambers Less: Appendix 2 – proposed Green and Ambers	+ £725k (£1,531k)
Revised recommended forecast Shortfall	£390k

Proposals made at the meeting:	
Plus:	
Appendix 1 row 7 Proposed increase to Climate Change Budget	£100k
Appendix 1 row 11 Proposed increase to Planning Enforcement Budget	£100k
Appendix 2 row 8 Let's Talk MidDevon Saving – rejected	£11k
Less:	
Appendix 2 row 23 Lease more space commercially within Phoenix House	(£50k)
Appendix 2 row 24 Property capturing benefits from CRM system	(£30k)
Appendix 2 row 26 Refresh out of date leases	(£10k)
Appendix 2 row 35 Additional Pre-App Planning Income	(£40k)
Appendix 2 row 37 Additional income generated from Planning Engagement in EUE proposals.	(£10k)
Appendix 2 row 44 Recover Waste set up costs from new housing developments	(£20k)
Appendix 2 row 54 Leisure Potential income from advertising on Apps	(£10k)
Revised forecast Shortfall	£431k

3.0 Review of Budget Options Cabinet requested for review

3.1 Following that meeting, the above budget options have been further considered by officers. The following is an update on those options where officers recommend they are not included:

- **Row 23 Lease more space commercially within Phoenix House – (£50k);**
This proposal is currently on hold whilst Phoenix House is revamped and the identified space is occupied. It is recommended to defer consideration of this until 2026/27.
- **Row 24 Property capturing benefits from CRM system – (£30k);**
Work has not yet begun to integrate the new CRM system within this service, as the benefits are currently greater for other service areas. It is recommended to defer consideration of this until 2026/27.
- **Row 44 Waste Recover set up costs from new housing developments – (£20k);**
The project continues to progress with further research and legal advice required on how the scheme would be utilised and applied by MDDC. Once obtained this will inform the level of extra income that could be gained. At time of writing, this is not being considered for inclusion in the 2025/26 Budget but will be discussed further at the next Service Delivery and Continuous Improvement PDG in December. A verbal update can be given to Cabinet at the meeting.

3.2 In addition, the section of Appendix 2 titled “Ideas that need more consideration to identify possible financial benefit” were requested to be developed further and feedback to Cabinet.

- 3.3 Again, officers have considered these options and have outlined their findings to the various Policy Development Groups. It is recommended that these budget options are not included within the 2025/26 but are considered for future years as in many cases, there will be a large amount of preparation to establish if the option is possible and then a lead time required to implement it.
- 3.4 Therefore, following further review, the above recommendations have the following impact on the 2025/26 budget shortfall.

Proposed forecast Shortfall	£431k
Plus:	
Appendix 2 (October Cabinet) – remove the following options	
Row 23 Lease more space commercially within Phoenix House	£50k
Row 34 Property capturing benefits from CRM system	£30k
Row 44 Recover Waste set up costs from new housing developments	£20k
Revised forecast Shortfall	£531k

4.0 2025/26 Budget Options – Further Development

- 4.1 The remainder of the Appendix 2 savings approved on 15 October have also been further reviewed and the following are recommended to be adjusted, or removed:

Pressures – Appendix 1 (October Cabinet)

- **Row 7 Proposed Reduction in Planning Income – £150k**
Based on the latest Quarter 2 forecast, planning income may not fall as much as originally projected. However, the announcements included within the Autumn Budget may impact the housing market, so an adjustment to this reduction of £50k is proposed.

Savings – Appendix 2

- **Row 14 Possible adjustment to estimated Fuel saving – (£50k)**
Based on the latest Quarter 2 forecast, and the latest announcement in the Autumn Budget to continue to freeze fuel duty, it is forecast that fuel savings could increase by a further £50k.
- **Row 15 Possible adjustment to estimated Utilities saving – (£150k)**
The latest prices from October 2024 have recently been received from Laser. Following assessment, based on projected usage, it is proposed that this budget saving could be increased by a further £100k.
- **Row 25 Possible adjustment to Financial Contribution or Transfer of Assets to Town / Parish Councils – (£60k)**

Although discussions continue, we are yet to reach a position of agreement on increased contributions or asset transfer, therefore this £60k savings is at risk of not being achieved.

- **Row 43 Possible adjustment to Recycling Income – (£100k)**
Based on the latest Quarter 2 forecast, it is projected that income from recycling could be further increased by £100k. Note this is a very volatile income stream, but current projections indicate this is achievable.
- **Row 52 Possible adjustment to Leisure Income – (£34k)**
Based on the latest Quarter 2 forecast, it is projected that income from Leisure could be further increased by £100k.

4.2 Based upon the above explanations, the following adjustments to the remaining budget shortfall are recommended:

Revised recommended forecast Shortfall (para 2.4 above)	£531k
Less:	
<u>Appendix 1 (October Cabinet)</u> Adjustment to Row 10 Reduction in Planning Income	(£50k)
<u>Appendix 2 (October Cabinet)</u> Adjustment to Row 14 Estimated Fuel saving	(£50k)
Adjustment to Row 15 Estimated Utilities saving	(£100k)
Adjustment to Row 43 Recycling Income	(£100k)
Adjustment to Row 52 Leisure Income	(£100k)
Plus:	
<u>Appendix 2 (October Cabinet)</u> Adjustment to Row 25 – Contribution from Town Councils	£60k
Revised forecast Shortfall	£191k

Officers are still reviewing the implications of the in-year budget position and government announcements that further clarity will be received over the next month. This could still have a material impact on the current projected position.

5.0 New / Further Options being considered

5.1 Further work is still ongoing with officers to bring forward additional savings to move this forward towards a balanced budgetary position. Key areas of focus are:

5.2 Revisiting income assumptions / demand

5.2.1 Services are finalising the recommended fees and charges for 2025/26 and these will be brought forward to January Cabinet for consideration.

Assumptions have already been included where key income streams are under or over achieving, or where the increase in fee makes a material difference to the budget. The January report will finalise the budget implications for 2025/26.

5.3 Business Rates and Council Tax

- 5.3.1 Row 20 Possible adjustment to estimated Council Tax income (£50k)
Based on the proposed Council Tax Taxbase to be approved at Cabinet on 12 November, and a confirmed referendum limit of 3%, the forecast income will vary from the original forecast. This will be considered later in the budget setting process.

It should be noted that 2025/26 will include the additional income generated from the increased premiums on 2nd homes approved during the last budget. However, it was also proposed that these additional sums, of circa £50k, are earmarked to support additional housing projects.

- 5.3.2 Row 21 Possible adjustment to estimated Business Rates income – (£50k)
Based on the latest Quarter 2 forecast and announcements included within the Autumn Budget, it is expected that income from Business Rates will vary from the original forecast. This will be considered later in the budget setting process.

5.4 Detailed follow up of announcements made in the Autumn Budget

- 5.4.1 On the 30 October 2024, the Chancellor of the Exchequer gave her first Autumn Budget statement. As trailed, it was a significant budget with many proposals included that ultimately are forecast to raise taxation by £40bn.

- 5.4.2 There were some significant announcements for local government and district councils. The main headlines were:

- Departmental revenue budgets will increase by 1.5% in real terms across the spending review period. However, there are also 2% departmental productivity, efficiency and savings targets included for next year;
- 3.2% real-terms increase in Core Spending Power (CSP) for the whole sector in 2025/26. This will include £1.3bn additional grant funding, of which at least £600m will be directed to social care;
- £233m new funding for homelessness prevention. This will be in addition to the £1.3bn grant funding;
- £1.1bn new funding through implementation of the Extended Producer Responsibility scheme for recycling;
- £500m increase to the Affordable Homes Programme in 2025/26;
- Right-To-Buy: councils will be permanently allowed to retain 100% of receipts locally and discount levels will revert to pre-2012 levels;

- Five-year rent settlement for social housing landlords: rents will rise by Consumer Price Index +1% each year during the period.
- UK Shared Prosperity Fund has been extended for 2025/26 at a reduced level of £900m, a 40% decrease on the current year.

5.4.3 There were key announcements which will affect councils as employers:

- Employer national insurance (NI) contributions will increase by 1.2% to 15% from April 2025. The threshold for paying this will decrease to £5k per year.
- National Living Wage will increase by 6.7% to £12.21. Minimum wage for 18- to 20-year-olds will increase by 16% to £10 per hour.

5.4.4 There were also a number of broader announcements which may offer opportunities or potentially risks to the council, including reforms to business rates and the overall Local Government Funding mechanism

5.4.5 The Government is expected to publish a finance policy statement in mid/late November to set out the key decisions and principles for the provisional Local Government Finance Settlement. The provisional Local Government Finance Settlement is still anticipated in mid-December. This will set out the detail of funding allocations for individual councils.

5.4.6 Overall, the funding package for local government is better than many expected and it contains some good news for district councils. However, it remains unclear how much of the new grant funding will come to district councils and whether the funding package will deliver a real-terms increase for districts.

5.5 Government Funding Settlement (Mid-December)

5.5.3 The provisional settlement is usually announced just prior to the Christmas recess. Although the above headlines appear positive, we require the detail to enable any analysis. The implications on the movement in our Core Spending Power will be included within the 2025/26 once available.

5.6 Finalisation of the Capital Programme and the financing implications

5.6.3 The proposed Capital Programme forms part of this report (Section 6). If agreed, the funding implications will be included within the 2025/26 Budget.

6.0 Capital Programme – General Fund

- 6.4 The Overall Capital Programme includes new bids for capital funding to support new programmes as well as updated to ‘rolling’ approvals from current and prior year’s Capital Programmes.
- 6.5 The draft Capital Programme has been reviewed/challenged by the Capital Strategy Advisory Group (CSAG) prior to being proposed. The final programme being brought forward for approval in February.
- 6.6 Generally, the bids are restricted to replacement equipment, largely based upon health and safety requirements in the leisure centres, new ICT kit, income generation schemes, economic regeneration schemes or invest to save bids.
- 6.7 **Appendix 2** provides a revised spend profile for the current approvals based on Quarter 2 forecasts. It also provides a summary of the new bids received from General Fund services areas and the Housing Revenue Account for the new 2025/26 – 2029/30 Capital Programme. In February, Member’s will be asked to approve the Year 1 programme and note the indicative future years
- 6.8 The table below, shows the forecast capital expenditure profile during the life of the MTFP. This forms the basis of the Deliverable Budget for each year. This is based upon limited information on the sources of potential funding, particularly in later years. Therefore at this time, the overarching assumption is any unfunded element of the programme is covered through external borrowing. This will be refined and updated as we move through the MTFP timeframe.

Expenditure Profile	2025/26 £k	2026/27 £k	2027/28 £k	2028/29 £k	2029/30 £k	Total £k
General Fund Existing Programme	10,538	15,373	14,252	1,474	1,382	43,019
General Fund New Bids	926	1,249	868	1,043	708	4,794
Housing Revenue Account	32,340	11,679	5,605	20,649	19,890	90,163
Overall Capital Requirement	43,804	28,301	20,725	23,166	21,980	137,976

Expenditure Profile	General Fund 2025/26 £k	General Fund Project Totals £k	HRA 2025/26 £k	HRA Project Totals £k
Revenue Funded	1,304	4,930	2,650	12,719
Capital Receipts	50	50	1,994	6,299
Capital Grants	5,568	34,840	11,715	27,514
Borrowing	4,542	7,993	15,981	43,631
Overall Capital Requirement	11,464	47,813	32,340	90,163

- 6.9 In terms of associated funding, the availability of capital receipts are based on a prudent basis, with no major asset sales factored into the model. Similarly, prudent assumptions are included for the availability of Capital Grant to help mitigate some of the proposed costs. If additional receipts are generated, or

grant received, the capital prioritisation list could be revisited to bring forward new schemes into the programme or decrease any borrowing requirement.

- 6.10 Currently any revenue contribution to the Capital Programme is limited to funding held within Earmarked Reserves (i.e. Sinking Funds). No additional use of the New Homes Bonus grant is planned to fund elements of the Capital Programme. Ultimately, any outstanding funding requirement after utilising revenue contributions, reserves and any external funding sources will need to be funded through Prudential Borrowing.
- 6.11 The Council currently operates a policy of “internal borrowing” whereby it utilises its cash balances rather than undertaking new loans. It is recommended that the Council continues to maximise its use of internal borrowing rather than seeking to fund projects through new external borrowing whilst cash balances remain above £10m. However, given the scale of the proposed Capital Programme, internal borrowing will not be sufficient to fund all bids. Therefore, the Council will need to carefully consider how best to fund the capital funding requirements.

7.0 HRA Medium Term Financial Plan

- 7.4 The HRA is a ring-fenced account within Mid Devon’s financial accounting system. This means that a balanced budget must be set each year including all income and expenditure pertinent to the Council’s landlord function and excluding all other income and expenditure (since this would be captured as part of the General Fund budget).
- 7.5 The Council continues to undertake valuable benchmarking work in conjunction with Housemark. These findings are then used to inform the budget setting process. In doing so, MDDC are able to better identify their position in relation to other authorities in the sector and identify areas for improved efficiency.
- 7.6 Some items of expenditure can be defined quite accurately, such as the staffing budget whilst others require managers to exercise business judgement based upon their experience, particularly in the case of new commitments. Where such judgement has been applied, the proposals have been reviewed and are based upon realistic assumptions.
- 7.7 The main expenditure changes for the 2025/26 budget can be summarised as follows:
- An assumed pay award for 2025/26 equivalent to 3% (plus the adjustment required to amend the 2024/25 following agreement of the pay offer);
 - Pension Contribution rate remaining at 19.0%;

- A 5% assumed inflationary increase in contractor and materials spend against the current year budget;
 - Additional provision for essential repairs and maintenance and other legislative requirements.
 - Increases capital financing requirement reflecting the desire to build new units.
- 7.7.3 It should be recognised that the impact of a fixed lump sum pay award for 2024/25 has a disproportionate impact on the HRA salary budget when compared against the assumed 4% increase.
- 7.7.4 The Autumn Budget increased the Employers National Insurance liability by £97k, which is reflected in the rise in employee costs of £170k. However based upon government announcements that Councils will be compensated in full, and this is reflected in the income section.
- 7.7.5 Further refinement will be made to the assumed increases covering utilities, transport and supplies and services budgets.
- 7.8 The main income changes for the 2025/26 budget can be summarised as follows:
- An inflationary increase of 2.7% is included on existing rents. This is linked to September CPI which was recently announced at 1.7%, and confirmation from Government that rent can be increased based on CPI +1%;
 - An assumed reduction in Garage rents and Garage plot ground rent income as the development programme develops the land. At present the budget assumes no change to the weekly charge;
 - Decreased interest yields on balances held.
- 7.8.3 Following the identification of a historic error in the calculation of the Social Rent Formula, where the majority of tenants have been undercharged, but some have been overcharged, the income forecast has been reset. Whilst it is proposed that any historical underpayments are not reclaimed, there is a reduction in ongoing income as we reduce the charge for those that were overcharged back to the correct formula rent, thus leading to a shortfall in rental income compared to the previous MTFP assumptions. A separate report is also included on the agenda for this meeting that sets out more detail of the issue and proposed correcting actions.
- 7.8.4 Currently there is no financial provision for recent announcements during the last few weeks and comments emanating from the labour party conference regarding the future of Right-to-Buy, changes to rent setting and new energy efficiency requirements. These are currently being assessed.
- 7.8.5 Previous legislation on Right to Buy means that we would normally sell several properties per year. However, based on the amendments to the scheme set out in the Autumn Budget, this is likely to fall.

7.8.6 Similarly, we forecast that we will have a number of void properties during the year. We have a prudent forecast of voids across the year based on an assessment of current void number is in line with previous years. This includes properties held to facilitate new development.

7.9 It has been deemed as prudent to maintain the HRA reserve balance at £2,000k and it is expected to remain so throughout 2024/25. At the start of 2024/25, other HRA revenue reserves totalled £21,330k. This included the following notable balances:

- £13,943k in the Housing Maintenance Fund (HMF);
- £746k in the Renewable Energy Fund (REF); and
- £189k for future decarbonisation works. It is intended that any expenditure funded from the REF monies be used on renewable energy schemes.

In addition there is also the PWLB repayment fund which is being built up in order to repay the loan taken out to originally buy the stock in 2012. This currently stands at £5.928m.

7.10 The budget summary for the 2025/26 HRA is shown in **Appendix 3**. It will continue to provide for an enhanced housing service which will allow for more capital investment and additions to our existing stock. Current estimates place the HRA budget gap at £515k for 2025/26 rising to £5,370k over the MTFP timeframe.

7.11 Note these projections use a number of assumptions that will be finalised over the coming few weeks. It is expected that the refinement of these assumptions will reduce that forecast. Further actions are being considered to enable the budget to be balanced by February. These will be clearly laid out in the February Cabinet report that proposes the budget to Full Council.

7.12 The ambition to build a significant number of new properties continues across the 5-year Medium Term Financial Plan. The prospect of building new social housing raises the issue of significant future capital financing requirements. Budget at assumed interest rates of circa 5% is included within the future years of the MTFP to finance the build of a number of new highly efficient (zero carbon) modular buildings, subject to securing sufficient funding. Members are reminded that the constraint on increasing stock is still an issue of affordability, not the access to borrowing.

8.0 Conclusion

- 8.4 Although progress continues to be made to balance the 2025/26 Budget, there remains a reduced shortfall to be mitigated. Therefore, all possible options to increase income or reduce costs must be considered.
- 8.5 There remains a number of areas where greater clarity from Government, or indeed local circumstances, that will impact on the 2025/26. Many of which are now in corporate or non-service areas. Updates and any new budget options will be brought forward for consideration over the next few months in the run in to setting the 2025/26 budget in February 2025.
- 8.6 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.

Financial Implications

By undertaking regular reviews of the MTFP the Council can ensure that its Corporate Plan priorities are affordable. The implications of the budget gap are set out within the paper. Many areas require greater clarity, particularly around national funding and possible changes to Government Policy. Therefore a number of key assumptions underpin the reported position, which will be refined as greater clarity is received through the budget setting process.

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 makes a number of financial assumptions based on a sensible/prudent approach, taking account of the most up to date professional advice that is available. These continue to be kept under review and updated where necessary.

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. 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: 26 November 2024

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 26 November 2024

Chief Officer: Stephen Walford

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

Date: 26 November 2024

Performance and risk: Dr Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 26 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Andrew Jarrett – Deputy Chief Executive (S151)

Email: ajarrett@middevon.gov.uk

Telephone: 01884 234242

Background papers:

- 2024/25 Budget
- 2024/25 Qtr. 2 Budget Monitor

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Service Unit	Direct Costs Detail	2024/25 Annual Budget £	Net MTFP Adjustment £	Round 1 Net Pressures / (Savings) Identified £	Round 2 Net Pressures / (Savings) Identified £	Round 3 Net Pressures / (Savings) Identified £	Provisional 2025/26 Budget £	Increase / (Decrease) £	Increase / (Decrease) %
Cabinet									
SCM01	Leadership Team	590,066	499,915	-	-	-	1,089,981	499,915	84.7%
SCM02	Corporate Functions	75,920	10	-	-	-	75,930	10	0.0%
SCM03	Corporate Fees	257,940	20	77,000	-	-	334,960	77,020	29.9%
SCM06	Pension Backfunding	660,210	23,610	-	-	-	683,820	23,610	3.6%
SFP01	Accountancy Services	552,210	2,930	(20,000)	-	-	535,140	(17,070)	-3.1%
SFP02	Internal Audit	98,550	-	(15,000)	-	-	83,550	(15,000)	-15.2%
SFP03	Procurement	152,330	750	-	-	-	153,080	750	0.5%
SFP04	Purchase Ledger	59,665	180	-	-	-	59,845	180	0.3%
SFP05	Sales Ledger	59,010	10	-	-	-	59,020	10	0.0%
SHR01	Human Resources	533,660	12,350	(30,000)	-	-	516,010	(17,650)	-3.3%
SHR02	MDDC Staff Training	15,000	-	(5,000)	-	-	10,000	(5,000)	-33.3%
SHR03	Payroll	62,710	10	-	-	-	62,720	10	0.0%
SIT01	IT Gazetteer Management	89,270	240	-	-	-	89,510	240	0.3%
SIT03	IT Information Technology	1,175,880	(31,350)	198,000	-	-	1,342,530	166,650	14.2%
SLD01	Electoral Registration	200,450	970	(11,000)	-	-	190,420	(10,030)	-5.0%
SLD02	Democratic Rep And Management	562,475	11,110	-	-	-	573,585	11,110	2.0%
SLD04	Legal Services	333,434	500	-	-	-	333,934	500	0.1%
SRB01	Collection Of Council Tax	560,670	2,840	-	-	-	563,510	2,840	0.5%
SRB02	Collection Of Business Rates	(83,000)	1,750	-	-	-	(81,250)	1,750	2.1%
SRB06	Debt Recovery	114,750	20	-	-	-	114,770	20	0.0%
TOTAL CABINET PDG		6,071,200	525,865	194,000	0	0	6,791,065	719,865	11.9%
Community, People & Equalities PDG									
SCD01	Community Development	120,225	-	-	-	-	120,225	0	0.0%
SES01	Emergency Planning	52,010	-	-	-	-	52,010	0	0.0%
SES03	Community Safety - C.C.T.V.	42,730	-	-	-	-	42,730	0	0.0%
SES04	Public Health	3,750	-	-	-	-	3,750	0	0.0%
SES16	ES Staff Units/Recharges	728,280	380	-	-	-	728,660	380	0.1%
SES17	Community Safety	2,500	-	-	-	-	2,500	0	0.0%
SES18	Food Safety	(18,034)	-	-	-	-	(18,034)	0	0.0%
SES21	Licensing	48,760	1,430	-	-	-	50,190	1,430	2.9%
SES22	Pest Control	-	-	-	-	-	-	0	#DIV/0!
SES23	Pollution Reduction	1,350	-	-	-	-	1,350	0	0.0%
SPS07	Public Transport	(25,259)	-	-	-	-	(25,259)	0	0.0%
SRB03	Housing Benefit Admin & Fraud	217,030	3,250	-	-	-	220,280	3,250	1.5%
SRB04	Housing Benefit Subsidy	63,000	-	-	-	-	63,000	0	0.0%
TOTAL COMMUNITY, PEOPLE & EQUALITIES PDG		1,236,342	5,060	0	0	0	1,241,402	5,060	0.4%

Service Unit	Direct Costs Detail	2024/25 Annual Budget £	Net MTFP Adjustment £	Round 1 Net Pressures / (Savings) Identified £	Round 2 Net Pressures / (Savings) Identified £	Round 3 Net Pressures / (Savings) Identified £	Provisional 2025/26 Budget £	Increase / (Decrease) £	Increase / (Decrease) %
Economy & Assets PDG									
SCD02	Pannier Market	70,413	5,100	-	-	-	75,513	5,100	7.2%
SCP01	Parking Services	(732,427)	17,940	(57,000)	-	(5,000)	(776,487)	(44,060)	-6.0%
SPS01	Asset Management	539,720	840	-	-	-	540,560	840	0.2%
SPS05	Administration Buildings	313,830	31,610	(75,630)	50,000	(17,500)	302,310	(11,520)	-3.7%
SPS06	MDDC Depots	511,478	13,140	49,440	-	(2,500)	571,558	60,080	11.7%
SPS09	Property Services Staff Unit	832,500	590	(30,000)	30,000	-	833,090	590	0.1%
SPS11	Public Conveniences	19,920	1,670	(6,000)	-	(4,000)	11,590	(8,330)	-41.8%
SPS12	GF Properties Shops/Flats	(303,620)	3,510	(10,000)	-	-	(310,110)	(6,490)	-2.1%
SPR06	Economic Development	379,030	120	(62,000)	-	-	317,150	(61,880)	-16.3%
TOTAL ECONOMY & ASSETS PDG		1,630,844	74,520	(191,190)	80,000	(29,000)	1,565,174	(65,670)	-4.0%
Planning, Environment & Sustainability PDG									
SPR01	Building Regulations	(6,120)	(5,240)	-	-	-	(11,360)	(5,240)	85.6%
SPR02	Enforcement	105,611	20	100,000	-	-	205,631	100,020	94.7%
SPR03	Development Control	283,130	1,250	90,000	-	(50,000)	324,380	41,250	14.6%
SPR04	Local Land Charges	(38,880)	90	-	-	-	(38,790)	90	0.2%
SPR09	Forward Planning	300,670	130	(29,000)	-	-	271,800	(28,870)	-9.6%
SPR11	Regional Planning	180,000	(27,000)	-	-	-	153,000	(27,000)	-15.0%
SPS03	Flood Defence And Land Drain	26,032	-	-	-	-	26,032	0	0.0%
SPS04	Street Naming & Numbering	6,970	-	-	-	-	6,970	0	0.0%
SPS13	Climate Change	170,620	20	100,000	-	-	270,640	100,020	58.6%
TOTAL PLANNING, ENVIRONMENT & SUSTAINABILITY PDG		1,028,033	(30,730)	261,000	0	(50,000)	1,208,303	180,270	17.5%
Service Delivery & Continuous Improvement PDG									
SCS20	Customer Services Admin	20,700	-	-	-	-	20,700	0	0.0%
SCS22	Customer First	794,420	840	-	-	-	795,260	840	0.1%
SES02	Cemeteries	(126,548)	890	-	-	-	(125,658)	890	0.7%
SES05	Open Spaces	260,331	1,000	(60,000)	-	60,000	261,331	1,000	0.4%
SES24	Environmental Enforcement	149,739	180	-	-	-	149,919	180	0.1%
SGM01	Grounds Maintenance	564,189	2,350	(7,500)	-	(8,000)	551,039	(13,150)	-2.3%
SRS01	Recreation And Sport	983,303	45,100	(271,810)	-	(170,000)	586,593	(396,710)	-40.3%
SWS01	Street Cleansing	576,632	2,370	-	-	-	579,002	2,370	0.4%
SWS02	Waste Collection	310,100	15,450	(148,000)	10,000	(30,000)	157,550	(152,550)	-49.2%
SWS03	Recycling	1,535,780	10,730	(247,500)	10,000	(113,000)	1,196,010	(339,770)	-22.1%
SWS04	Waste Management	378,010	580	-	-	-	378,590	580	0.2%
TOTAL SERVICE IMPROVEMENT & CONTINUOUS IMPROVEMENT PDG		5,446,656	79,490	(734,810)	20,000	(261,000)	4,550,336	(896,320)	-16.5%
Homes PDG									
SES15	Private Sector Housing Grants	9,225	40	-	-	-	9,265	40	-0.4%
SHG03	Homelessness Accommodation	392,535	8,320	(79,000)	-	-	321,855	(70,680)	-18.0%
TOTAL HOMES PDG		401,760	8,360	(79,000)	0	0	331,120	(70,640)	-17.6%
Net Direct Services Costs		15,814,835	662,565	(550,000)	100,000	(340,000)	15,687,400	(127,435)	-0.8%

Service Unit	Direct Costs Detail	2024/25 Annual Budget £	Net MTFP Adjustment £	Round 1 Net Pressures / (Savings) Identified £	Round 2 Net Pressures / (Savings) Identified £	Round 3 Net Pressures / (Savings) Identified £	Provisional 2025/26 Budget £	Increase / (Decrease) £	Increase / (Decrease) %
	Net Recharge to HRA	(1,957,080)	(58,340)	-	-	-	(2,015,420)	(58,340)	-3.0%
	Capital Financing	812,700	59,079	-	-	-	871,779	59,079	7.3%
	Net Service Costs	14,670,455	663,304	(550,000)	100,000	(340,000)	14,543,759	(126,696)	-0.9%
SIE06	Interest Receivable	(1,058,774)	430,025	(100,000)	-	-	(728,749)	330,025	31.2%
SIE03	Interest Costs	351,510	-	-	-	-	351,510	0	0.0%
SIE24	Transfers To / (From) Earmarked Reserves	(840,619)	662,329	20,000	-	-	(158,290)	682,329	81.2%
	Net Budget Requirement	13,122,572	1,755,658	(630,000)	100,000	(340,000)	14,008,230	885,658	6.7%
SIE11	Business Rates	(4,421,735)	(188,400)	(50,000)	-	-	(4,660,135)	(238,400)	-5.4%
SIE08	Council Tax	(6,968,476)	(371,094)	(50,000)	-	-	(7,389,570)	(421,094)	-6.0%
SIE10	Un-Ringfenced Grant Funding	(1,732,361)	-	(35,000)	-	-	(1,767,361)	(35,000)	-2.0%
	Total Funding	(13,122,572)	(559,494)	(135,000)	0	0	(13,817,066)	(694,494)	-5.3%
	Annual Shortfall	0	1,196,164	(765,000)	100,000	(340,000)	191,164	191,164	

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Area	Sub Area	Project Title	Existing Budgeted Capital Programme	2024/25 Outturn Forecast as at Qtr 2	Forecast 2024/25 Slippage into future years	Adjustment to Previous Capital Programme	New Budget Required	REVISED Capital Programme	Spend Profile for Remaining Indicative Capital Programme						
			2024/25 - 2028/29	2024/25	£000's	£000's	£000's	£000's	2025/26 - 2029/30	2025/26	2026/27	2027/28	2028/29	2029/30	Total
			£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	
General Fund															
Leisure	Culm Valley Sports Centre	CVSC - Remodelling of Ground Floor	204	-	-			204	30	174	-	-	-	204	
Other MDDC Buildings	Phoenix House	Building Mgmt System for Heating Control	103	60	43			43	43	-	-	-	-	43	
Other MDDC Buildings	MDDC Depots	Depot Design & Build - Waste & Recycling	3,750	250	-			3,500	3,500	-	-	-	-	3,500	
HIF	HIF Schemes	CA719 Cullompton Town Centre Relief Road (HIF)	29,757	3,100	10,116		2,643	29,300	4,000	12,600	12,700	-	-	29,300	
Other	General Car Parks	West Exe South - Remodelling - additional parking spaces	90	-	-			90	90	-	-	-	-	90	
Other	Parks & Play Areas	Open Space Infrastructure (incl Play Areas)	35	-	-			35	35	-	-	-	-	35	
Other	ICT Projects	UPS Replacements	85	-	-	55		30	-	-	30	-	-	30	
Other	Other Projects	Land drainage flood defence schemes - St Marys Hemyock	50	-	-			50	50	-	-	-	-	50	
Other	Other Projects	Land drainage flood defence schemes - Ashleigh Park	87	-	-			87	87	-	-	-	-	87	
Leisure	Exe Valley Leisure Centre	Wetside resin floor replacement	90	-	90			90	90	-	-	-	-	90	
Leisure	Lords Meadow Leisure Centre	Wetside resin floor replacement	90	-	90			90	90	-	-	-	-	90	
Leisure	Lords Meadow Leisure Centre	Replacement skate park (poss relocation)	350	-	-			350	200	150	-	-	-	350	
Other MDDC Buildings	Other - Climate Change/Net Zero	MSCP - Solar carport and additional security	600	-	-			600	600	-	-	-	-	600	
Other MDDC Buildings	Other - Climate Change/Net Zero	Market Walk - Solar Panels	200	-	-			200	200	-	-	-	-	200	
Other MDDC Buildings	Phoenix House	Cooling options Air Handling Unit	150	-	-			150	150	-	-	-	-	150	
Private Sector Housing	Private Sector Housing	DFG and other private sector grants	3,000	871	-	321	550	3,000	600	600	600	600	600	3,000	
Other	General Car Parks	LED upgrade	65	-	-			65	65	-	-	-	-	65	
Other	General Car Parks	LED lighting replacement	20	-	-			20	20	-	-	-	-	20	
Other	General Car Parks	Becks Square resurfacing & lining	30	-	-			30	30	-	-	-	-	30	
Other	Parks & Play Areas	Widen Riverside Path	20	-	-			20	20	-	-	-	-	20	
Other	Parks & Play Areas	Fencing end of life	125	-	-			125	125	-	-	-	-	125	
Other	Parks & Play Areas	Rubber floor tile replacements	100	-	-			100	100	-	-	-	-	100	
Other	ICT Projects	Laptop/Desktop Refresh	500	80	-		200	620	100	140	120	120	140	620	
Other	Other Projects	PDA's for cabs - Recycling, Trade and Ground Maintenance	150	150	-		60	60	60	-	-	-	-	60	
Other	GF Vehicles	Vehicle leasing - Caretaking Services	30	29	-	1	33	33	33	-	-	-	-	33	
Other	GF Vehicles	Vehicle leasing - Street Cleansing	410	163	-		401	648	135	192	-	105	216	648	
Other	GF Vehicles	Vehicle leasing - Refuse	1,655	935	-		188	908	-	729	125	54	-	908	
Other	GF Vehicles	Vehicle leasing - Trade Waste	330	209	-		122	243	-	243	-	-	-	243	
Other	GF Vehicles	Vehicle leasing - Recycling	390	163	-		48	275	56	85	37	35	62	275	
Leisure	Leisure - Climate Change/Net Zero	EVLC - Building Fabric - Insulation improvements	260	-	-			260	-	260	-	-	-	260	
Other	Other Projects	Tiverton Market Paving - Permanent Solution	200	-	-			200	-	200	-	-	-	200	
Leisure	Leisure - Climate Change/Net Zero	LMLC - Building Fabric - Insulation improvements	200	-	-			200	-	-	200	-	-	200	
Leisure	Leisure - Climate Change/Net Zero	CVSC - Building Fabric - Insulation improvements	200	-	-			200	-	-	200	-	-	200	
Other MDDC Buildings	Other - Climate Change/Net Zero	MDDC commercial property building fabric improvements	240	-	-			240	-	-	240	-	-	240	
Leisure	Exe Valley Leisure Centre	Exe Valley Capital Works	200	-	-			200	-	-	-	100	100	200	
Leisure	Lords Meadow Leisure Centre	Lords Meadow Capital Works	200	-	-			200	-	-	-	100	100	200	
Leisure	Culm Valley Sports Centre	Culm Valley Capital Works	200	-	-			200	-	-	-	100	100	200	
Other	ICT Projects	Audio/Video replacement for Phoenix House	140	10	-	10	30	170	-	-	-	170	-	170	
Other MDDC Buildings	Phoenix House	Etarmis - Security Swipe - (linked to security project)	40	11	29			29	29	-	-	-	-	29	
Other	GF Vehicles	Vehicle leasing - Grounds Maintenance	100	-	-		54	154	-	-	-	90	64	154	
General Fund Subtotals			52,522	10,623	10,368	-	2,848	3,969	43,019	10,538	15,373	14,252	1,474	1,382	43,019

NEW Bids 2025/26 - 2029/30 Capital Programme

Area	Sub Area	Project Title	Description	Total Project Budget Approval							Spend Profile for NEW Indicative Capital Programme							
				2025/26	2026/27	2027/28	2028/29	2029/30	Total	2025/26	2026/27	2027/28	2028/29	2029/30	eyond 2029	Total		
				£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	
General Fund																		
Leisure	Exe Valley Leisure Centre	Soft Play at Exe Valley Leisure Centre	Knock through of reception / offices and staff area to pen up the space and introduce 2/3 story soft play centre. 'training room' relocated to rugby club hire arrangement across the road.	-	500	-	-	-		500	-	30	170	300	-	-		500
Leisure	Exe Valley Leisure Centre	Roofing Structure and mansafe	Replace Mansafe equipment on roof	50						50	50	-	-	-	-	-		50
Leisure	Exe Valley Leisure Centre	Tennis Court Resurfacing	Resurface existing tennis courts	20						20	20	-	-	-	-	-		20
Leisure	Exe Valley Leisure Centre	Replace Main Pool Filters	Replace main pool filters					100		100	-	-	-	100	-	-		100
Leisure	Lords Meadow Leisure Centre	Replace Main Pool Filters	Replace main pool filters					100		100	-	-	-	100	-	-		100
Leisure	Lords Meadow Leisure Centre	Extension to building on land of skate park at Lords Meadow	To utilise the land the skate park vacates to extend the footprint of Lords Meadow Leisure Centre and increase the gym size. With potential for a self access entry point and technology to accommodate.	600	-	-	-	-		600	30	470	100					600
Leisure	Leisure - Other	Pool Pods - Submersible platforms for disabled	LM and EV Pool pods - The Pool pod is a submersible platform lift which enables disabled people or people with restricted mobility to safely access public swimming pools in a dignified manner. Funding opportunities are sometimes available.	70	-	-	-	-		70	70							70
Leisure	Exe Valley Leisure Centre	Fitness Studio renewal of equipment	Exe Valley Gym equipment replacement & Modernisation. Re-allocate some equipment to LMLC if extended	-	300	-	-	-		300		300	-	-	-	-		300
Leisure	Lords Meadow Leisure Centre	Fitness Studio renewal of equipment	Lords meadow gym equipment replacement, possibly reduced dependant upon reallocation of EV equipment	-	-	200	-	-		200		-	200	-	-	-		200
Leisure	Culm Valley Leisure Centre	Fitness Studio renewal of equipment	Culm Valley gym equipment replacement, possibly reduced dependant upon reallocation of EV equipment	-	-	-	200	-		200		-	-	200	-	-		200
Other MDDC Buildings	Phoenix House	Phoenix House - CCTV Replacement	End of Lifecycle / Chinese Tech.	65	-	-	-	-		65	65	-	-	-	-	-		65
Other MDDC Buildings	MDDC Depots	Baler conveyor replacement	Baler conveyor replacement	150	-	-	-	-		150	150	-	-	-	-	-		150
Other MDDC Buildings	MDDC Depots	Baler Floor (to be replaced every 5 yrs)	Baler Floor (to be replaced every 5 yrs)	-	-	-	-	30		30	-	-	-	-	30	-		30
Other	General Car Parks	Replace Car Park paying machines in the District	Car Park paying machines in the District	-	-	-	-	85		85	-	-	-	-	85	-		85
Other	Parks & Play Areas	Open Space Infrastructure (incl Play Areas)	To refurbish end of life play areas/ equipment to retain and enhance facility where appropriate - working with Town and Parish where possible to rationalise supply and promote disposal. Closures will reduce revenue costs and may realise capital receipt	100	100	100	-	-		300	100	100	100	-	-	-		300
Other	Parks & Play Areas	Upgrade Park Lighting	To replace/ enhance existing and provide new 'street' lighting in the Councils parks to reduce fear of crime of users and surveillance of and deter anti-social behaviour	100	-	-	-	-		100	100	-	-	-	-	-		100
Other	ICT Projects	Network Switch/ Firewall/ Wifi Refresh (ALL Sites)	Hardware Refresh	-	-	-	125	125		250	-	-	-	125	125	-		250
Other	ICT Projects	Server & Storage Hardware Refresh	Replacement For Servers and Storage Area Network in Phoenix house (Disk storage)	-	-	-	-	250		250	-	-	-	-	250	-		250
Private Sector Housing	Private Sector Housing	Capitalised staff resource to deliver Private Sector Housing Grants	Direct staff costs for the delivery of the programme	148	148	148	148	148		740	148	148	148	148	148	-		740
Private Sector Housing	Private Sector Housing	Survey costs to deliver the Private Sector Housing Grants	Cost per survey paid to MDH for specialist surveyor, include survey, plans and SOW	20	20	20	20	20		100	20	20	20	20	20	-		100
Other	Other Projects	Lendology Loans	To provide a wider range of loans than available at present. To include bringing empty homes back into use, replacement septic tanks, and energy efficiency works	100	-	100	-	100		300	50	50	50	50	50	50		300
Other MDDC Buildings	Public Conveniences	Newcombes Meadow Toilet Block	Redevelopment of toilet block	-	100	-	-	-		100	50	50	-	-	-	-		100
Other	Other Projects	Tiverton Public Realm Enhancement Project	Phase 1: Visitor Signage Phase 2: Tiverton Masterplan Enhancements	74	-	-	-	-		74	43	31	-	-	-	-		74
Other	Other Projects	Tiverton Pannier Market - new stalls and storage	Creation of new stalls and storage on east and west side p-gpens and improvement works	-	-	80	-	-		80	-	-	80	-	-	-		80
Other	Other Projects	Crediton Public Realm Enhancement	Phase 1: Waymarking; Pedestrian/Visitor Signage Phase 2: Public Realm Works	80	-	-	-	-		80	30	50	-	-	-	-		80
General Fund Subtotals				1,577	1,168	648	693	758		4,844	926	1,249	868	1,043	708	50		4,844

HRA EXISTING 2024/25 - 2028/29 Capital Programme - UPDATED

Area	Sub Area	Project Title	Existing Budgeted Capital Programme 2024/25 - 2028/29	2024/25 Outturn Forecast as at Qtr 2	Forecast 2024/25 Slippage into future years	Adjustment to Previous Capital Programme	New Budget Required	REVISED Capital Programme 2025/26 - 2029/30	Spend Profile for NEW Indicative Capital Programme						
			£000's	£000's	£000's	£000's	£000's	£000's	£000's	2025/26	2026/27	2027/28	2028/29	2029/30	Total
HRA															
HRA Projects	Existing Housing Stock	Replacement roofing to HRA properties	3,000	600	-	-	-	2,400	600	450	450	450	450	450	2,400
HRA Projects	Existing Housing Stock	Major Structural Works	1,350	250	-	-	300	1,400	260	270	280	290	300	1,400	
HRA Projects	Other HRA Projects	Old Road Depot Relocation	50	-	-	-	400	450	50	100	100	100	100	450	
HRA Projects	Other HRA Projects	Sewerage Treatment Works - Washfield	25	-	-	-	-	25	25	-	-	-	-	25	
HRA Projects	Existing Housing Stock	Modernisation of HRA garages	450	40	110	-	40	450	150	150	150	-	-	450	
HRA Projects	Existing Housing Stock	Modernisation works to HRA properties	1,185	395	-	40	-	750	150	150	150	150	150	750	
HRA Projects	Existing Housing Stock	Fire safety works to HRA properties and communal areas	130	40	-	-	120	210	50	50	40	40	30	210	
HRA Projects	Existing Housing Stock	Replacement UPVC Windows and doors to HRA properties	2,000	400	-	-	725	2,325	450	475	500	500	400	2,325	
HRA Projects	Existing Housing Stock	New Heating to HRA properties	2,075	405	-	-	680	2,350	450	460	470	480	490	2,350	
HRA Projects	Existing Housing Stock	Renewables	1,250	330	-	80	250	1,250	250	250	250	250	250	1,250	
HRA Projects	Existing Housing Stock	Major Adaptations to HRA properties	1,600	400	-	90	335	1,625	315	320	325	330	335	1,625	
HRA Projects	Existing Housing Stock	Void Capital Works	750	140	-	-	165	775	145	150	155	160	165	775	
HRA Projects	Existing Housing Stock	Double Glazed Unit Replacement	100	20	-	-	20	100	20	20	20	20	20	100	
HRA Projects	Existing Housing Stock	Responsive capital works	600	100	-	40	-	460	100	100	90	90	80	460	
Other	HRA Vehicles	Vehicle leasing - Housing	550	-	-	-	880	1,430	160	-	1,012	38	220	1,430	
Other	RTB Buy backs	RTB Buy backs	-	-	-	-	5,000	5,000	1,000	1,000	1,000	1,000	1,000	5,000	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 4	210	-	-	-	90	300	-	300	-	-	-	300	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 51 - Honiton Road, Cullompton	387	29	-	-	15	373	373	-	-	-	-	373	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 52 - Exon Buildings, Cullompton	214	21	-	-	84	277	277	-	-	-	-	277	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 53	230	-	-	-	70	300	23	277	-	-	-	300	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 5	220	-	-	-	35	255	22	233	-	-	-	255	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 41 - Fir Close, Willand	140	50	90	-	85	175	175	-	-	-	-	175	
HRA Projects	Housing Development Schemes (HE)	Project 15 - School Close, Bampton	4,478	478	2,522	-	1,496	5,496	5,496	-	-	-	-	5,496	
HRA Projects	Housing Development Schemes (HE)	Project 18 - Eastlands, Hemycok	960	960	-	-	939	939	939	-	-	-	-	939	
HRA Projects	Housing Development Schemes (HE)	Project 10 - Holly/Sycamore Road, Tiverton	1,871	1,371	-	-	1,431	1,931	1,931	-	-	-	-	1,931	
HRA Projects	Housing Development Schemes (HE)	Project 14 - Crofts, Sandford	835	1,213	-	378	46	46	46	-	-	-	-	46	
HRA Projects	Housing Development Schemes (HE)	Project 9 - Beech Road, Tiverton (1)	753	709	44	-	1,315	1,359	1,359	-	-	-	-	1,359	
HRA Projects	Housing Development Schemes (HE)	Project 11 - College Green, Uffculme	1,488	77	759	652	-	759	759	-	-	-	-	759	
HRA Projects	Housing Development Schemes (HE)	Project 3 - Wordland Cross, C Fitzpaine	1,500	25	1,475	-	600	2,075	2,075	-	-	-	-	2,075	
HRA Projects	Housing Development Schemes (HE)	Project 25 - Watery Lane, Tiverton	2,440	100	-	-	526	2,866	2,866	-	-	-	-	2,866	
HRA Projects	Housing Development Schemes (HE)	Project 8	2,230	-	-	-	1,371	3,601	1,595	2,006	-	-	-	3,601	
HRA Projects	Housing Development Schemes (HE)	Project 37 - Somerlea, Willand	1,530	96	57	-	1,125	2,559	2,559	-	-	-	-	2,559	
HRA Projects	Housing Development Schemes (HE)	Project 33	1,139	25	775	339	-	775	775	-	-	-	-	775	
HRA Projects	Housing Development Schemes (HE)	Project 22 - Beech Road, Tiverton (2)	2,800	430	-	150	1,249	3,769	3,769	-	-	-	-	3,769	
HRA Projects	Housing Development Schemes (HE)	Project 54	200	6	14	-	75	269	269	-	-	-	-	269	
HRA Projects	Housing Development Schemes (HE)	Project 55	200	-	-	-	305	505	-	45	460	-	-	505	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 56	200	-	-	73	-	273	-	273	-	-	-	273	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 57	200	-	-	100	-	300	-	-	-	-	300	300	
HRA Projects	Housing Development Schemes (HE)	Project 23	4,100	400	-	-	3,757	7,457	2,857	4,600	-	-	-	7,457	
HRA Projects	Housing Development Schemes (HE)	Project 12	1,600	-	-	699	-	901	-	-	50	851	-	901	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 58	200	-	-	100	-	300	-	-	-	-	300	300	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 59	200	-	-	100	-	300	-	-	-	-	300	300	
HRA Projects	Housing Development Schemes (HE)	Project 35	1,700	-	-	697	-	1,003	-	-	103	900	-	1,003	
HRA Projects	HRA Development Strategy	HRA Development Strategy	-	-	-	-	30,000	30,000	-	-	-	15,000	15,000	30,000	
HRA Projects	Housing Development Schemes (HE)	Project 24	1,100	-	-	1,100	-	-	-	-	-	-	-	-	
HRA Projects	Housing Schemes (1:4:1 Projects)	Project 1	38	-	-	38	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 29	1,038	30	-	1,008	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 28	1,100	-	-	1,100	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 36	1,700	-	-	1,700	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 20	16,497	-	-	16,497	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 26	1,200	-	-	1,200	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 27	1,700	-	-	1,700	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 16	1,000	-	-	1,000	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 30	1,100	-	-	1,100	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 31	1,100	-	-	1,100	-	-	-	-	-	-	-	-	
HRA Projects	Housing Development Schemes (HE)	Project 13	1,100	-	-	1,100	-	-	-	-	-	-	-	-	
HRA Subtotals			75,812	9,140	5,846	-	30,039	53,529	90,163	32,340	11,679	5,605	20,649	19,890	90,163

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MID DEVON DISTRICT COUNCIL
HRA MEDIUM TERM FINANCIAL PLAN 2025-26 TO 2029-30

	2024-25 £	Infl %	2025-26 updated £	Infl %	2026-27 £	Infl %	2027-28 £	Infl %	2028-29 £	Infl %	2029-30 £
Employee costs											
Base salary budget	4,217,650		4,513,730		4,649,142		4,788,616		4,932,275		5,080,243
Other Employee costs	-		-		-		-		-		-
<i>Inflation base</i>	4,217,650	3.0%	4,513,730	3.0%	4,649,142	3.0%	4,788,616	3.0%	4,932,275	3.0%	5,080,243
Total in year cost	4,217,650		4,513,730		4,649,142		4,788,616		4,932,275		5,080,243
Premises costs											
Base budget	292,550		551,430		578,270		605,920		634,400		663,730
Utilities	115,550		10,000		10,000		10,000		10,000		10,000
Other cost pressures	75,000		-		-		-		-		-
Savings	-		-		-		-		-		-
<i>Inflation base</i>	483,100	3.0%	561,430	3.0%	588,270	3.0%	615,920	3.0%	644,400	3.0%	673,730
Total in year cost	483,100		561,430		588,270		615,920		644,400		673,730
Transport related costs											
Base budget	282,930		287,530		301,910		317,010		332,860		349,500
Cost Pressures	-		-		-		-		-		-
<i>Inflation base</i>	282,930	5.0%	287,530	5.0%	301,910	5.0%	317,010	5.0%	332,860	5.0%	349,500
Total in year cost	282,930		287,530		301,910		317,010		332,860		349,500
Supplies and services											
Base budget	2,960,840		2,743,910		3,196,110		3,355,920		3,523,720		3,699,910
Cost Pressures	(150,000)		300,000		-		-		-		-
<i>Inflation base</i>	2,810,840	5.0%	3,043,910	5.0%	3,196,110	5.0%	3,355,920	5.0%	3,523,720	5.0%	3,699,910
One off costs	-		-		-		-		-		-
Total in year cost	2,810,840		3,043,910		3,196,110		3,355,920		3,523,720		3,699,910
Support services	1,956,920	3.0%	2,015,628	3.0%	2,076,096	3.0%	2,138,379	3.0%	2,202,531	3.0%	2,268,607
Total gross expenditure	9,751,440		10,422,228		10,811,528		11,215,845		11,635,785		12,071,990
Rents , fees, charges and Other Income											
Housing Rents	(14,710,680)		(15,145,683)		(15,600,050)		(16,342,750)		(16,989,280)		(17,544,180)
Income increases - Growth in units	-		-		(312,400)		(198,900)		(92,400)		(50,000)
Income Reductions-Units lost through Right-to-Buy	-		-		88,100		90,800		93,500		96,300
Garage and Garage Ground Rent income	(407,960)		(368,526)		(333,179)		(301,367)		(272,737)		(246,969)
Other Income	(871,460)		(822,835)		(813,946)		(737,344)		(671,544)		(614,960)
Government compensation for NI increase	-		(97,000)		-		-		-		-
<i>Inflation base</i>	(15,990,100)	3.0%	(16,434,044)	3.0%	(16,971,476)	3.0%	(17,489,561)	3.0%	(17,932,460)	3.0%	(18,359,809)
One off initiatives	-		-		-		-		-		-
Total in year cost	(15,990,100)		(16,434,044)		(16,971,476)		(17,489,561)		(17,932,460)		(18,359,809)
NET COST OF SERVICES	(6,238,660)		(6,011,816)		(6,159,947)		(6,273,716)		(6,296,675)		(6,287,819)
Capital Financing	1,262,700		1,075,482		1,247,002		1,362,178		1,361,623		1,361,600
Interest Payable (PWLB)	1,164,690		1,190,080		1,417,260		1,771,445		1,910,116		1,840,571
Interest Payable HRA to GF	37,300		34,869		32,377		29,816		27,185		24,481
Interest Payable (finance leases)	20,320		20,500		20,500		21,900		61,000		64,400
Contribution to Capital - MRA	2,635,000		2,892,700		2,892,700		2,892,700		2,892,700		2,892,700
Renewable energy surplus	152,340		144,400		137,180		130,320		123,800		117,610
Affordable Rent surplus	-		158,215		162,962		162,962		149,333		149,333
Principal adjustment	916,310		960,635		1,016,223		1,073,458		1,132,386		1,193,061
Transfers to sinking funds	50,000		50,000		50,000		50,000		50,000		50,000
Indirect costs/reserve transfers	6,238,660		6,526,881		6,976,204		7,494,779		7,708,143		7,693,756
Annual (Surplus) / Savings to be found	0		515,065		816,257		1,221,063		1,411,468		1,405,937
Cumulative (Surplus) / Savings to be found	0		515,065		1,331,322		2,552,385		3,963,853		5,369,790

Assumptions:

- 1 Salary inflation in line with General Fund assumptions
- 2 Utilities costs assumed a general uplift
- 3 Transport costs assumed inflationary increase only
- 4 Supplies & Services budget increase in 2025/26 provides additional provision for essential repairs and maintenance and other legislative requirements.
- 5 General Fund recharges assumed in line with GF forecast
- 6 Rents assumed an assumed inflation uplift of CPI +1%
- 7 Capital Financing will need to be revised based upon the updated Capital Programme and funding assumptions.
- 8 Other 'Below the Line' items will be updated in subsequent iterations of the MTFP

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Report for: Cabinet

Date of Meeting:	10 th December 2024
Subject:	Housing Rents 2024
Cabinet Member:	Cllrs James Buczkowski, Cabinet Member for Governance, Finance and Risk and Cllr Simon Clist, Cabinet Member for Housing, Assets and Property Services
Responsible Officers:	Andrew Jarrett, Deputy Chief Executive (S151) and Simon Newcombe, Head of Housing and Health
Exempt:	
Wards Affected:	All
Enclosures:	None

Section 1 – Summary and Recommendations

This report considers the proposed corrective measures required in order to rectify an identified historic housing rent setting error.

Recommendation(s):

- 1. That Cabinet note all of tasks that have already been progressed in order to correct this situation.**
- 2. That Cabinet agrees the future proposed actions and solutions required to fully resolve the housing rents error identified in Table 1 para 2.2.**
- 3. That Cabinet requests a further report be brought back for consideration once the proposed actions have been completed and the Regulator for Social Housing (RSH) has clarified their opinion, in order that any lessons identified can be sufficiently mitigated through the council's risk register in future.**

Section 2 – Report

1.0 Introduction

- 1.1 During the first year's audit with our new incumbent auditor, Bishop Fleming, it has been identified that one integral part of a historic formula used to calculate tenant's rents has been incorrectly applied. This has resulted in all tenant's rents being incorrectly set for a number of years.
- 1.2 In order to provide some additional context; a number of years ago the Government introduced a national 'formula' for the calculation of social housing rents. This required housing providers such as the Council to apply a number of factors to calculate housing rents in its area for different sized properties. Within this formula were valuations for our properties where the Council incorrectly averaged some of our data, resulting in the wrong base rent being set at the time and the historic over or under charge situation has emerged as a legacy of that miscalculated valuation. Since this initial error, the Council has correctly applied further annual increases or decreases in its rent as set by the Government each year, but our rent base still needs to be recalculated and adjusted so all rents are correct in future.
- 1.3 As soon as this isolated error was identified and evaluated we have; self-referred ourselves to the Regulator for Social Housing (RSH) and are having ongoing discussions with; the RSH, the Department for Work & Pensions (DWP), Bishop Fleming (BF), the Devon Audit Partnership (DAP) the Valuation Office (VOA) and have secured an external legal opinion from a KC. In addition to these regular meetings with external partners we have also set up a weekly officer group in order to manage the recovery process and consider all aspects of how the corrections can be delivered in the most timely and effective manner, whilst considering any additional support our tenants may require during this process.

2.0 Proposed correction

- 2.1 Due to both the aggregate financial exposure of this error and our legal responsibility to correct it and identify the position on over and under charged rent, we have needed to obtain external legal advice so as to deal with certain decisions and the associated corrections in an appropriate manner.
- 2.2 Contained in the table overleaf are the recommended actions emanating from our recovery strategy. Some tasks have already been actioned and others will follow in order to correct this position in consideration of advice secured and also considering the impact on both our current/former tenants and with regard to the financial viability of the Housing Revenue Account in both the short and longer term. These decisions have been made after securing technical and legal advice from a number of 3rd parties.

Table 1 - Actions taken, completed or ongoing

Actions	Date/Decisions
<i>Immediate</i>	
1 - Self-referral to RSH	17/9/24
2 - Set up weekly key officer recovery group (1)	19/9/24
3 - Contact DWP + other bodies (2)	14/10/24
4 - Confirm beacon values with VOA (3)	1/11/24
5 - Secure legal advice (4)	14/10/24
6 – Plan Communication strategy (5)	Ongoing
<i>Current and Next Steps</i>	
7 - Model over/under charges at summary level (6)	Completed
8 - Model aggregate potential impact on HRA (7)	Completed
9 - Detailed modelling of individual tenants positions	Ongoing
10 - Issue initial letters to tenants – split between over/unders	Completed
11 - Consider staff resourcing requirements	w/c 18/11/24
12 - Any new tenancies charged at the corrected rates	Nov 2024
13 - Correct current overcharged tenancies	Feb 2025
14 - Issue refunds – where applicable (8)	ASAP
15 - Consider extra support for vulnerable tenants	Ongoing
16 - Design/agree new control process of updating rents	Completed
17 - External review of modelling and new controls (9)	Dec 2024
<i>Decisions</i>	
18 - Agree on quantum/period of correction (4)	Cab 10/12/24
19 - Leave undercharged tenancies unchanged (10)	Cab 10/12/24

Notes:

- 1 – group made up of officers from; housing, finance, legal, benefits, customer first, communications and regular updates provided to relevant Cabinet members
- 2 – as referred to in para. 1.3 and other Councils and Housing Associations
- 3 – reaffirm all of our “beacon” housing values back to source data with the VOA
- 4 – to follow legal advice from KC to apply the statutory limitation of going back 6 years based on the aggregate financial quantum estimated.
- 5 – to include press releases, FAQs on the website and all other communications with our tenants and organisations that assist them (e.g. Churches House Action Trust (CHAT), CAB, Involve, Moneywise, etc).
- 6 – initial modelling at a gross exposure level (i.e. excluding Universal Credit, Housing Benefit, Council Tax Reduction, previous write offs, arrears, changes in tenancies, etc. Total value required for planning next steps
- 7 – assessment required to establish total financial quantum and how it could be financed and what impact it may have on future viability of the HRA.
- 8 – refunds are likely to be processed in tranches, focusing on current tenants. This will be fully communicated to our tenants.
- 9 – procuring external support from the Housing Quality Network (HQN) to review our correction strategy and any new processes/controls once finalised
- 10 – this position will only change upon a change in tenancy

3.0 Further considerations

3.1 This is still very much a “live” situation on the basis we are still in the process of securing external advice from 3rd parties, therefore there are still further items that will then need to be considered. In order to provide current reassurance some of these items are identified below and indicate a direction of travel of what officers are either; planning to do, need to consider further, or may need to procure further advice on.

- Have already diarised regular ongoing meetings with the; RSH, DWP and BF and have spoken to other Local Authorities and Housing Associations who have had to make similar corrections.
- Focus activity on current tenants first – then move on to former.
- The refunds may need to be dispatched in tranches – i.e. non benefit cases will probably go out first – dependent on when we receive further advice from the DWP.
- Identify vulnerable tenants and bespoke ongoing communications accordingly
- Get HQN assistance to check, verify and agree all initial calculations, corrections and then new processes/controls.
- Procure further external specialist legal advice if required
- Continue to discuss live solutions with other Councils and Housing Associations who have encountered similar issues
- Continue to confirm policy compliance with the regulator to ensure actions taken are appropriate.

3.2 In addition to the above considerations, we will need to continually ensure that decisions recommended at an aggregate financial quantum are compared against HRA cash balances and available reserves to demonstrate long term financial viability has been considered. This will also need to reflect on how the totality of refunds may impact on operational delivery and statutory requirements (e.g. H&S, current and new legislative requirements, decarbonisation works, 30 year modernisation plans, etc.). This financial modelling, at the outset and when it can be further refined, based on decisions from 3rd parties, will need to be kept to evidence/demonstrate our thinking and hence decision making. We may well need to share this information with other parties, for instance the RSH.

3.3 This detailed financial modelling will need to include the impact on HB, UC and CTR and will also need to consider tenancy arrears, write offs, any outstanding recharges, etc. There may also be instances where tenants have moved in our stock and have potentially been over/under charged, so this will need to be netted off. This work, by its very nature, will be time consuming and will clearly impact the timeliness of the refund process.

- 3.4 Initial and very top level financial modelling indicates that the overall HRA refund exposure, based on a number of criteria and variables set the aggregate quantum of this correction at around £1.8m. This is just within the boundary of the current HRA reserve balance, but we would clearly need to agree a strategic recovery programme, within future budgets, in order to replenish this reserve over the coming years in order to provide assurance on meeting developmental ambitions alongside existing liabilities.
- 3.5 Prior to and during the refund process we will need to proactively communicate with our tenants to establish how they wish to be repaid and work with them and the DWP to ensure this process doesn't have any associated impacts/consequences with current or future benefit calculations/entitlements.
- 3.6 In addition, we will need to consider the issue of overpayments with regard to historic evictions where rent arrears were a factor. A high level review has already been undertaken and a firm level of assurance can be provided at this stage with further review work planned in order to be confident rent overpayments were not a material consideration in any such evictions.

4.0 Conclusion

- 4.1 Due to the complex and hence time consuming nature of this corrective work it is currently envisaged that further updates will be provided to the Council at regular intervals.
- 4.2 During this corrective work stream we will of course keep our tenants regularly updated and the support groups that they regularly reach out to for support. In addition we will continue to have structured progress meetings with the RSH, DWP and our external auditor, BF.

Financial Implications

Significant financial modelling has been undertaken in order to reach some of the key decisions being put forward in this report. We have also reflected on current balances and reserves held by the HRA and other legislative requirements that have to be delivered when evaluating how to correct this historic rent setting error.

While the current analysis shows that the majority of those affected have been historically undercharged, there is no intention or ability to recover lost funds. Therefore, the totality of the impact is experienced as a cost to the HRA rather than a rebalancing.

Legal Implications

External KC advice has been secured which has been used to underpin the recommendations made within this report.

Risk Assessment

The precise quantum of this exposure can only be estimated at this current time. Allowing the HRA balance to drop below its minimum agreed balance for a period of time clearly reduces its ability to withstand any unknown economic/legislative/climatic

shocks. Securing and following external legal advice should reduce some of the HRA's risk exposure.

Impact on Climate Change

Depending on the final quantum of this aggregate refund some decarbonisation works may have to be reprioritised. If this was to be the case further reports and decisions would be required.

Equalities Impact Assessment

There are no specific Equality and Diversity implications. However, due to the vulnerability of some of our tenants we will provide additional support to ensure effective engagement with residents and their families.

Relationship to Corporate Plan

Depending on how this issue is rectified it may jeopardise the Council's plans to ensure it delivers new affordable and social homes annually, improving and maintaining the existing stock to the highest standards.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 26/11/24

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 26/11/24

Chief Officer: Stephen Walford

Date: 26/11/24

Cabinet member(s) notified: Yes.

Section 4 - Contact Details and Background Papers

Contact: Andrew Jarrett

Email: ajarrett@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Report for: Cabinet

Date of Meeting:	10 December 2024
Subject:	Updating Election Fees
Cabinet Member:	Cllr Jane Lock, Deputy Leader and Cabinet Member for People & Development
Responsible Officer:	Stephen Walford, Chief Executive (Returning Officer)
Exempt:	N/A
Wards Affected:	All
Enclosures:	None

Section 1 – Summary and Recommendation(s)

Election fees should be reviewed regularly to take into account inflation as well as any changes in legislative responsibility. Locally-originated fees have not been reviewed or updated in over 20 years and this report updates that position.

Recommendation(s):

- 1. That the revised fees for Mid Devon District and Parish elections are approved, as per section 3, to take effect from 1st April 2025.**
- 2. That fees are updated annually from 2026 onwards in line with either the uplift of the previous year’s staff pay award, or by CPI at the prevailing rate the September previously, should the annual pay award be expressed as a flat cash rate rather than as a percentage.**

Section 2 – Report

- 1.0 The Council is required to designate an Electoral Registration Officer and Returning Officer (RO) to run elections on its behalf, which the Council last did in 2022, following the retirement of the previous designated officer. The Council is also required to make sufficient resources available to the RO in order that elections can be run safely and securely. The fees and costs for running and administering specific election events are separate to the duties undertaken by officers in their council roles.

- 1.1 The Returning Officer is personally, not corporately, responsible for the delivery of elections and although they must be an employee of the Council at the time of an election, their responsibility and accountability for the running of an election is totally separate to their local authority duties. A Returning Officer may be held personally liable by the courts for any failure in their duty. Returning Officers must be impartial and ensure that elections are run in accordance with law. A Returning Officer appointed by a District Council will normally act as Returning Officer for each Town and Parish election held within the District Council's area and will undertake the role of Deputy Returning Officer for County Council elections, Acting Returning Officer for Parliamentary elections, Local Returning Officer for the election of a Police and Crime Commissioner, and Counting Officer for national and local referenda. Returning Officers are responsible for delivering fair and open elections that deliver accurate results which are not challenged. In order to run local elections, the Returning Officer needs to directly employ and pay in excess of 500 staff with differing levels of responsibility, and hire a sufficient number of venues to administer any poll effectively.
- 2.0 Election fees are set by the body overseeing them i.e. national election events such as parliamentary or national referenda fees are set by government. County election fees are set by Devon County Council. District and Parish fees are set by MDDC.
- 2.1 Each overseeing authority will typically review the fees ahead of each election cycle in order to take account of inflation since the last review, together with any changes in legislation or responsibility since that time. Central government updated its fees in advance of the 2024 general election and DCC has just updated its fees ahead of the county elections in May 2025. MDDC fees have not been updated for over 20 years.
- 2.2 The Returning Officer pays for polling staff, postage, mileage and venue hire at prevailing rates in order to run elections. These have therefore increased over time, while the core team fees are set in the context of the headline Returning Officer fee as set by the council. This variance over the decades since the fees were last updated has meant that, for the last few local election events, individual polling station staff have been paid more than the team responsible for running, administering and counting at the election. This has led to some understandable concern around when an updated position on fees would be agreed.
- 3.0 As it has not been possible to determine exactly when fees were last reviewed, it has not been possible to simply recommend adjusting the fees by an exact number of years' inflation, although an estimate has been included in table 3.3 for context. As such, attention has been paid to the most recent updates undertaken by neighbouring election areas, particularly those with whom Mid Devon may share a staff bank, since we seek to co-ordinate casual staff pay rates across district boundaries where possible so

that those volunteering for election duties are paid the same across different types of election events, for example.

- 3.1 The two districts that have published updated fee schedules in the last few years are Teignbridge (2022) and East Devon (2023). These adopt two slightly different approaches, with one having a significantly larger minimum/base with smaller weightings for size, and the other having no minimum and doing all calculations based on size of the election event. These alternate approaches reflect the view that a certain amount of work is required irrespective of the size of election event, which might seem to justify a larger minimum amount, versus the view that smaller election events might then become disproportionately more expensive for election events outside the regular cycles i.e. single ward by-elections or unscheduled parish elections. Over the last 20 years MDDC has never included a significant minimum base amount, and it is not recommended that one is incorporated at this time.
- 3.2 The difference between MDDC’s current fees and the most up to date schedule adopted within Devon in 2023, is broadly equivalent to the increase that would have taken place if normal CPI inflation had been applied each year (see below table). Therefore, it is proposed to simply adopt the same fee structure to provide some area-based consistency.

3.3 Table of fees (Schedule 1):

	scale Para 3(1)(a)(i) first 1000 electors	(a)(ii) fee for each 250 over 1000	(a)(iii) fee for each candidate elected after first	3(1)(c) postal votes fee per 100 or part	uncontested election per ward 3(1)(b)
MD rates 2000 (est)	87.95	11.45	30.6	11.45	57.35
Updated with CPI weighting	161.83	21.07	56.30	21.07	105.52
ED 2023 as adopted	165	21	n/a	108	76

Financial Implications

It is known that some parishes hold reserves to cover the cost of running elections in their parish, since they will be able to estimate the cost based on their own population figures. As such, it is proposed that these revised fees do not take effect until next financial year to ensure that any parish election events in the remainder of this financial year are not impacted by the change. The impact on the council’s annual election budget will vary depending on number of unscheduled election events (by-elections) but is estimated to be around £4-5k.

Legal Implications

The running of elections by the Returning Officer is overseen and monitored by the Electoral Commission. There are no legal implications associated with this decision.

Risk Assessment

The main risks are around the safe and secure running and resourcing of election events in the district. An up to date fee structure is considered good practice, and updating one that has not been reviewed in over 20 years is considered essential.

Impact on Climate Change

None.

Equalities Impact Assessment

There are no equalities impacts arising from this decision.

Relationship to Corporate Plan

N/A

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 24/11/24

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 24/11/24

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive

Date: 19/11/24

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 29/11/2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Stephen Walford

Email: swalford@middevon.gov.uk

Telephone: 01884 255255

Report for: Cabinet

Date of Meeting:	10 December 2024
Subject:	Corporate Performance Report
Cabinet Member:	Cllr Luke Taylor, Council Leader
Responsible Officer:	Matthew Page, Corporate Manager for People, Governance & Waste. Dr Steve Carr, Corporate Performance and Improvement Manager.
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1: Performance Dashboards Quarter 1

Section 1 – Summary and Recommendation(s)

To provide Members with an update on performance against the Corporate Plan 2024-28 and service performance measures for quarter 2 (2024/25).

Recommendation(s):

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

Section 2 – Report

1.0 Introduction

- 1.1** The Council's Corporate Plan 2024-28 was adopted in July 2024. It is a strategy that documents, communicates and provides a framework for the delivery of strategic priorities. It provides a shared understanding of what the Council is trying to achieve. This ensures the public are aware of the Council's objectives, and can therefore hold the Council accountable.

- 1.2 The Corporate Plan has five themes: Planning, Environment and Sustainability; Community, People and Equalities; Homes; Economy and Assets; and Service Delivery and Continuous Improvement. Alongside the performance reporting of the Corporate Plan, the council presents performance information on a wide range of service specific and corporate performance indicators, Appendix 1.
- 1.3 The performance reporting is based upon the Performance Dashboards that the Council has now been using since 2023. Corporate Plan indicators are presented in yellow text on the Dashboards.
- 1.4 A [glossary](#) is now provided for the Performance Dashboards on the Council's website. This contains all the measures used as part of the Dashboards and provides a definition for each (finance measures to be completed). The definitions aim to provide a fuller understanding of what is being measured and how.
- 1.5 The Corporate Performance Report is presented to Scrutiny twice per year – the quarter 2 report, and the annual report.

2.0 Performance Analysis

Theme 1: Planning, Environment and Sustainability

- 2.1 A performance indicator in the Corporate Plan is "Carbon emissions avoided (renewables and green transport)". This is an aggregated indicator, made up of two indicators as outlined. Through generating electricity through solar panels, the Council has avoided 259 t CO₂e this financial year so far (April to September 2024). This is ahead of the annual target of 50 t CO₂e. This result is in part a result of improved data collection. Through the use of electric vehicles in its fleet, the Council avoided a further 8.8 t CO₂e (April to September 2024) against an annual target of 10 t CO₂e. This result demonstrates that electric vehicles are becoming embedded and well used as part of our fleet.
- 2.2 As previously reported, two electric car rapid charger points are in place at William Street, Tiverton. There are no additional live charge points in Quarter 2, however preparation has begun for installations in Cullompton and Crediton. This represents good progress against a target of four new charging points in 2024/25.
- 2.3 Householder planning applications determined within 8 weeks is 99% for the year to date (April to September 2024), and minor applications overturned at appeal was 0.4%. Both are comfortably ahead of target.

Theme 2: Community, People and Equalities

- 2.4 There have been 214 complaints this financial year (April 2024 to September 2024), 95% have been responded to within the target timescales.
- 2.5 Homes made safe under the Housing Assistance Policy is 56 for the financial year to date (April to September 2024), ahead of the annual target (60 for 2024/25).
- 2.6 There were seven new subscribers to the Let's Talk Mid Devon platform in Quarter 1 and 2 (Target for 2024/25 is 400). The annual Residents' Survey was launched on the platform on 30 October 2024. This will encourage users to sign up and register to the site. There are ongoing discussions with services to ensure it is the best platform for their needs and this work will feed into future planning around the platform.
- 2.7 The Council continues to engage with towns and parishes on the potential benefits of a Community Emergency Plan. A Plan for Bradninch was completed in Quarter 2, and meetings are planned for November to update Tiverton Town Council's Plan.
- 2.8 The Corporate Plan has a new performance indicator, "Support the VCSE sector by securing additional external funding." Data for financial year to date indicates that £182k has been secured. In addition there is an outstanding grant funding application the Council has supported, but the outcome has not yet been announced.

Theme 3: Homes

- 2.9 Applicants on the Devon Home Choice waiting list (Band A-C) is a new performance indicator as part of the Corporate Plan 2024-28. At the end of Q2 there were 514 households on the waiting list (Band A-C). This represents an increase from 470 in Quarter 1.
- 2.10 Support was provided to 100% of those experiencing homelessness in the financial year to date (April to September 2024).
- 2.11 44 homes have become part of Mid Devon Housing in the financial year to date. Performance is behind target (100 homes for 2024/25). In the same reporting period, no net zero (modern methods of construction) homes were added to the housing portfolio. However, overall housing delivery is strong and several schemes are about to become part of the housing stock. Shapland Place, Tiverton is now complete, but this will show in Quarter 3. Crofts Lapford is projected to be complete ahead of schedule by Christmas so will also show in Quarter 3.

Theme 4: Economy and Assets

- 2.12 The number of regular traders at the Pannier market was 84% in Quarter 2 2024/25, Table 1. Overall performance for the financial year is 86%, and remains ahead of target, 85%.

Table 1: Regular Traders at the Tiverton Pannier market, 2023/24 to present

Financial Year	Quarter	Regular Traders
2023/24	1	89 %
	2	85 %
	3	88 %
	4	81 %
2024/25	1	87 %
	2	84 %

- 2.13 The number of regular traders at the Pannier market can also be considered by trading day. For Quarter 2 2024/25, the occupancy rate was: Tuesday (79%); Friday (87%); and Saturday (87%).
- 2.14 Businesses supported (non-financial support) was 146 in the financial year to date. This is ahead of target, 250 for 2023/24.
- 2.15 The Council has commercial and retail properties available for lease in Tiverton, Cullompton, and also leases space at the Council HQ, Phoenix House. 1.7% of the available commercial leases were vacant at the end of Quarter 2 2024/25, performing ahead of target (5%).
- 2.16 The Corporate Plan has two new performance indicators related to supporting events in our town centres and supporting tourism events. At the end of quarter 2, the Council had arranged support for 60 events to support our town centres, and three tourism events. Both performance indicators are performing ahead of target for 2024/25.

Theme 5: Service Delivery and Continuous Improvement

- 2.17 Levels of residual household waste collected performed slightly ahead of target for the financial year to date (April to September 2024), with 149.2 kg collected per household against a target of 150 kg. Performance continues to improve year on year, Figure 1.

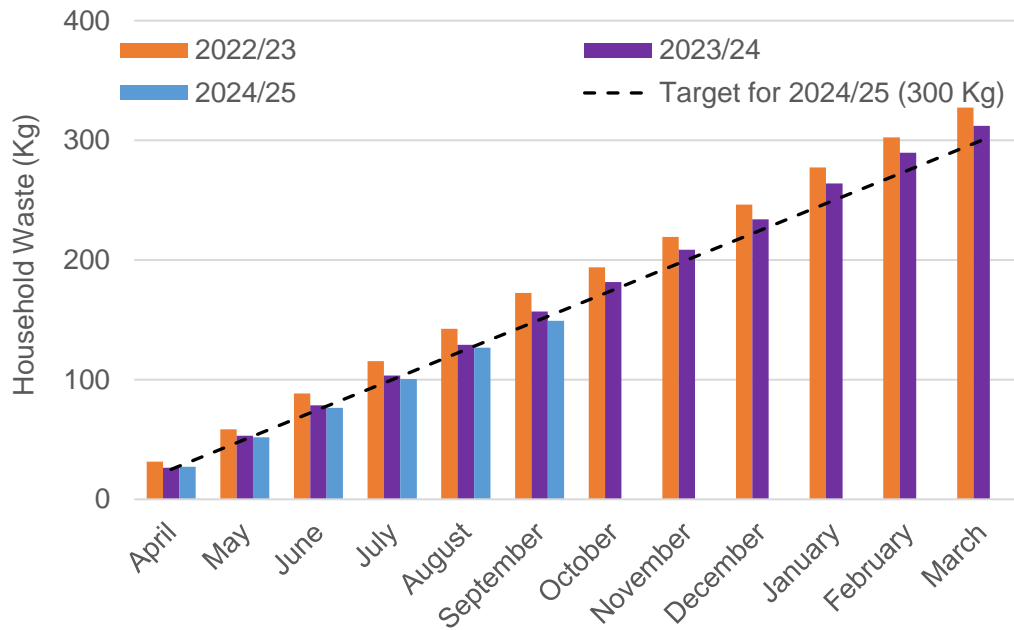


Figure 1: Residual Waste per Household (Kg), 2022/23 to present.

- 2.18 Household waste recycled in the financial year to date is 59.8% and is above target (58.5%).
- 2.19 The total proportion of missed bin collections in the financial year to date is 0.03%, against a target of 0.03%.
- 2.20 Staff turnover at the Council for the financial year to date is 9.7%, Figure 2. Performance is behind target (8.5%).

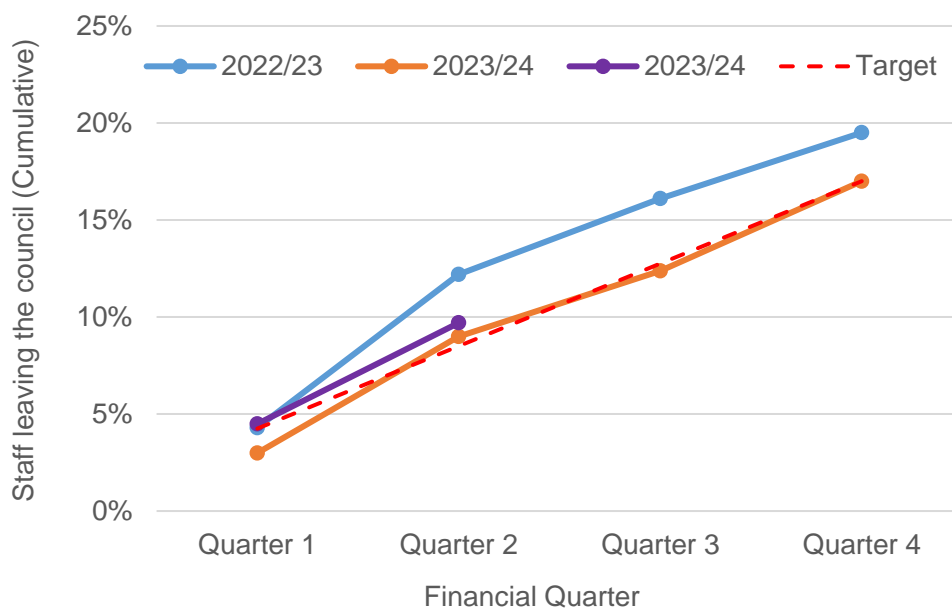


Figure 2: Staff turnover per financial quarter (Cumulative year to date), 2022/23 to present.

- 2.21 Leisure cost per visit is a new performance measure. Performance is estimated at £1.28 per visit (April to September 2024). This performance metric can only be accurately calculated and assessed at the end of the financial year, therefore no assessment on performance will be given until the annual report. It is expected that current performance is better than the current estimate which is unable to capture fluctuations in income.
- 2.22 Council Tax collected in the financial year to date is 54.85%, slightly lower than last year (55.08%) and behind target (55.44%).
- 2.23 National Non Domestic Rate (NNDR) collected thus far is 57.42% (Quarter 2, 2024/25), compared to 56.18% for Quarter 2 2023/24.
- 2.24 There is a new performance measure entitled "Public survey engagement rate". Data for Quarter 2 shows an engagement rate of 8.2%, behind the target of 15%. This survey is now being run against the small number of new processes on the CRM system, and only since August 2024. Once the monitoring has been proven it will be added to each process as it goes live and then cascaded to other services that are not processed through the CRM.

Corporate Indicators

- 2.25 Staff sickness absence is 3.98 days per FTE for April to September 2024 against a performance target of 4.25 days. Sickness absence in the previous financial year was 4.89 days at the end of Quarter 2.
- 2.26 Council tax paid by direct debit is currently at 77% (target of 80%), and Non-domestic rates paid by direct debit is 50% (target of 50%).

Financial Implications

There are no direct financial implications arising from this report. However, if performance is not at the expected or desired level then resources may need to be reviewed or redirected to improve performance. Policy Development Groups, Planning committee and Cabinet receive Performance Dashboards quarterly. These Dashboards present performance, finance, and risk information together to enable simultaneous consideration of these related aspects.

Legal Implications

There are no direct legal implications arising from this report. However, if the performance of some indicators is not at required levels, there is a risk of legal challenge. Performance management helps the council meet its duties in relation to Value for Money.

Risk Assessment

If performance is not managed we may not meet our corporate and local service plan targets or take appropriate corrective action. Equally risks may arise which impact the council's ability to deliver its corporate priorities. Corporate Risks are identified through the council's Corporate Risk Register and these represent the strategic risks most likely to impact on the council achieving its corporate priorities.

Impact on Climate Change

The Corporate Plan has numerous aims and objectives that relate to climate change. Given this, several performance indicators reflect our corporate ambition to reduce carbon emissions. Managing the performance of these can help evaluate the impact of Council interventions as well as guide future decisions on spend and investment.

Equalities Impact Assessment

The council has a duty to understand its residents, user groups and customers. Customer feedback (e.g. complaints) can help the council identify any groups of people who may potentially be experiencing a less satisfactory level of service. When reviewing performance and making recommendations on priorities, the Council should be mindful to consider how services might impact on different sections of the community. The council has reviewed and implemented a revised approach to undertaking Equality Impact Assessments.

Relationship to Corporate Plan

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

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 24/11/24

Statutory Officer: Maria De Lieburne

Agreed on behalf of the Monitoring Officer

Date: 24/11/24

Chief Officer:

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

Date:

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 14 November 2024

Cabinet member notified: Yes

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (No)

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (No)

Section 4 - Contact Details and Background Papers

Contact: Dr Steve Carr, Corporate Performance & Improvement Manager

Email: scarr@middevon.gov.uk

Telephone: 3CX Extension: 4217

Background papers: Corporate Plan 2024-28

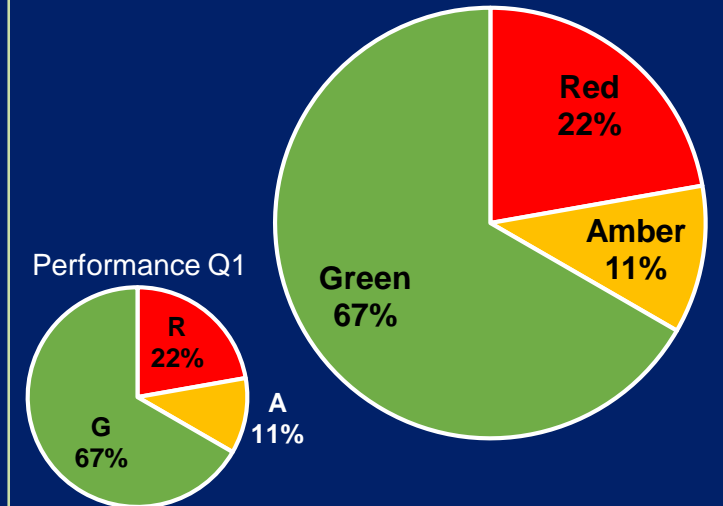
Planning, Environment & Sustainability PDG Performance Dashboard – Quarter 2 2024/25

Performance Measures	Performance	Annual Target	RAG
Own fleet CO2e avoided (YTD)	8.8 t CO ₂ e	10 t CO ₂ e	G
Solar panel performance – corporate estate (YTD)	259 t CO ₂ e	50 t CO ₂ e	G
Electric car charger points installed across MDDC sites (YTD)	2	4	G
Householder planning applications determined within 8 weeks (YTD)	99 %	70%	G
Minor applications overturned at appeal (YTD)	0.4 %	10%	G

Performance Measures	Performance	Annual Target	RAG
PE&S PDG – Projected Outturn	£893k	£1,067k	G
PE&S PDG – Projected Capital Outturn	£80k	£1,132k	R
PE&S PDG – Capital Slippage % of projects (Current)	83%	0%	R
Building Control Income (YTD)	(£106k)	(£221k)	A

Corporate Risk	Risk Rating (Trajectory)
Failure to meet Climate Change Commitments by 2030	15 (No change)

Overall Performance Q2



In Focus

EV charging point: A new charging point has been installed at William Street car park in Tiverton. The Council now hosts 18 public charge points.

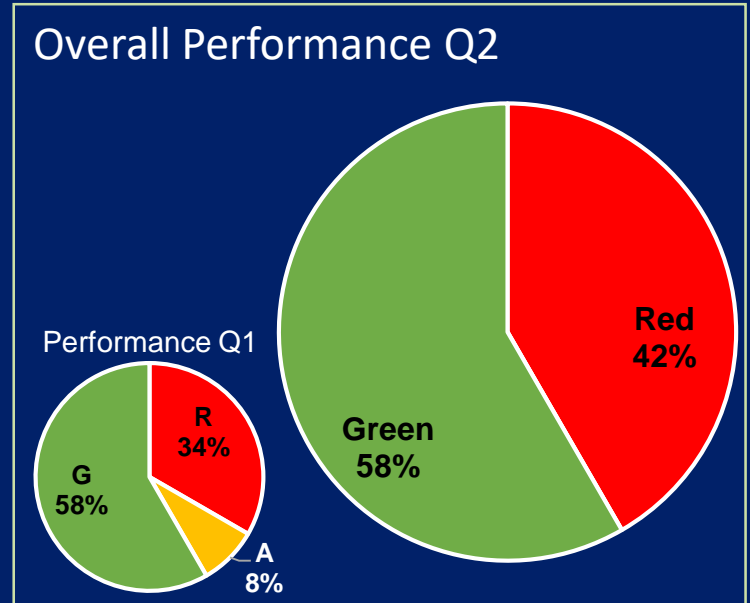
National Planning Policy Framework: A report was produced for Scrutiny committee (25 November 2024) on the impact of the Government's proposed changes to national planning policy on the Council's priorities and preparation of a new Local Plan.

Community, People & Equalities PDG Performance Dashboard – Quarter 2 2024/25

Performance Measures	Performance	Annual Target	RAG
Homes made safe under the Housing Assistance Policy (YTD)	56	60	G
Complaints resolved within target timescales (YTD)	95 %	85 %	G
New Subscribers to Let's Talk Mid Devon (YTD)	7	400	R
Support towns and parishes to develop their Community Emergency Plans (YTD)	3	4	G
Support VCSE sector by securing external funding (YTD)	£182,012	£200,000	G
Licenced vehicle inspections (YTD)	9	40	R
Food Service - Total Inspections completed (Current QTR)	70.2 %	100 %	R
Private water supply sampling (YTD)	38	120	R
Environmental protection service requests (Average YTD)	96.5 %	95 %	G
Engagement rate on Let's Talk Mid Devon (Current)	3.9 %	16.0 %	R

Finance Measures	Performance	Annual Target	RAG
CP&E PDG – Projected Outturn	£1,167k	£1,197k	G
CP&E PDG – Capital Slippage % of projects (Current)	0%	0 %	G
Council Tax Reduction Scheme (YTD)	£9,784,379.01	N/A	

Corporate Risk	Risk Rating (Trajectory)
Severe Weather Emergency Recovery	12 (Increasing)



In Focus

The “food safety inspections” performance indicator has been replaced with the more meaningful “Food Service – Total Inspections completed.” Inspections are prioritised based on risk. The breakdown for Quarter 1 and 2 is:

	Q1	Q2
Band A	100%	100%
Band B	100%	100%
Band C	100%	100%
Band D	74%	50%
Band E	2%	1%

[Residents' survey](#) is live 30 Oct to 11 December.

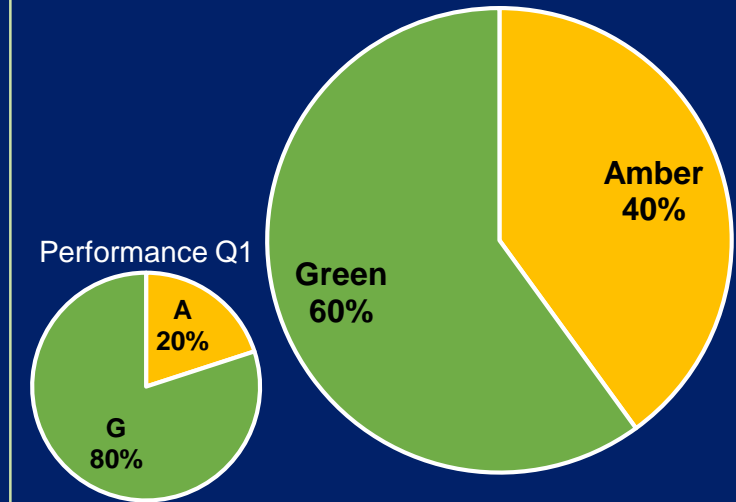
Homes PDG Performance Dashboard (General Fund) – Quarter 2 2024/25

Performance Measures	Performance	Annual Target	RAG
Providing support to those experiencing homelessness	100 %	100 %	G
Applicants on the Devon Home Choice waiting list (Band A-C)	514	N/A	
Households in Hotels (Current)	16	N/A	
Households placed in interim or temporary accommodation this quarter	78	TBC	
Home Improvement Loans sanctioned (YTD)	8	10	G
Private rented sector improvements (YTD)	6	10	G
Private sector housing service requests response rate (Av. YTD)	94.5 %	95 %	A
Unoccupied and unfurnished empty homes (Current)	437	N/A	

Finance Measures	Performance	Annual Target	RAG
Homes PDG – Projected Outturn	£415k	£402k	A
Spend on external interim and temporary accommodation (Q2)	£74,948	N/A	

Corporate Risk	Risk Rating (Trajectory)
Homes for Ukraine Scheme	4 (No change)

Overall Performance Q2



In Focus

Support has been provided to all those presenting to the Council as homeless. This is 618 households in the financial year to date, higher than at the same point in 2023/24 (423 households).

The risks associated with the Homes for Ukraine scheme have been well managed and all actions are completed. New actions are currently being developed based on any residual risks.

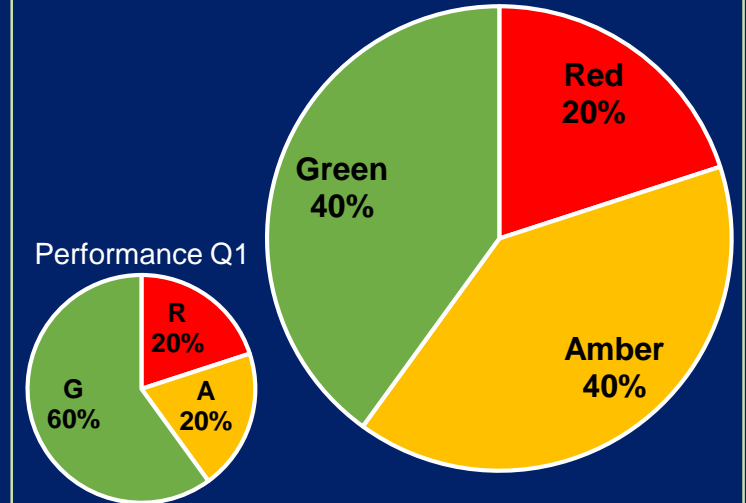
Homes PDG Performance Dashboard (HRA) – Quarter 2 2024/25

Performance Measures	Performance	Annual Target	RAG
MDH Satisfaction that the home is safe (TSM – TP05)	n/a	70 %	
MDH Delivery of new Social Housing (YTD)	44	100	R
New MDH net-zero MMC properties (YTD)	0	50	R
Tenant satisfaction with the overall repairs service (TSM – TP02)	n/a	70 %	
Market delivery of new affordable homes (YTD)	n/a	94	
MDH Overall tenant satisfaction (TSM - TP01)	n/a	TBD	
MDH Complaints responded to within Complaints Handling Code timescales (TSM-CH02; Average YTD)	97.5 %	100 %	A
MDH Antisocial behaviour cases relative to the size of the landlord (TSM – NM01; YTD)	5.76	TBD	
MDH Housing stock occupancy rate (YTD)	96.8 %	97 %	A
MDH Routine repairs completed on time (Average YTD)	99 %	95 %	G
MDH specific tenant engagement events (YTD)	63	100	G

Finance Measures	Performance	Annual Target	RAG
HRA – Projected Outturn	(£315k)	£0	G
HRA – Projected Tenant Income (Outturn)	(£14,641k)	(£14,641k)	G
HRA – Projected Capital Outturn	£10,244k	£15,447k	A
HRA – Capital Slippage % of development projects (Current)	22%	0 %	A

Corporate Risk	Risk Rating (Trajectory)
Housing Crisis	12 (No change)

Overall Performance Q2



In Focus

100% of housing complaints were responded to within the relevant timescales during Q2.

Housing stock occupancy rate has dipped below the target of 97%. A detailed report was presented to Scrutiny committee on 28 October. There are currently a number of long term development voids awaiting demolition and redevelopment.

The Housing crisis risk is likely to be positively impacted by the Government budget announcements. Time is needed to fully understand the impact on this risk.

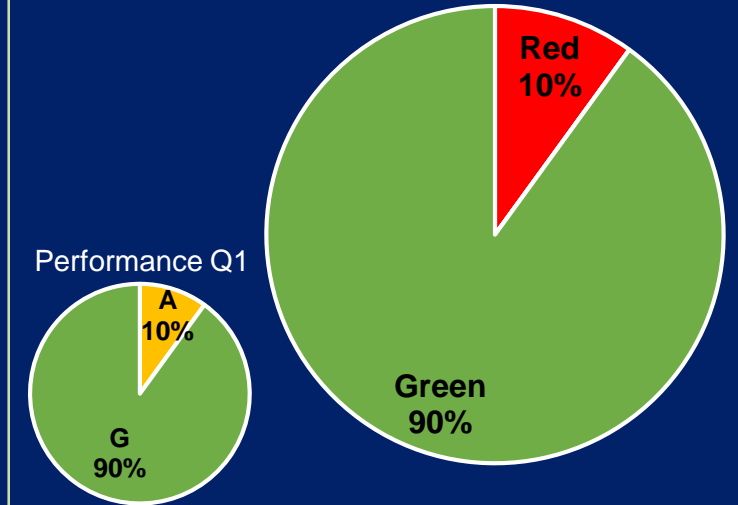
Economy & Assets PDG Performance Dashboard – Quarter 2 2024/25

Performance Measures	Performance	Annual Target	Rating
Pannier market occupancy rate (Average YTD)	86 %	85%	G
Businesses supported – non financial support (YTD)	146	250	G
Commercial property voids (YTD)	1.7 %	5%	G
Events supported in our town centres (YTD)	60	6	G
Tourism events supported (YTD)	3	2	G
Business rateable value (Current)	£54,552,102	N/A	
Empty business properties (Current)	224	N/A	
Funding secured to support economic projects (YTD)	£1,318,995	£400,000	G

Finance Measures	Performance	Annual Target	Rating
E&A PDG – Projected Outturn	£1,516k	£1,631k	G
Car Parking Income – Projected Outturn	(£1,102k)	(£1,102k)	G
Pannier Market Income – Projected Outturn	(£108k)	(£108k)	G
E&A PDG – Capital Slippage % of projects (Current)	26%	0%	R

Corporate Risk	Risk Rating (Trajectory)
Culm Garden Village – Loss of capacity funding	12 (Decreasing)
Culm Garden Village – Project delays/ impacts due to infrastructure delays	15 (Decreasing)
Cullompton Town Centre Relief Road	15 (Decreasing)

Overall Performance Q2



In Focus

Tiverton Swan Trail: Launched during Easter 2024, this public art initiative celebrates Tiverton's heritage and creativity. The trail finished on the 3rd November and the Swan Trail Auction was hosted on 7th November.

Jobs fair: This was held at Tiverton Pannier market on 23 October 2024.

Cullompton Town Centre Relief Road: Tesco has confirmed its willingness to sell a key piece of land required to deliver the relief road.

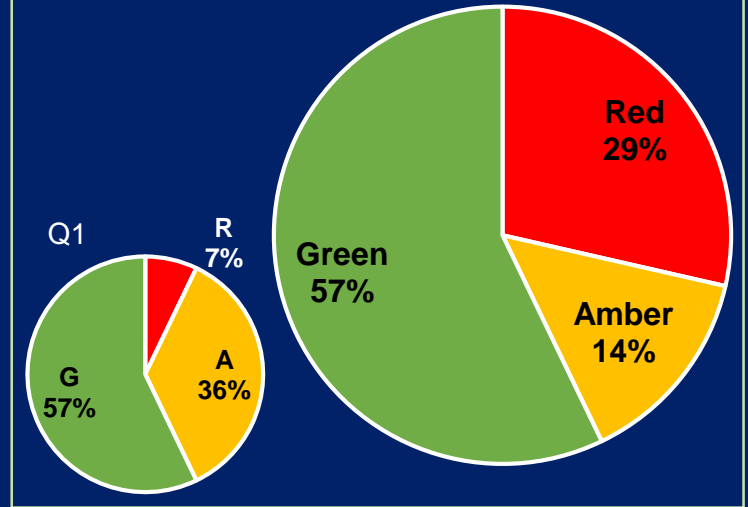
Service Delivery and Continuous Improvement PDG Performance Dashboard – Quarter 2 2024/25

Performance Measures	Performance	Annual Target	RAG
Household waste collected per household (YTD)	149.2 kg	300 Kg	G
Household recycling rate (Average YTD)	59.8 %	58.5 %	G
All council complaints resolved within timescales (Average YTD)	95 %	85 %	G
Staff turnover (YTD)	9.7 %	17.0 %	R
Missed Bin Collections - All (YTD)	0.03 %	0.03 %	G
Leisure cost per visit (YTD)	Est. £1.28	£1.12	
National non-domestic rates collection rate (YTD)	57.4 %	98 %	G
Council Tax collection rate (YTD)	54.85 %	97.5 %	A
Public survey engagement rate (YTD)	8.2 %	15.0 %	R
Households on chargeable garden waste (Current)	12,257	12,200	G

Finance Measures	Performance	Annual Target	RAG
SD&CI PDG Projected Outturn	£4,814k	£5,447k	G
Income received from recycled material (YTD)	(£308k)	(£437k)	G
Agency Spend 'v' Budget (SD&CI; YTD)	£88k	£110k	R
SD&CI PDG – Projected Capital Outturn	£3,472k	£4,111k	A
SD&CI PDG – Capital Slippage % of projects (Current)	27%	0%	R

Corporate Risk	Risk Rating (Trajectory)
Operation of a Waste Management Service	8 (No change)

Overall Performance Q2



In Focus

Leisure Summer Family Membership: This promotion provided families the opportunity to enjoy six weeks of access to leisure facilities for £50. 145 families took up the membership. A key driver of the scheme was to make fitness more accessible to low-income families.

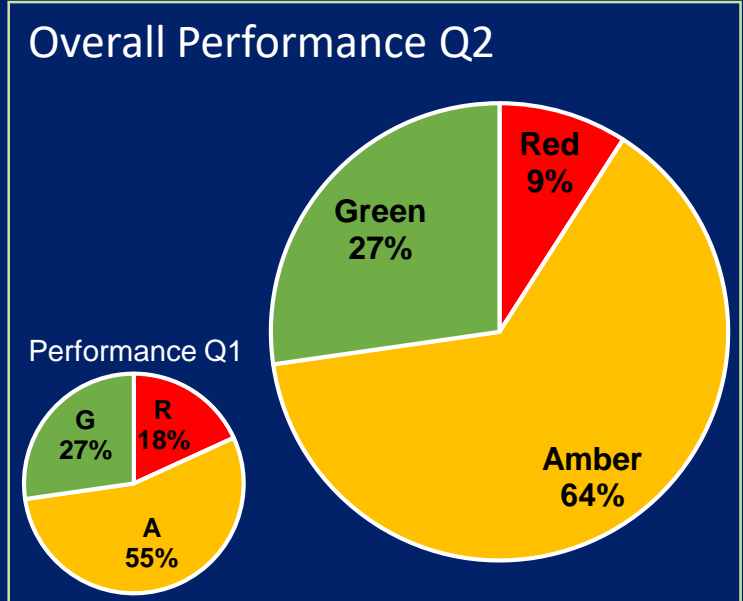
Annual Customer Feedback Report: The annual report on compliments, comments and complaints was reported to Scrutiny committee on 25 November 2024.

Corporate Performance Dashboard - Quarter 2 2024/25

Performance Measures	Performance	Annual Target	RAG
Sickness absence (working days lost YTD)	3.98 %	8.5 days	G
Number of projected FTE filled (Average YTD)	89.8 %	90.0 %	A
Council Tax paid by Direct Debit (Current)	77 %	80 %	A
Non-domestic rates paid by Direct Debit (Current)	50 %	50 %	G
Cyber security awareness training uptake (Current)	89 %	90 %	A

Finance Measures	Performance	Annual Target	RAG
Cabinet Services – Projected Outturn	£6,364k	£6,071k	A
No of Procurement Waivers required (QTR)	5	0	A
Treasury Income – £ return (YTD)	(£475k)	(£1,058,774)	A
Invoices Paid on time (YTD)	99.66%	98.0 %	G
Sundry Debt recovery rate (YTD)	86.9 %	95.0%	A
Agency Spend 'v' Budget	£79k	£0	R

Corporate Risk	Risk Rating (Trajectory)	Corporate Risk	Risk Rating (Trajectory)
Cyber Security	20 (No change)	Corporate Property Fire Safety	9 (No change)
Information Security	12 (No change)	3 Rivers - Delivery of closedown plan	3 (No change)
Workforce Shortage	6 (Decreasing)	Reputational Impact of 3 Rivers	3 (No change)
Financial Sustainability	16 (No change)		
Cost of Living Crisis	16 (No change)		



In Focus

Household Support Fund: This Fund is now open. The Council has been given funding from the UK Government to help support those who are struggling to afford food and energy bills this autumn/winter. When our allocated fund has been spent the scheme will close.

This fund will run from the 28th October 2024 to the 31st March 2025 or earlier if the funds run out.

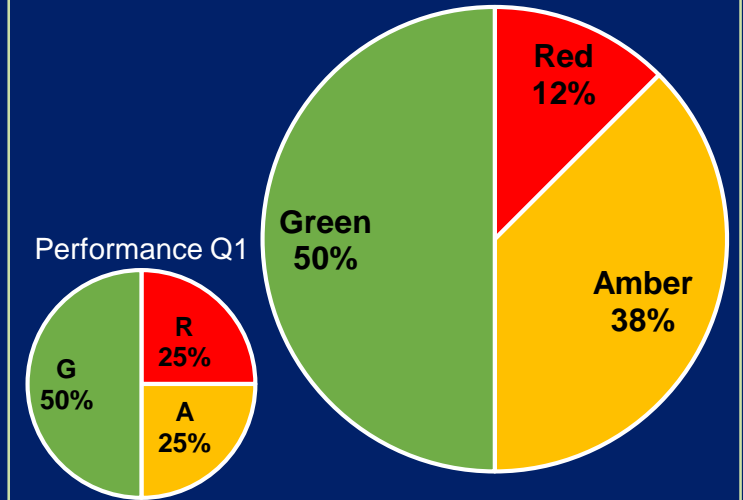
Planning Dashboard – Quarter 2 2024/25

Performance Measures	Performance	Annual Target	RAG
Major applications overturned at appeal (YTD)	0.6 %	10 %	G
Minor applications overturned at appeal (YTD)	0.4 %	10 %	G
Major Planning applications determined within 26 weeks (YTD)	92 %	100 %	A
Minor and other planning applications determined within 16 weeks (YTD)	91 %	100 %	A
Householder planning applications determined within 8 weeks (YTD)	99 %	70 %	G
Planning applications over 13 weeks without a decision (YTD)	60	N/A	
Planning Enforcement: Total Open Cases (Current)	338	N/A	
Planning Enforcement: New Cases received in quarter	67	N/A	
Planning Enforcement: Cases Closed in quarter	101	N/A	

Finance Measures	Performance	Annual Target	RAG
Cost of Planning Appeals (YTD)	£0	£0	G
Planning fees income – Statutory (YTD)	(£451k)	(£908k)	A
Planning fees income – Discretionary (YTD)	(£70k)	(£175k)	R
S106 income (YTD)	(£150k)	N/A	
S106 spend (YTD)	£69k	N/A	

Corporate Risk	Risk Rating (Trajectory)
Quality of Planning Committee Decisions	9 (no change)
Building Control Service Viability	12 (Increasing)

Overall Performance Q2



In Focus

Minor and other planning applications determined within 16 weeks is a new addition to the Dashboard.

Major Planning Applications determined within 26 weeks: Over the past two years 8% of major decisions were issued outside of the agreed time limit. Of these six decisions, five had secured an EoT (so preventing fee repayment) however the EoT was not updated to reflect the eventual date of issue.

Report for: Cabinet

Date of Meeting:	10 December 2024
Subject:	Corporate Risk Report
Cabinet Member:	Cllr Luke Taylor, Council Leader
Responsible Officer:	Steve Carr, Corporate Performance and Improvement Manager. Matthew Page, Corporate Manager for People, Performance & Waste.
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1: Corporate Risk Matrix Appendix 2: Corporate Risk Register

Section 1 – Summary and Recommendation(s)

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

Recommendation(s):

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

Section 2 – Report

1.0 Introduction

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

These risks have been determined by the Council's Leadership Team in consultation with Corporate Managers and other council officers.

2.0 Summary of Corporate Risk

2.1 There are currently 18 risks on the CRR. Risks are presented with both their current and target risk ratings. Also included is a trend symbol indicating any change to the risk rating since the previous review.

Risk Name		Risk Owner	Risk Rating		
			Current	Trend	Target
CR1a	Culm Garden Village – Loss of capacity funding	Adrian Welsh	12	↓	9
CR1b	Culm Garden Village – Delay/ impact to project arising from infrastructure delays	Adrian Welsh	15	↓	15
CR2	Cyber Security	Brian Trebilcock	20	↔	15
CR3	Failure to meet Climate Change Commitments by 2030	Paul Deal	15	↔	9
CR4	Homes for Ukraine Scheme	Simon Newcombe	4	↔	9
CR5	Information Security	Lisa Lewis	12	↔	8
CR7	Financial Sustainability	Paul Deal	16	↔	12
CR8	Quality of Planning Committee Decisions	Angharad Williams	9	↔	3
CR9	3 Rivers – Delivery of closedown plan	Paul Deal	3	↔	2
CR9a	Reputational Impact of 3 Rivers	Stephen Walford	3	↔	2
CR10	Cullompton Town Centre Relief Road	Adrian Welsh	15	↓	15
CR11	Cost of Living Crisis	Dean Emery	16	↔	16
CR12	Housing Crisis	Simon Newcombe	12	↔	9
CR13	Operation of a Waste Management Service	Matthew Page	8	↔	8
CR14	Workforce Shortage	Matthew Page	6	↓	4
CR15	Corporate Property Fire Safety	Stephen Walford	9	↔	6
CR16	Building Control Service viability	Andrew Howard	12	↑	2
CR17	Severe Weather Emergency Recovery	Simon Newcombe	12	↑	9

Risk rating change since previous update:

↑ Increased

↔ No change

↓ Decreased

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

- Risk name
- Risk description
- Current risk severity and likelihood
- Current risk rating
- Risk Owner

- Risk Type
- Mitigating actions (including name, description, responsible officer, current effectiveness and when it was reviewed)
- Notes.

2.3 Since this report was last published in August 2024, the following significant changes have been made to the CRR:

- The risk ratings of CR1a; CR1b; and CR10 have all decreased. This reflects developments in relation to: Funding secured for provision of the Relief Road from Homes England and associated capacity funding; significant progress with regard to land assembly; and the Outline Business Case for M5 Junction 28 improvements being submitted.
- The risk rating of CR14 Workforce Shortage has decreased from 9 to 6. This reflects an decrease in risk likelihood (3 to 2) as a result of the concluded pay talks.
- The risk rating of CR16 Building Control service viability has increased from 9 to 12. This reflects workforce challenges in the service.
- The risk rating of CR17 Severe Weather Emergency Recovery has increased from 8 to 12. This relates to the intrinsic likelihood of the risk being higher during autumn/ winter.

Financial Implications

There are no direct financial implications arising from this report. However, risks which are not mitigated may have financial implications for the council. Equally, the treatment of risk may require resources to be (re)allocated. Having a robust approach to risk management will continue to help the council minimise future financial risks and implications. A number of the corporate risks being managed contain financial risk, such as CR7 Financial Sustainability.

Legal Implications

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

Risk Assessment

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

Impact on Climate Change

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

Equalities Impact Assessment

Having a council which is resilient to risk means that it is better positioned to support its communities. A number of corporate risks which relate to equalities are detailed on the Corporate Risk Register. This includes CR4 Homes for Ukraine; CR11 Cost of Living Crisis; and CR12 Housing Crisis. Actions to mitigate these risks will support the council meet its equality duties.

Relationship to Corporate Plan

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

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 19 November 2024

Statutory Officer: Maria De Leburne
Agreed on behalf of the Monitoring Officer
Date: 19 November 2024

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 19 November 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 08 November 2024


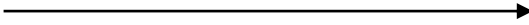
Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Steve Carr, Corporate Performance and Improvement Manager
Email: scarr@middevon.gov.uk
Telephone: 3CX: 4217

Background papers:

Appendix 1: Corporate Risk Matrix

 Risk Severity	5	5	10	15 CR1b; CR10	20 CR2	25
	4	4	8 CR13	12 CR1a; CR5; CR12; CR17	16 CR7; CR11	20
	3	3 CR9	6 CR14	9 CR8; CR15;	12 CR16	15 CR3
	2	2	4 CR4	6	8	10
	1	1	2	3 CR9a	4	5
	1	2	3	4	5	
	Risk Likelihood 					

Appendix 2: Corporate Risk Register

CR1a	Culm Garden Village – Loss of capacity funding	Current Severity: 4	Current Likelihood: 3	Current Risk Rating: 12
Risk Description: Possible discontinuance of Government funding support for Culm Garden Village activities, thereby affecting Mid Devon District Council Culm Garden Village team capacity and leadership function, resulting in project/programme slippage.				
Risk Owner: Adrian Welsh		Latest Review: 06/11/2024		Risk Type: Economic/ Financial
Mitigating Actions			Responsible Officer	Current Effectiveness
CR1a.1	Funding opportunities: Lobby for further rounds of Homes England garden communities capacity funding	Adrian Welsh		Satisfactory
CR1a.2	Identify alternative opportunities to secure funding to support the project – including from landowners/ developers involved in the Culm Garden Village project.	Adrian Welsh		Satisfactory
Notes: Current severity reduced from 5 to 4; Current likelihood reduced from 5 to 3 in November 2024. Overall risk rating reduced from 25 to 12. This risk relates to the funding sources in place for the Culm Garden Village, rather than the overall delivery of the Culm Garden Village project. The risk position has improved following recent developments in relation to funding of the relief road, associated capacity funding, and through the progression of alternative forms of funding. The risk rating remains higher than the target as longer term funding remains uncertain.				
CR1b	Culm Garden Village – Delay/ impact to project arising from infrastructure delays	Current Severity: 5	Current Likelihood: 3	Current Risk Rating: 15
Risk Description: Lack of Government funding for enabling infrastructure – Cullompton Town Centre Relief Road/ Junction 28/ Cullompton station re-opening – resulting in delays to scheme progression and housing delivery.				
Risk Owner: Adrian Welsh		Latest Review: 30/10/2024		Risk Type: Economic/ Financial
Mitigating Actions			Responsible Officer	Current Effectiveness
CR1b.1	Cullompton Town Centre Relief Road: Funding opportunities - Continue to work with Homes England and others to seek opportunities for funding. See mitigating actions in CR10.	Adrian Welsh		Completed
CR1b.2	Junction 28, M5: Continue to work closely with Devon County Council on Strategic Outline Business Case with the aim of securing funding to upgrade Junction 28 – Devon County Council to submit bid to Government in March/ April 2024 following Devon County Council Cabinet approval.	Adrian Welsh		Satisfactory

CR 1b.3	Cullompton station re-opening: Continue to work closely with Network Rail to ensure the timely submission of the Final Business Case to Government.	Adrian Welsh	Satisfactory
<p>Notes: Risk likelihood decreased from 4 to 3 in October 2024. Overall risk rating decreased from 20 to 15. CR1b.1 marked as complete in October 2024. Funding now secured for provision of the Relief Road from Homes England. Significant progress with regard also to land assembly. The Outline Business Case for M5 Junction 28 improvements has been submitted to Department for Transport and awaiting a decision. A Final Business Case was submitted to Department for Transport Rail earlier in the year for the Cullompton Railway Station. This project is subject to the Government's review of national transport schemes.</p>			

CR2	Cyber Security	Current Severity: 5	Current Likelihood: 4	Current Risk Rating:20
<p>Risk Description: Inadequate Cyber Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. If the Council fails to have an effective ICT security strategy in place. Risk of monetary penalties and fines, and legal action by affected parties.</p>				
Risk Owner: Brian Trebilcock		Latest Review: 10/10/2024		Risk Type: Data Protection/Information Security
Mitigating Actions			Responsible Officer	Current Effectiveness
CR2.5	Regular Vulnerability scans on network devices: ICT use 'Nessus' vulnerability scanner to access and detect vulnerabilities on all network devices. Mitigation is then completed to remove or reduce the risk due to the vulnerability. Although this has only been added now as an action, it has been running for a number of years.		Brian Trebilcock	Satisfactory
CR2.6	Active Directory review: The current Active Directory (AD) (the address book for all users in MDDC to use computers) has been around for over 20 years. it has been managed, updated by ICT Staff and has a lot of clutter. A project is underway to review the configuration of AD to simplify the hierarchy and review the policies applied to the users, PCs and server on the MDDC Network. It will also provide a mean to fully incorporate the Microsoft and NCSC security baselines, to ensure full compliance and improve security.		Brian Trebilcock	Satisfactory
<p>Notes: Continued improvement work continues within the ICT department. Approval has been given to recruit an additional staff member which will provide some resilience to the 3rd line support, Infrastructure and security team.</p>				

CR3	Failure to meet Climate Change Commitments by 2030	Current Severity: 3	Current Likelihood: 5	Current Risk Rating: 15
Risk Description: Due to a variety of factors, there is a risk that the Council will not meet its goal of becoming carbon neutral by 2030. There is also a risk that the Council will not achieve district-wide progress to meet obligations under the Climate Act 2008 for climate adaptation (resilience) and mitigation (emission reductions).				
Risk Owner: Paul Deal		Latest Review: 21/10/2024		Risk Type: Environmental
Mitigating Actions			Responsible Officer	Current Effectiveness
CR3.1	Policy and Strategy: Policy and strategy relevant to the climate emergency includes: <ul style="list-style-type: none"> • Corporate Plan 2020-2024 sets a number of relevant aims; • Climate Strategy and Handbook 2020-2024; • Housing Strategy 2021-2025; • Procurement Strategy (March 2023); • Cabinet adopted a new Climate Emergency planning policy statement (March 2023); • Local Plan 2013-2033 review; Plan Mid Devon sets the Climate Emergency as the top overarching priority for the next Local Plan. 	Jason Ball	Satisfactory	
CR3.2	Oversight and decision-making: To embed a consistent approach to committee reports, project reports and decision-making, considering the potential climate impacts and opportunities and adaptation needs linked to the climate crisis.	Jason Ball	Action Required	
<p>Notes:</p> <p>Corporate: Overall the Council's carbon footprint has decreased since the 2018-2019 baseline. The annual carbon footprint report is published online https://sustainablemiddevon.org.uk/our-plan/ along with highlights of the most recent action to respond to the climate emergency.</p> <p>Progress has been made with key components of the corporate carbon footprint (aspects under direct control). All Council facilities have now switched to a renewable electricity tariff. Capital investment to decarbonise the Crediton and Tiverton leisure centres has been achieved and the Council has invested to improve energy efficiency at its facilities. A small proportion of the fleet - 10 vans have been replaced by EV (Electric Vehicles).</p> <p>The Council now has guidance on climate and sustainability statements (for project management and committee reports) to cultivate consistent, meaningful assessments of impacts and related actions to address them. (Action CR3.2.)</p> <p>Community: Relevant Council activities in partnership with, and in support, of communities include engagement projects, efforts to boost green transport (active travel and EV), planning policies and Local Plan review (climate change being the overarching priority), development</p>				

masterplanning, taxi licensing policy to encourage cleaner vehicles, public health initiatives (e.g. private sector housing) and emergency/resilience planning.

CR4	Homes for Ukraine Scheme	Current Severity: 2	Current Likelihood: 2	Current Risk Rating: 4
Risk Description: There is a risk of the 'Homes for Ukraine scheme' failing should the host relationship breakdown and re-matching is not an option. Where refugees cannot afford to pay for private accommodation the Council has a Homelessness Duty.				
Risk Owner: Simon Newcombe		Latest Review: 28/10/2024		Risk Type: Social
Mitigating Actions			Responsible Officer	Current Effectiveness
CR4.1	Collaboration: Continue to engage with DLUHC, LGA and DCN on scheme roll out, pressures and risks/updated national guidance etc. Reviewing a Devon-wide exit strategy around pending housing/accommodation pressures once hostings end – joint solutions (work in progress).		Simon Newcombe	Complete
CR4.3	Re-matching demand: Re-matching demand is relatively low (host/guest arrangements ending early) and single figures but starting to see increase due to rurality of some hosts and requirement to be closer to employment, services and schools.		Simon Newcombe	Complete
CR4.7	Finance update: Revised payment for new guests are £5k per person and Government have changed monthly payments for long-term hosts to £500 per month. Scheme extended to March 2025. Review of monthly payments completed across mandated and discretionary elements completed. Some enhancement will continue for existing hosts then revert to £500 max under Government funding. All revisions costed as deliverable per new Q2 and Q3 returns for 2023/24 and revised scheme/payments per head going forward into 2024/25.		Simon Newcombe	Complete
Notes: Actions CR4.1, CR4.3 and CR4.7 marked as complete in October 2024. New actions will be detailed for the next reporting cycle. The number of new guests continues to be much lower (currently receiving an average of two new guests per month). The existing hosting arrangements are stable and the availability of properties through Local Authority Housing Fund means there is no need to use hotels. Grants to allow access to the private rented sector have been successful and some households have found sustainable, settled accommodation.				

CR5	Information Security	Current Severity: 4	Current Likelihood: 3	Current Risk Rating: 12
Risk Description: Inadequate data protection could lead to breaches of confidential information and ultimately enforcement action by the ICO.				
Risk Owner: Lisa Lewis		Latest Review: 28/10/2024		Risk Type: Data Protection/Information Security
Mitigating Actions			Responsible Officer	Current Effectiveness
CR5.2	Compliance Tools: Improvement of monitoring activity and implementation of tools assessing near misses or user education opportunities. May include better alerts on data sharing within/without MS tenant, information tagging.		Lisa Lewis	Satisfactory
Notes: Staff understanding improving with compliance statistic (staff turnover affecting completion rate target). Work on business continuity plans and Information Asset Registers improving awareness and responsibility over time. Reviewing with ICT compliance tools within tenant and ICT costing licence upgrade for further improvements.				

CR7	Financial Sustainability	Current Severity: 4	Current Likelihood: 4	Current Risk Rating: 16
Risk Description: The council faces a range of financial challenges. We are subject to ongoing budget reductions whilst the cost of providing services continues to increase due to a range of inflationary pressures. We are also subject to single year budget settlements which impacts on the ability for medium term financial planning. We need to be able to plan and meet these challenges so that we can continue to deliver effective services and achieve the priorities we wish to.				
Risk Owner: Paul Deal		Latest Review: 23/10/2024		Risk Type: Economic/Financial
Mitigating Actions			Responsible Officer	Current Effectiveness
CR7.2	Identify Efficiencies: Taking proactive steps to increase income and reduce expenditure through efficiencies, vacancies that arise and delivering services in a different way.		Paul Deal	Satisfactory
CR7.5	Medium term planning: Work to close the budget gap is on-going. A range of options are being considered but Covid, business rates and uncertainty over fair funding review make the situation extremely challenging. To close the budget gap and maintain services: We continue to work with managers to reduce costs and explore new income streams.		Paul Deal	Satisfactory
Notes: Mitigating the 2025/26 budget shortfall is well underway. The October Cabinet meeting approved net savings of £800k and outlined further work required to balance the budget. Key to this will be the Government Autumn Budget on 30 October and the implications for Local Government.				

CR8	Quality of Planning Committee Decisions	Current Severity: 3	Current Likelihood: 3	Current Risk Rating: 9
Risk Description: Planning decisions are monitored at Government level nationally – the risk is to stay significantly below 10%. Over 10% could put a Local Planning Authority into special measures. Links to Performance Indicator measures 11a, 11b, 12a and 12b.				
Risk Owner: Richard Marsh		Latest Review: 25/10/2024		Risk Type: Reputation
Mitigating Actions			Responsible Officer	Current Effectiveness
CR8.3	Regular informal planning committee meetings: Keeping planning committee informed of all appeals and upcoming planning policy, and any actions the Council is making.		Angharad Williams/ Richard Marsh	Satisfactory
Notes: Appropriate training being given to Members to assist with decision making as well as informal discussions to assist members where required on upcoming legislation and planning changes.				

CR9	SPV – 3 Rivers – Delivery of Closedown Plan	Current Severity: 3	Current Likelihood: 1	Current Risk Rating: 3
Risk Description: Ability to deliver the close down plan to timetable/ budget and generate the estimated sales receipts. <u>Finishing and selling</u> the Haddon Heights development per budget. Generating the estimated sales at the remaining development - set against a challenging housing market.				
Risk Owner: Paul Deal		Latest Review: 23/10/2024		Risk Type: Economic/Financial
Mitigating Actions			Responsible Officer	Current Effectiveness
CR9.3	Weekly meetings: Meetings are now held each week between the Shareholder Representative, the Corporate Manager for Finance, and the company to track progress against the closedown plan. An update on all material transactions will be provided to Cabinet at regular intervals.		Andrew Jarrett	Satisfactory
Notes: Addition made to risk description (underlined). The closedown plan has been fully delivered and the company is on schedule to be formally struck off at Companies House before the end of November 2024. There has been a number of new viewings at Haddon Heights and conversations are currently ongoing with the agent.				

CR9a	Risk Name: Reputational Impact of 3 Rivers	Current Severity: 1	Current Likelihood: 3	Current Risk Rating: 3
Risk Description: A decision has now been made to soft close the company, so the remaining reputational risks are that public debate in future inadvertently damages the value of assets by hindering the remaining sales. Public debate has, at times, included unhelpful and inaccurate statements about the company and the consequential impact on the council, with these inaccurate statements being repeated in wider circles. This risk is likely to continue until such time as all remaining assets are sold and company activity is wound down. This risk is expressed as damage to the company (and hence the council as shareholder).				
Risk Owner: Stephen Walford		Latest Review: 23/10/2024		Risk Type: Reputational
Mitigating Actions			Responsible Officer	Current Effectiveness
CR9a.1	Committee and council chairs feeling empowered to appropriately challenge poor behaviour during public meetings.		Stephen Walford and Maria De Leburne	Satisfactory
CR9a.2	Elected members being comfortable with steps being taken and managing debate amongst themselves in a respectful way.		Andrew Jarrett and Maria De Leburne	Satisfactory
Notes: The closedown plan has now been delivered. However, there is still a residual risk that remains and as such the risk will remain on the Register until the company has officially closed.				

CR10	Cullompton Town Centre Relief Road	Current Severity: 5	Current Likelihood: 3	Current Risk Rating: 15
Risk Description: Inability to deliver the Cullompton Town Centre Relief Road				
Risk Owner: Adrian Welsh		Latest Review: 30/10/2024		Risk Type: Economic/Financial
Mitigating Actions			Responsible Officer	Current Effectiveness
CR10.1	Alternative Funding: Alternative funding opportunities continually being explored.		Adrian Welsh	Completed
CR10.2	Ongoing Homes England Discussions: Officers discussing ongoing Housing Infrastructure Fund support		Adrian Welsh	Completed
CR10.3	Ongoing discussions with land promoters: Ongoing discussions to maximise private funding potential.		Adrian Welsh	Completed
CR10.4	Land Assembly: Continue land assembly discussions so as to de-risk the project, assist in unlocking scheme delivery and increase the likelihood of securing funding.		Adrian Welsh	Satisfactory

CR10.5	Complementary projects: Continue to develop and deliver complementary projects such as the Railway Station and the Heritage Action Zone public realm scheme. This will support the case for investment in the town and demonstrate the capacity to deliver.	Adrian Welsh	Satisfactory
CR10.6	Government Lobbying: Working with local MPs, Devon County Council and senior Members to lobby for investment.	Adrian Welsh	Completed
<p>Notes: Risk likelihood decreased from 5 to 3 in October 2024. Overall risk rating decreased from 25 to 15. CR10.1, CR10.2, CR10.6 marked as complete in October 2024. CR10.3 marked as complete as no longer required. Funding has now been secured for the delivery of the relief road from Homes England. The Cricket square works have been completed. Land acquisition is going well with land exchange underway on the new cricket pitch site, with land agreements on the other sites to follow. Tesco Board has also given in principle approval to sell the required land to Devon County Council.</p>			

CR11	Cost of Living Crisis	Current Severity: 4	Current Likelihood: 4	Current Risk Rating: 16
<p>Risk Description: The high rates of inflation experienced in 2022 and 2023 have the potential to impact on council employees, residents, communities and businesses in Mid Devon. In turn this may affect the council in terms of increased costs, reduced council income, and put additional pressure on council services.</p>				
Risk Owner: Dean Emery		Latest Review: 28/10/2024		Risk Type: Financial, Social
Mitigating Actions			Responsible Officer	Current Effectiveness
CR11.1	Benefit administration: The council delivers a range of benefits which support the financial position of our residents. This includes the Housing Support Fund, Discretionary Housing Fund, and the Exceptional Hardship Fund.	Fiona Keyes		Fully Effective
CR11.2	Council Tax Reduction Scheme: The council has introduced a new scheme (from 1 April 2023) which provides a more generous level of support.	Fiona Keyes		Fully Effective
CR11.3	Shared Prosperity Fund (SPF): The SPF and Rural England Prosperity Fund Investment Plans have a number of projects designed to support businesses and community organisations over Jan 2023 – March 2025. This includes grant schemes to support innovation and decarbonisation projects including those that reduce energy costs and increase productivity.	Zoë Lentell		Fully Effective
Notes:				

Household Support Fund (HSF) 6 has gone live. This is a six month Government funded scheme. Pensioners, unless on pension credit, are no longer eligible for the winter fuel payment. All funds with the HSF schemes has been deployed to circa 500 households. The risk remains high and will do for at least six months.

CR12	Housing Crisis	Current Severity: 4	Current Likelihood: 3	Current Risk Rating: 12
<p>Risk Description: Failure to supply sufficient housing to meet Mid Devon’s needs leading to increased homelessness and increased temporary accommodation (TA). There may be insufficient TA to meet demand and financial pressure is placed on the Council through increasing volume of and dispersed provision of TA. Co-linked failure to prevent homelessness occurring through increasing demand on resources, poor existing housing and failure to meet prevention duty/deliver mitigating actions including support to vulnerable residents.</p> <p>It is a statutory duty on the Council to prevent and provide relief/assistance to people threatened with or actually presenting as homeless. There is a local, regional and national shortage of affordable housing including social housing at the most affordable social rent level with a significant, growing waiting list of those registered on Devon Home Choice. Together with the current, ongoing cost of living crisis and other pressures this is leading to a growing housing crisis.</p>				
Risk Owner: Simon Newcombe		Latest Review: 05/11/2024		Risk Type: Financial, Social
Mitigating Actions			Responsible Officer	Current Effectiveness
CR12.1	MDDC Housing Strategy 2021-2025: Coherent, corporate approach to providing affordable homes and maintaining housing quality		Simon Newcombe	Satisfactory
CR12.2	MDDC Homeless Prevention & Rough Sleeping Strategy 2020-2025: Focus on rough sleeping, prevention, accommodation options and client support		Simon Newcombe	Satisfactory
CR12.3	Strategic lobbying on social housing funding, flexibilities and homelessness pressures: Continued membership of DLUHC LA Strategic Housing Advisory Group		Simon Newcombe	Satisfactory
CR12.4	Devon Housing Forum: Regional engagement and collaboration on affordable housing delivery and supported housing – continued engagement		Simon Newcombe	Satisfactory
CR12.5	Local Plan housing delivery: Market provision of affordable homes		Tristan Peat	Satisfactory
CR12.6	Mid Devon HRA Development Programme: 500 new homes 2022/23 – 2026/27		Simon Newcombe	Fully Effective
CR12.7	Temporary Accommodation: Opportunities to purchase HMO or similar shared market accommodation to meet TA needs/successful business cases made into capital programme. Two HMOs recently purchased, available 2023/24		Simon Newcombe	Action Required
CR12.8	Empty Homes: Bringing empty homes back in to use/local leasing scheme for TA (link to CR12.7) or to alleviate wider		Simon Newcombe	Satisfactory

CR12.9	Long-term development voids: Effective use of long-term development voids in Mid Devon Housing stock as TA where safe	Simon Newcombe	Satisfactory
CR12.10	Ivor Macey House: Ongoing provision of Ivor Macey House supported TA accommodation (MDH HRA lease to G/F)	Simon Newcombe	Satisfactory
CR12.12	Homelessness Prevention Grant: Full utilisation of Homelessness Prevention Grant	Simon Newcombe	Completed
CR12.13	Funding applications: Successful bids into DLUHC Rough Sleeper Initiative (RSI). £300k+ RSI secured over 3-year programme from 2022/23	Simon Newcombe	Satisfactory
CR12.15	Private Sector Homes for Ukraine: Team Devon Homes for Ukraine scheme Private Sector Housing transition support	Simon Newcombe	Satisfactory
CR12.16	Residents Financial Support: Cost of living pressure, grants and signposted support, help with/access to benefits (https://www.middevon.gov.uk/residents/residents-financial-support/)	Dean Emery	Satisfactory
CR12.17	Housing Assistance Policy (Better Care Funding): living well at home/homeless prevention and Home Start grants/loans	Simon Newcombe	Satisfactory

Notes:

CR12.12 marked as complete in November 2024.

Review of budget announcements and detail required, notably around delivery of affordable homes, Right To Buy and additional homelessness grant. Potentially positive but modelling required when further information available. No change to risk rating at this time as a result.

CR13	Operation of a Waste Management Service	Current Severity: 4	Current Likelihood: 2	Current Risk Rating: 8
Risk Description: Operating and maintaining a continuous waste management service across Mid Devon within budget faces a range of risks. These include staff recruitment and retention, workforce sickness and the maintenance and operation of fleet vehicles.				
Risk Owner: Matthew Page		Latest Review: 21/10/2024		Risk Type: Financial, Technical, Reputational
Mitigating Actions			Responsible Officer	Current Effectiveness
CR13.1	Workforce management: Regularly reviewing (Morning Managers' catch-up calls, monthly budget monitoring and quarterly performance reviews) the state of the workforce and how it is performing in terms of vacancies, recruitment, sickness and the impact it is having on collections and rounds. This also includes reviewing our Business Continuity Plan and whether we need to widen the flexible provision of the workforce.	Darren Beer		Satisfactory

CR13.2	Employment Trends: Review trends in the wider employment market regarding key workers including HGV drivers and what the Council needs to do to ensure we are industry competitive regarding recruitment.	Darren Beer	Satisfactory
CR13.3	Fleet Vehicles: Vehicle provision including maintenance and operation is reviewed on a daily basis by the Fleet Manager. Two weekly meetings are set up with SFS (maintenance and lease provider) backed up by quarterly meetings with MDDC and SFS management. Regular meetings are set up with other MDDC services that use the fleet to ensure current contractual guidelines and compliance are adhered to.	Darren Beer	Satisfactory
Notes: New leased vehicles now on fleet including HGV sweeper. Sickness is currently low - no long term absence in waste and recycling. One recent driver vacancy but a number of Loader vacancies being covered by agency staff (5 temporary to one permanent and four on an ad hoc basis) and currently being re-advertised.			

CR14	Workforce Shortage	Current Severity: 3	Current Likelihood: 2	Current Risk Rating: 6
Risk Description: If the Council fails to manage sickness absence, recruit and/or retain sufficient suitable staff it may not be able to maintain essential and/or statutory services.				
Risk Owner: Matthew Page		Latest Review: 23/10/2024		Risk Type: Legal, Financial, Reputational
Mitigating Actions			Responsible Officer	Current Effectiveness
CR14.1	Sickness Absence: Review and monitor sickness absence data to identify trends and patterns behind sickness absence	James Hamblin		Satisfactory
CR14.2	Monitor and Manage Staff Turnover: Review data from the exit interview process to identify trends and patterns behind why staff leave.	James Hamblin		Satisfactory
CR14.3	Retention: Consideration of employee benefits at the Council.	James Hamblin		Satisfactory
Notes: Risk Likelihood decreased from 3 to 2. Following a review of ballots for industrial action, Unison agreed to the pay settlement put forward by the employers' side. This goes alongside the previous agreement by GMB. As a result the pay award is now finalised for 2024/2025.				

CR15	Corporate Property Fire Safety	Current Severity: 3	Current Likelihood: 3	Current Risk Rating: 9
<p>Risk Description: Upcoming changes in legislation will place more stringent demands on the council in terms of fire safety across its corporate property estate. Failure to meet these standards could lead to penalties being imposed by the Fire Service including fines, which would be an additional cost to any investment required to complete repairs.</p> <p>The corporate property estate requires investment to ensure that significant fire safety risks, identified through external fire safety health checks, are mitigated. There are a number of sites which require fire safety checks. It is likely that these will identify fire safety risks that will require remediation. These will be addressed on a priority basis. As with any risk associated with fire, there is a potential for damage or loss to property and/or life.</p>				
Risk Owner: Stephen Walford		Latest Review: 11/10/2024		Risk Type: Physical, Reputational, Financial
Mitigating Actions			Responsible Officer	Current Effectiveness
CR15.1	Fire Safety Investment (2023/24): Funding has been allocated to implemented fire safety improvements.		Keith Ashton	Complete
CR15.2	Investment Programme (2024/25): Funding has been allocated to implement fire safety improvements at the same level as for 2023/24.		Keith Ashton	Satisfactory
<p>Notes: CR15.1 marked as complete in October 2024. Funding has been allocated to implement fire safety improvements at the same level as for 2023/24. The work at Culm Valley continues, however there was a delay due to travellers being on site. In November 2024, the contractor will move to Lords Meadow as the delivery of required materials has slowed progress (there is high demand for relevant materials). There is now a Fire Safety Teams Channel with project data and other associated detail available.</p>				

CR16	Building Control Service viability	Current Severity: 3	Current Likelihood: 4	Current Risk Rating: 12
<p>Risk Description: The NMD Building Control Partnership has been struggling with maintaining staffing levels for the past two years owing to a national shortage of skilled Building Control officers and skilled support staff. The service has continued to meet obligations by utilising agency staff. But changes presented through the Building Safety Act 2023 and the creation of the Building Safety Regulator are likely to result in further pressures in terms of attracting and retaining skilled permanent staff and in terms of service viability owing to additional duties placed upon the service in an increasingly challenging economic climate.</p>				

Risk Owner: Andrew Howard		Latest Review: 25/10/2024	Risk Type: Reputational	
Mitigating Actions			Responsible Officer	Current Effectiveness
CR16.2	Recruitment and retention: Address staffing and skills shortage and reliance on agency surveyors by continuing to seek to recruit new staff to the service, building on recent successes.		Andrew Howard	Satisfactory
CR16.4	Prepare for new reporting obligations: Continue to preparation for the introduction of the new reporting obligations for the BSR, due to commence in April 2024 – including ensuring appropriate systems are in place.		Andrew Howard	Satisfactory
Notes: Risk likelihood increased from 3 to 4 in October 2024. Overall risk rating increased to 12. Supervision remains resource heavy and will continue to challenge performance. Two vacant posts now after departure of one inspector and service functioning at reduced capacity. Registered Inspectors being targeted by competition. Looking at market supplement payments and agency. Charges to be reviewed accordingly.				

CR17	Severe Weather Emergency Recovery	Current Severity: 4	Current Likelihood: 3	Current Risk Rating: 12
Risk Description: When there is an event/incident which has potential to harm people or property a multi-agency response may be required in the form of declaring an “Emergency” through the Local Resilience Forum (LRF). This process is split into two phases; 1: The Response which is chaired predominantly by the police and is often heavily focused on the blue light services during/immediately following the event/incident. 2: Recovery which is chaired by the Local Authorities and is more focused on Local Councils working with communities to achieve a state of new normality. Because of this, MDDC has a large role to play within the Recovery Phase as a Category 1 responder of which there are many risk to the organisation from Financial, Reputational and Legal. This risk assessment is specifically looking at our most common event that escalates to an emergency which is Severe Weather including extremes in heat/cold, floods and wind etc.				
Risk Owner: Simon Newcombe		Latest Review: 16/10/2024	Risk Type: Economic/Financial/Capacity/Reputation	
Mitigating Actions			Responsible Officer	Current Effectiveness
CR17.1	CMT Capacity: There is a member of CMT on rota. This role covers incident manager (response) or can be specifically assigned to the recovery phase including chairing/ co-chairing the LRF recovery group. This will be in addition to their regular responsibilities. Due to this, the Resilience Officer or another Corporate Manager can be brought in to assist with the multi-agency duties as required. With CMT now being five people, there		Simon Newcombe	Satisfactory

	is increased pressure and meeting this mitigation will be dependent on the CMT having no vacancies and being available during the recovery phase of an incident. This action will be kept under review.		
CR17.2	Adequate Continuity Planning: Each service area needs up to date Business Continuity Plans to effectively retain critical services during and after an emergency. Training will be provided and plans reviewed by the Resilience Officer.	Lewis Dyson	Action Required
CR17.3	Overall Staff Capacity: Each business area will understand their critical functions and ensure they are functioning during recovery. Above this each service area will manage their own capacity to deal with recovery plus their business as usual through agency, overtime and mutual aid as detailed within their Business Continuity Plan.	Lewis Dyson	Action Required
CR17.4	Out of Hours Capacity: Only CMT, Housing and Waste have Out of Hours within their contracts and so other services would need to rely on goodwill/ civic duty to cover any out of hours work during response and recovery. Paper detailing current out of hours gaps to be produced alongside a clear outline of which critical roles need some level of out of hours cover.	Lewis Dyson	Action Required
CR17.6	Waste Collection Backlog: Due to the nature of the incident it is likely that there will be additional waste collection requirements in terms of debris, missed collections due to Health and Safety considerations, and additional waste from properties damaged by the weather (i.e. flooded properties). Additional agency staff/ overtime may be required alongside additional routes to meet the backlog and keep up with increased demand.	Matthew Page	Fully Effective
CR17.9	Reputational damage: During the recovery phase of an emergency there will be a lot of differing priorities and expectations from our communities. This can lead to potential conflicts, disputes and confusion. The Communications Team will work to give clear messaging which is in line with the multi-agency communications plan. Sufficient media training will be given to the Leadership Team and key members of the Council to ensure the correct information is being released to the media and communities.	Lisa Lewis	Satisfactory
<p>Notes: Moving into Autumn/ Winter, the likelihood of flooding increases, changing the risk likelihood back to 3. Work continues to build resilience with each service updating their Business Continuity Plans (BCPs). The BCPs have been drafted and are now under review, once completed this will address mitigating actions CR17.2 and CR17.3.</p>			

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Report for: Cabinet

Date of Meeting:	10 December 2024
Subject:	REVIEW OF MID DEVON HOUSING ASSET MANAGEMENT STRATEGY
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing, Assets and Property and Deputy Leader
Responsible Officer:	Simon Newcombe – Head of Housing and Health
Exempt:	None
Wards Affected:	All
Enclosures:	Annex A – Asset Management Strategy

Section 1 – Summary and Recommendation(s)

Mid Devon Housing (MDH) has a requirement to understand the condition and demand of the housing stock and other buildings it is responsible for, by establishing the current position, identifying future maintenance costs as well as providing new homes to meet demand. This strategy sets out how this will be achieved during the financial years 2025-2029.

This is a review of the existing Asset Management Strategy and has been undertaken to bring the document up to date in the context of the new consumer regulation regime including the statutory consumer standards as set out within the report and background papers. It also brings the Strategy in line with the new MDDC Corporate Plan for 2024-28 which includes relevant housing objectives.

Recommendation:

- 1. That the updated MDH Asset Management Strategy attached in Annex A be adopted as recommended by the Homes PDG**

Section 2 – Report

1 Introduction

1.1 The Regulator of Social Housing (RSH) regulates registered providers of social housing to promote a viable, efficient and well-governed social housing able to deliver and maintain homes of appropriate quality that meet a range of needs. MDH must comply with the Consumer Standards set out by the Regulator.

1.2 This Asset Management Strategy, and the maintenance programmes that flow from it are aligned with these Consumer Standards as well as the aims of The Council's Corporate Plan. The aims of the Strategy are as follows:

- Achieve an EPC (Energy Performance Certificate) C rating for all of our homes by 2030
- Provide approximately 400 new low carbon homes by 2030
- Deliver upper quartile performance of the Tenant Satisfaction Measures to include meeting our legal obligations relating to health and safety compliance
- Manage disrepair proactively within the existing financial framework
- Identify and deliver our maintenance programmes, while developing the local economy
- Manage the HRA retail units and achieve a balanced budget
- Manage the garages and achieve a balanced budget

1.3 Under housing legislation including the Social Housing (Regulation) Act 2023, the RSH take co-regulatory approach. In the context of a local authority registered provider such as MDH this means:

- Councillors are regarded as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements
- Providers must support tenants to shape and scrutinise service delivery and to hold officers and councillors to account

This is important context in the determination and adoption of new or updated policy or plans and monitoring of compliance and performance.

1.4 This is a whole document update of the previous Strategy:

- Reformatting in line with current policy and strategy templates for MDH
- Alignment of sections and relevant narrative / strategic aims with the new consumer standards and Corporate Plan 2024-28
- Cross-reference with new Tenant Satisfaction Measures (TSMs) including specific repair and building safety metrics
- Updated to reflect current context on number of relevant key assets (circa 3,000 homes, >1,000 garages and 15 retail units)
- New voids management section and update in line with the most recent adopted Voids Management Policy 2023

- Updated Section 5.0 with present MDH Policy Framework and current performance metrics (as per quarterly service reporting into the Homes Policy Development Group)

2 Consultation and Review

- 2.1 As an internal strategy setting out MDH aims and how they will be met there is no requirement for tenant consultation. Nonetheless, having an up to date Asset Management Strategy provides assurance to tenants and members (through co-regulation) that we are giving appropriate high-level priority to meeting our legal duties and ensuring the health, safety and wellbeing of tenants in our properties.
- 2.2 There are a series of policies within the overarching Housing Revenue Account (HRA) policy framework that are relevant to the delivery of this Strategy for which tenant consultation has been undertaken. These policies are listed within section 5.0 of the document.
- 2.3 The Strategy will be kept under continuous review to ensure it remains fit for purpose. The Head of Housing and Health also holds delegated authority to make minor amendments to the Strategy as required by legislative changes, formal guidance or local operational considerations.
- 2.4 Where material or significant amendments are required the Strategy will receive a full review and be brought back to the Homes PDG and Cabinet for consideration. Unless a formal review is required sooner, the Strategy will be reviewed in five years and will align where relevant with a new Corporate Plan.

Financial Implications

MDH is obliged by the RSH, Financial Regulations and Corporate Plan to deliver value for money within the HRA budget.

The financial forecasts are taken from Integrator, the asset maintenance database, which are smoothed to both deliver the works, fit with the available budgets and avoid any significant spikes in future expenditure.

Overall, the HRA 30-year business plan is currently under review and being updated to ensure MDH continue to provide assurance of a sustainable, compliant and safe housing stock in the long-term and meet the overarching asset management aims set out within the Strategy.

Legal Implications

As a registered provider of social housing, the Council is obliged to take account of the standards contained within the revised regulatory framework which is administered by the RSH as well as The Health and Safety at Work etc Act 1974 and other building safety legislation. This places a duty on MDH to maintain legal compliance within its housing stock.

There are further overarching legal responsibilities under the new consumer regulation regime regulated by the RSH as set out in the report.

Risk Assessment

The principal risk is failing to limit costs due to additional works and delivery of the Strategy. The performance of the individual work streams within the strategy will be monitored monthly and corrective action will be taken where performance falls below any Key Performance Indicator.

Impact on Climate Change

The environmental impact has been considered as a part of the developing the strategy. This includes specific objective regarding EPC standards and new net-zero homes within the HRA stock.

Equalities Impact Assessment

All staff have received Equality and Diversity awareness training and all policies underpinning this Strategy have been subject to EIAs to ensure the public sector equality duty is met.

Relationship to Corporate Plan

To contribute towards meeting our obligations relating to Health and Safety and by contributing to the Decent Homes Standard.

Homes are a priority for the Council and in the context this Strategy this includes supporting the delivery of several key objectives including ensuring our tenants feel safe, secure and happy in our homes as well as delivering new affordable social homes and maintaining the existing stock to the highest standards.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 11.11.24

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 11.11.24

Chief Officer: Simon Newcombe

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

Date: 4 November 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 07 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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Background papers:

RSH Consumer Standards Code of Practice

[Consumer Standards Code of Practice](#)

RSH Tenant Satisfaction Measures – Technical Requirements

[TSM Technical Requirements \(publishing.service.gov.uk\)](#)

Mid Devon District Council Corporate Plan 2024-28

[corporate-plan-2024-2028 -final.pdf](#)

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Mid Devon Housing

Housing Revenue Account

Asset Management Strategy

2025 – 2029



Revision – August 2025

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1.0 Introduction

Mid Devon Housing is Mid Devon District Council's Housing Service; responsible for the management of the Council's housing stock of 2957¹ dwellings 1037² garages and 15³ retail units.

This Strategy comes at a time of significant change with the introduction of new legislation and regulation, growing customer expectation and the issues of disrepair; combined with the global challenges affecting the climate and the economy.

MDH acknowledge that some of its homes are coming to the end of their effective lifespan and a decision has to be made on their future. The decision to either dispose or demolish them also provides an opportunity to invest in additional more energy efficient replacements. This will provide better housing for our residents; however it also brings the risks with investing in new technologies and increased pressures on our financial plans, both now and in the future.

We also understand the impact that housing makes on health and wellbeing and the need to work more closely with other stakeholders to define a proactive approach to solving some of the issues that are experienced locally.

The basis of an effective asset management strategy is understanding the condition, need and demand of the stock to establish our current position, identify current and future maintenance costs as well as provide new homes to meet demand for the future.

¹ Stock level at 1 April 2024

² Garage stock at 1 April 2024

³ Retail units at 1 April 2024

2.0 Strategic Context

The Regulator of Social Housing regulates registered providers of social housing to promote a viable, efficient and well-governed social housing sector, able to deliver and maintain homes of appropriate quality that meet a range of needs. MDH must comply with the Consumer Standards set out by the Regulator.

This Asset Management Strategy, and the maintenance programmes that flow from it are aligned with this and the aims of Mid Devon District Council's Corporate Plan which are:-

Planning, Environment & Sustainability - To be a leader and pioneer of best practice so new innovation and thinking is at the heart of the services we deliver and informs our planning policies.

Community, People & Equalities - Involving and engaging with our communities, ensuring everyone is treated with equity and respect, and protecting our most vulnerable.

Homes - Delivering new affordable and social homes annually, improving and maintaining the existing stock to the highest standards.

Economy & Assets - Growing the district economy and increasing returns from our assets.

Service Delivery & Continuous Improvement - Providing high quality and efficient services to support and improve the lives of people in Mid Devon.

MDH is aiming to create sustainable communities, manage our neighbourhoods, shared spaces, retail units and homes, provide safe and well-maintained homes and treat tenants with fairness, courtesy and respect

Our aim is to achieve an EPC C rating for all of our homes and provide an additional 400 low carbon homes by 2030, achieve high levels of Tenant Satisfaction Measures, while providing safe and well maintained homes and retail units within the existing financial framework.

2.1 Financial Context

MDH is obliged, by the Corporate Plan, to deliver value for money within the budgets.

Rather than Zero Based Accounting, MDH uses a Budget Based Accounting approach to set its future budgets; following detailed budget setting each year the 30 year financial plan is reviewed, updated and adapted to suit the budgets available. The asset management forecasts taken from integrator drive the business plan, but these forecasts are smoothed to both deliver the works, fit with the available budgets and avoid any significant spikes in future expenditure.

Procurement is a critical area for the delivery and improvement of value for money for MDH. As a result MDH rely on MDDC to assist with the delivery of some procurement, but the majority is carried out by Building Services with the intention of meeting our objectives and Corporate Aims.

It is important to consider that any capital cost of a major repair or improvement will have an impact on revenue in the future as it will need to be maintained, serviced and repaired; our budgets will also need to reflect these costs.

2.2 Location

MDH operates solely within the geographical area of MDDC with the majority of its properties being located within the three larger towns and the surrounding areas of Tiverton, Cullompton and Crediton. Nonetheless, a significant proportion of the stock is located in rural areas, often as part of small developments.

The tables below show the distribution and concentration of MDH dwellings and garages

Table 1 Geographic Location of MDH Housing Stock

Location	Number of Bedrooms						Total
	1	2	3	4	5	6	
Tiverton	312	514	381	25	0	1	1233
Crediton	104	86	94	1	0	0	285
Cullompton	92	113	77	1	0	0	283
Other/rural	304	521	321	10	0	0	1156
							2957

Table 2 Geographic Location of MDH Garages

Location	Number of Garages
Tiverton	517
Crediton	40
Cullompton	127
Other/rural	353
Total	1037

3.0. Key Asset Management Activities

There is a broad range of activities associated with Asset Management and the service team is split into three operational areas as follows:

- Responsive repairs contractors and internal Direct Labour Organisation (DLO) providing the responsive repair requirements, disabled adaptations and commercial work for both the Council Homes, Public Sector as well as some planned improvement and minor work delivery.
- Planned Maintenance using internal and external providers, delivering both Capital and Revenue improvement over the long term, including Compliance, Cyclical programmes, Void improvements, Retail Unit management and updating the asset database using information from surveyors.
- Development and disposal to identify potential properties and sites for regeneration, sale or new build; using either offsite construction or some small scale traditional build units.

The services work closely together towards achieving the optimal balance of responsive repairs, cyclical maintenance, planned maintenance and development, taking into consideration the impact on the resident, the property, time and cost.

4.0 Strategic Aims

This strategy has been developed around the following objectives, which have been developed in consultation with tenants, Councillor's and staff at MDH. Our ambition is to:-

- achieve an EPC C rating for all of our homes by 2030
- provide approximately 400 new low carbon homes by 2030
- deliver upper quartile performance of the Tenant Satisfaction Measures to include meeting our legal obligations relating to health and safety compliance
- manage disrepair proactively within the existing financial framework
- Identify and deliver our maintenance programmes, while developing the local economy
- manage the HRA retail units and achieve a balanced budget
- manage the garages and achieve a balanced budget

4.1 Achieving and EPC C rating for all our homes by 2030

MDH do not have an Energy Performance Certificate (EPC) for all of its homes, but Standard Assessment Procedure (SAP) ratings are available; a SAP rating of 69 or above is equivalent to an EPC-C. On the 1 July 2024 MDH currently had 801 homes with a rating below this level, equivalent to 27% of its stock. See Table 3 below

Table 3 EPC Rating and Equivalent SAP Rating

EPC Rating	Equivalent SAP Rating	MDH Stock Numbers
A	92-100	129
B	81-91	727
C	69-80	1383
D	55-68	439
E	39-54	259
F	21-38	16
G	0-20	3
	Total	2956

The measures required to bring the remaining properties to a SAP rating above 69 by 2030 include topping up the insulation within the loft and walls, upgrading the heating with more efficient systems, when the existing systems reach the end of their lifecycle, installing renewable technologies and ensuring we are providing residents with good energy advice and signposting them, where needed, to specialist organisations.

Despite installing these measures, there will still be properties that would not achieve an EPC rating of C or above. These include those where the tenant’s refuse the works and those that are difficult to heat combined with a prohibitive cost to maintain and provide the remedial measures. Included within these later properties are the 42 non-traditional Woolway Homes as well as other non-traditional and some traditional homes.

A medium term decision has been made to either redevelop or replace these with modular or traditional homes that will have an EPC-A rating. There is also the option of selling a very small number on the open market and reinvesting the capital in new housing.

Table 4 Objectives and timescales for delivery of EPC-C

Objective	Timescale
Improving energy efficiency in our homes (Warm efficient homes) (to incorporate the move to SAP band C by 2030)	Year 1 Improving our energy data to hold at least the min data set for all properties. Training across the surveying and repairs team to record and update our energy dataset
	Year 2 Identify an improvement programme to deliver the required measures by 2030.

	Procure any works Access grant funding,
	Year 3 - 5 Deliver the retrofit programmes and redevelop properties across band D and below

4.2 Providing 400 Low Carbon Homes by 2030

MDH is committed to the Council’s corporate objective of building more Council homes and have plans to provide approximately 400 new energy efficient homes by 2030, the majority of these being zero carbon modular homes but also a number of MMC homes that can be built by the DLO or local SME’s In addition to this we have budget approved to buy back a number of homes that were sold under the RTB scheme each year with properties that we already have the structural responsibility and properties that offer the chance of additional units within its footprint taking preference. With these ‘Buy Backs’ we are able to utilise our 1:4:1 receipts to achieve approximately a 40% reduction in purchase price. The proposed sites identified for this development programme are a mixture of green and brown field, as well as a proposal to replace existing Council homes that have reached the end of their lifecycle, characterised by being significantly more expensive to maintain than to replace.

There are both Micro and Macro challenges to the programme, including acquiring some of the land, obtaining planning permission, legislation, project management, the provision of funding as well as building cost inflation, interest rate uncertainty, changing government policy and global supply tensions. But there is a high demand for these homes within Mid Devon and the Micro challenges will be managed to ensure the development programme provides value for money.

Table 5 Objectives and Timescales for delivery or new homes.

Objective	Timescale
Provide 400 new low carbon homes by 2030	Year 1 2023 - 2024 Contracts established and potential developments sites identified
	Year 2 2024 - 2025 Deliver a limited number of modular homes and carry out the design and procurement for a small number of traditional build homes.
	Year 3 – 8 2025 - 2030 Deliver the development programme within the budget.

4.3 Achieve high levels of the individual Tenant Satisfaction Measures

In April 2023 the Regulator of Social Housing (RSH) created a new system for assessing how social housing landlords in England provide good quality homes and services. As a key part of this they introduced revised consumer standards, setting out what MDH have to provide and the Tenant Satisfaction Measures (TSM's) are part of the reporting regime for these standards. Other tests for meeting the standards in full will be met through a 4-yearly cyclical RSH inspection process of all large landlords including MDH.

There are a total of 22 Measures that are a mix of tenant perception survey and landlord management data and report.

The TSM's are broken down into Overall Satisfaction, Keeping Properties in Good Repair, Maintaining Building Safety, Respectful and Helpful Engagement, Effective Handling of Complaints and Responsible Neighbourhood Management. Where TSMs are based on perception satisfaction surveys we will aim to achieve upper quartile performance nationally. Where these are measured by the landlord and relate to good repair or building safety then we will meet legislative requirements including 100% targets as required. More information is provided in Section 5.

Table 6 below sets all of the TSMs MDH are required to report and cover most of our daily work as a registered housing provider.

Table 6 Tenant Satisfaction Measures

Measured by Landlord	Measured by doing Tenant Perception Surveys
	TP01: Overall Satisfaction
RP Keeping Properties in Good Repair	
RP01: Properties that do not meet the decent homes standard	TP02: Satisfaction with Repairs
RP02: Repairs completed within target timescale	TP03: Satisfaction with time taken to complete most recent repair
	TP04: Satisfaction that the home is well maintained
BS - Maintaining building safety	
BS01: Gas safety checks	TP05: Satisfaction that the home is safe
BS02: Fire safety checks	
BS03: Asbestos safety checks	
BS04: Water safety checks	
BS05: Lift safety checks	
Electrical Safety Checks	
Percentage of communal areas meeting the required standard	
Respectful and helpful engagement	
	TP06: Satisfaction that the landlord listens to tenant views and acts upon them

	TP07: Satisfaction that the landlord keeps tenants informed about things that matter to them
	TP08: Agreement that the landlord treats tenants fairly and with respect
CH - Effective handling of complaints	
CH01: Complaints relative to the size of the landlord	TP09: Satisfaction with the landlord's approach to handling complaints
CH02: Complaints responded to within Complaint Handling Code timescales	
NM - Responsible neighbourhood management	
NM01: Anti-social behaviour cases relative to the size of the landlord	TP10: Satisfaction that the landlord keeps communal areas clean and well maintained
	TP11: Satisfaction that the landlord makes a positive contribution to neighbourhoods
	TP12: Satisfaction with the landlord's approach to handling anti-social behaviour

4.3.1 Keeping Properties in Good repair

As at April 2024 the Decent Homes levels within MDH stock was at over 99%, which has been achieved and maintained by targeting non decent homes with capital and revenue funding via Building Services. All of our works programmes are recorded on Integrator, our asset database, which also records information on HHSRS, Decent Homes, Asbestos and EPC's/Sap information.

In 2024/25, Fire Risk Assessment work that was previously contracted internally to Public Health Services within in the Council has been bought back into MDH under direct management control. As a result, a replacement role of a Specialist Officer has been put in place who will have the responsibility of carrying out Stock Condition Surveys, Housing Health and Safety Rating Scheme inspections, Asbestos condition inspections, Water Safety collation and Fire Risk Assessments on a rolling basis ensuring that the data in integrator is continually updated.

4.3.2 Responsive repairs

The responsive repairs team are continuing to prioritise the upskilling of operatives, surveyors and neighbourhood officers to ensure a better quality of service. An increased number of Multi-Skilled operatives will ensure that tenants should continue to receive great response times for technical inspections, a clearer specification for follow on works and more jobs capable of being completed first time.

4.3.3 Maintaining building safety

MDH has always invested heavily in the Health, Safety and Wellbeing of its residents; as well as compliance, including the Management of Asbestos, Gas Safety Checks, Fire Risk Assessments, Water Safety Checks, Lift Safety Checks, Electrical Safety Checks and Solid Fuel appliance servicing. Not only are these Tenant Satisfaction Measures, but they are also a legal requirement. With the introduction of the Social Housing Regulation Act 2023 the Regulator of Social Housing will be able to make regular inspections to ensure that Registered Social Housing Providers are meeting their obligations

4.3.3.1 Gas Safety

MDH have 2218¹ properties containing appliances that require an annual gas safety check, which is a requirement of the Gas Safety (Installation and Use) Regulations 1998 as amended. In addition to a Landlord's Gas Safety Record (LGSR), the appliances that MDH own are also serviced. Residents own appliances are given a visual inspection. The compliance rate for LGSR's is currently at 100%², which is the benchmark for gas servicing.

Our gas servicing contractor has a portal to allow us full access to their programming and LGSR's giving full visibility of the compliance with any property, which will continue in the future.

^{1,2} Properties with gas appliances at 31 July 2024

4.3.3.2 Fire Safety and Fire Risk Assessments

MDH currently has 98 communal areas that need a Fire Risk Assessment (FRA) which need to be kept under review and updated when there are any significant changes, not only to the building but also to the risks and the hazards. If there are no changes a FRA will still need to be refreshed; in the case of MDH's purpose built flats this would need to be done every two years.

MDH will adopt the recommendations of any FRA's and incorporate the recommended works into the capital programme, which has a budget allocated to it. There is also a revenue element to this work to cover the continuing testing, servicing and maintenance of the smoke and fire alarm systems within these communal areas.

In addition to these systems, every home has a hard wired smoke alarm and heat detector with those properties that have a gas or solid fuel appliance also having carbon monoxide detectors. There is also a programme in place to test the carbon monoxide detectors when the appliances are serviced.

4.3.3.3 Asbestos Safety

MDH complies with the Control of Asbestos Regulations 2012 (CAR) prior to having works carried out to a property by having a survey carried out to let the contractor know where and what type of asbestos is within a property. In addition to this all new tenant's are provided with similar details prior to moving into their new home.

Despite this there are approximately 550¹ homes that do not have an asbestos management sample survey of their homes, which are due to be carried out between April 2024 and March 2026 by an external asbestos surveying company. Meanwhile existing survey data and the MDH asbestos register assumes asbestos to be present based on duplicate property data and other surveys to ensure all potential asbestos risks are identified and managed accordingly.

MDH will also be undertaking a rolling programme of asbestos inspections to update integrator on the condition as part of its ongoing management as well as providing our staff with regular training.

The Asbestos Management Plan was reviewed and formally updated in 2024 and will remain under cyclical review in future.

¹ Outstanding 31 July 2024

4.3.3.4 Water Safety, Legionella

MDH complies with the Approved Code of Practice relating to the Control of Legionella bacteria in water systems; having carried out a risk assessment and regular testing of those properties where there is a potential risk. Water systems are classified as either High, Medium and Low risk.

The properties with a potential risk are being reduced by removing the water storage or other risks completely and there is a programme and budget in place to manage these works. In 2017 there were 116 High risk systems and 846 Medium risk systems with the remaining stock being Low risk. Since then, 100% of High risk systems have been removed and of the 176 Medium risk systems that remain there is a continued programme to remove all of these by 2029. In the meantime, we will continue with annual legionella tests and other any additional reactive monitoring plus risk assessments as required to ensure the systems are safe. Consequently, from 2029 onwards all stock will be classified as having Low risk systems requiring no or minimum further review and testing in future.

4.3.3.5 Lift Safety

MDH currently has one lift, but this number will rise with the purchase of St Georges Court. Lifts are serviced every three months with any recommendations implemented and a budget available for this work annually.

4.3.3.6 Electrical Safety

There is a legal requirement to carry out an Electrical Installation Condition Report (EICR) to both dwellings and communal areas every five years with regulations pending requiring a full EICR at the same frequency. MDH has implemented this cyclical programme and will achieve the target.

100% of our stock will have a full EICR no older than 5-years by 2027, likely in advance of a compliance date set out in proposed regulations

MDH also recognise that inspection and identification of remedial works should also help to reduce the number of responsive electrical repairs.

4.3.3.7 Radon

MDH has had a risk assessment carried out and has implemented a programme of surveys and remedial works of those properties that require it. This programme is due to be completed in 2027 and there is a budget identified for these surveys and remedial works.

4.3.3.8 Door Entry Systems

Although this does not affect compliance it is related to security and resident wellbeing. MDH have 47 door entry systems located at the entrance to the communal areas of flats through the district. There is a budget in place for servicing, maintenance and renewal of these systems.

4.4 Manage Disrepair proactively within the financial framework

The Pre Action Protocol for housing disrepair is a set of guidelines designed to help tenants and landlords resolve the issue of disrepair. It is designed to avoid litigation, but is being used by some legal firms on a no win no fee basis, with the intention of claiming their costs via compensation for tenants. Some Registered Social Housing Providers are setting aside a significant amount of their annual capital budget to cover the cost of these claims.

MDH received its first legal disrepair claim under the housing disrepair protocol in 2019; to the beginning of August 2024, a total of 41 claims have been received.

MDH generally robustly defends these claims and it is believed that this has led to MDH receiving significantly fewer claims compared with other Registered Social Housing Providers (RPs). To date, one claim has been settled in the tenant's favour, whilst two have been settled in the MDH's favour.

However there is a general trend of an increasing number of claims, especially from 2022 onwards. This may be due to greater public awareness, more robust legislation, and increased advertising by legal firms that specialise in this practice.

There was a noticeable increase in claims following the case of Awaab Ishak, who died due to mould in a social housing property. This received widespread media coverage in late 2022 and may have raised awareness among tenants about the dangers of damp and mould. Another factor may have been the introduction of the Social Housing Regulation Act 2023, which included Awaab's law, relating to health and the minimum timescales to respond to a report of a repair, along with the increasing awareness that this has brought.

Although this may appear as a concern, it is also an opportunity to be proactive; carry out our development programme as well as undertake additional inspections or surveys with the appointment of the Specialist Officer and to implement any improvement programmes, aimed at addressing disrepair and improving response times before a claim escalates.

In the medium to long term it is anticipated that MDH will adjust to the new legal requirements and there should be a period where these claims will stabilise before decreasing as the anticipated improvement and development programmes progress.

It will be crucial to prioritise proactive maintenance and early intervention to address damp and mould issues before they escalate into legal claims. Investing in regular inspections, upgrading building materials, and enhancing tenant communication channels will be key to complying with Awaab's Law and reducing long-term liabilities. By improving the overall quality of housing stock and ensuring prompt responses to disrepair complaints, we can not only minimise the risk of legal action but also enhance tenant satisfaction and reduce the future burden of claims.

4.5 Identify and deliver our maintenance programmes while developing the local economy

Integrator is used to plan the future works programmes and the quality of the information within integrator is crucial to be able to plan and deliver the maintenance programmes in the coming years; if the information is inaccurate, our forecasts will also be inaccurate.

Previously, the information has been updated periodically; in the future a specialist officer will be employed to carry out a rolling programme of 20% of the stock per year. The specialist officer will be covering the Stock Condition Surveys, The Housing Health and Safety Rating Scheme, Asbestos inspections, Fire Safety and EPC's.

Integrator produces our works programmes based on the age, condition or form of the component that needs to be replaced, but this is also reinforced with evidence from our operatives, surveyors, and our responsive repairs officers.

Procurement and delivery of the works is managed by Responsive Repairs, Commercial and Planned Maintenance with annual budgets of approximately £2.9m Capital and £1.25m¹ of Revenue. The underlying objective behind the procurement of these programmes is to achieve value for money, while developing the local economy by encouraging businesses to tender for the works that cannot be delivered internally.

In addition to the above budgets MDH receives approximately £160,000.00 annually, from the contract with Anesco for the Solar PV panels, which is ring-fenced to be invested in renewable technologies.

¹Budgets for 2024-2025

4.6 Voids Management

Void properties are an integral part of the overall asset management of our council homes by MDH.

Voids management requires a careful balancing act between meeting the pressure of social housing demand and ensuring safe, well maintained homes that meet legal standards where tenant/resident welfare is prioritised.

There are further opportunities for property decarbonisation and retrofitting together with potential development sites for new, additional Council homes at properties sited on large plots which can often only be accomplished when properties are empty. Delivering on these opportunities makes a significant contribution toward meeting several core objectives for the Council within our Corporate Plan and Housing Strategy.

As a Registered Provider of housing, we must also comply with the mandatory Decent Homes Standard as set out in 4.3.1 and the consumer Safety and Quality Standard set by the RSH.

This legislation and associated mandatory standards cover what social landlords must be achieving in all their properties in respect of decency, modernisation, repair and safety.

The consumer Transparency, Influence and Accountability Standard also set by the RSH forms a further part of the regulatory framework for social housing and is relevant to the standards the Council sets and publishes for re-letting its properties and what incoming tenants can expect.

The MDH lettable standard is available on the MDH pages of the Council website.

The Council has adopted a detailed Voids Management Policy which is also available as above. This defines voids, sets out our policy objectives and performance targets. The overarching target is for MDH to ensure 97% occupation of stock on a rolling basis which includes dwelling stock used for general needs, non-general needs and properties allocated to the general fund Housing Options team. Voids do not apply to non-dwelling properties and assets.

Within this context we will review all voids and classify whether they are standard, major, decent or development voids as set out in the policy. This is determined by the level and nature of the works required with specific turnaround targets against each. The development voids will be properties where there are potential opportunities for redevelopment and additional Council Homes on larger or more accessible plots. Some of these voids will also be older, concrete pre-fabrication types such as Cornish and Woolaway units which are also approaching end-of-life where modernisation costs to meet Decent Homes standard in the future in order to extend property life-span by 10-20 year are a poor investment in comparison to new build replacement.

Consequently, development voids may be demolished and cannot be offered for secure tenancies. They will then be held as longer-term voids whilst feasibility studies and planning applications undertaken. Until these voids are demolished they remain as technical voids on our accounting and voids performance reporting and where possible short-term uses are explored on non-secure licensed accommodation basis including temporary homeliness accommodation where fit-for-purpose.

Occasionally, it may be recommended that a dwelling in our stock that becomes voids is disposed of. This may be for a multiple reasons including remote location, property isolation, lack of housing demand, property archetype, lack development opportunities and investment required to bring the property up to the Decent Homes standard. As a non-private registered provider, whilst there is no formal requirement to notify the RSH of any dwelling disposal this will be subject to a formal CSAG (Corporate Strategic Asset Management Group) process to determine asset management recommendations for future use. Any capital receipt will be reinvested and ring-fenced to the HRA

and where possible, priority will be given for using this receipt to support a wider development programme.

4.7 HRA Retail Units

MDH have recently adopted the management of the 15 retail units owned by MDH and are currently in the process of having all leases renewed where applicable to ensure clear guidelines around rent and repair responsibility are highlighted . As with the other HRA properties these assets will be added into our Housing system and included within any relevant Planned maintenance programme going forward although works will only be carried out at any change of tenancy as tenants will have all responsibility for repairs to the properties.

The rental income from these retail units will now be approximately £115,000.00 annually.

4.8 HRA Garages

The 1037 garages that MDH rent provide an annual income of approximately £390,000.00 set against a modernisation and maintenance expenditure of £150,000.00. This provides a net income of £240,000.00 that is reinvested into these sites or can be used on other HRA properties.

MDH will continue to invest in the maintenance and improvement of the garages to ensure this income continues. There is a rolling 5-year improvement programme in place for all garages. This commenced in 2023 and runs to 2028 with the following focus:

- Areas of high demand / waiting lists
- Areas of occupancy above 50%
- Size and construction of the garages makes them suitable for modern use
- Additional benefits such as the removal of asbestos containing material

Where garage (and related ground rent plots) are not suitable for continued use and/or modernisation then these will be held as potential development or disposal sites and be subject to a formal CSAG (Corporate Strategic Asset Management Group) process to determine asset management recommendations for future use.

5.0 Wider MDH Policy Framework and Performance Reporting

There a range of MDH policies that support and provide detail on the delivery of this Asset Management Strategy, including:

- Aids and Adaptions Policy
- Damp and Mould Policy
- Homes Safety Policy
- Tenant Alternations and Improvements to Council Property Policy
- Recharges Policy
- Voids Management Policy
- Repairs and Maintenance Policy
- CCTV Policy
- Garage, Ground Rent Plot and Car Parking Spaces Policy
- Asbestos Management Plan

- Service Standards
- Decant Procedure

Asset Management Performance is monitored and reported through quarterly updates to the Mid Devon District Council Homes Policy Development Group (HPDG). This follows specific performance targets largely defined within individual policies and our published service standards. TSMs are also subject to formal annual returns to the RSH and wider annual performance data is including in a range of tenant communications including annual reports, quarterly newsletters, ad-hoc social media posts and campaigns.

The present HPDG reporting covers the following measures and targets:

Table 7 HPDG reporting from 2024/25

Measure	Target
All Tenant Satisfaction Measures (TSMs, as prescribed by RSH) including Asbestos checks	Upper quartile nationally for perception surveys and as required by legislation for good repair and building safety
Decent Homes Standard	100%
Emergency Repairs completed on time	100%
Urgent Repairs completed on time	95%
Routine Repairs completed on time	95%
Repairs completed first visit	95%
Gas safety checks	100%
Fire Risk Assessments completed	100%
Electrical safety checks (full EICRs)	100% by 2028
Water safety checks (Legionella)	100%
Voids – occupation of MDH stock	97%

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Report for: Cabinet

Date of Meeting:	10 December 2024
Subject:	MID DEVON HOUSING (MDH) TENANT COMPENSATION POLICY UPDATE
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing, Assets and Property and Deputy Leader
Responsible Officer:	Simon Newcombe – Head of Housing and Health
Exempt:	None
Wards Affected:	All
Enclosures:	Annex A – Tenant Compensation Policy Annex B – Tenant Compensation Policy Equality Impact Assessment

Section 1 – Summary and Recommendation(s)

The policy was last approved in January 2022, and has become due for review after 3 years.

Since the current compensation policy was adopted the Housing Ombudsman (HO) has issued guidance notes to Registered Providers that relevant policies should provide redress to restore a person to the position they would have been in had the service failure not occurred.

In line with the HO guidance the revised policy sets out compensation payments that are fair, consistent and proportionate whilst recognising that each case will be considered on its individual merits.

The Council has also recently received specific guidance and recommendation from the HO in respect of compensation for the additional cost of temporary heaters.

These guidance updates were timely with the rolling review date of the policy and the policy has been updated as set out below.

Recommendation:

- 1. That Cabinet adopt the updated MDH Tenant Compensation Policy and Equality Impact Assessment contained in Annexes A and B respectively as recommended by the Homes PDG.**

Section 2 – Report

1 Introduction

- 1.1 Mid Devon Housing (MDH) aims to provide excellent service to its tenants at all times, however, we recognise that there will be occasions when our tenants may suffer some disadvantage, inconvenience or loss as a result of our actions or mistakes and that in some instances, financial compensation or a goodwill gesture may be the most appropriate form of redress.
- 1.2 Under the Transparency, Influence and Accountability Standard, the Regulator of Social Housing (RSH) requires all Registered Providers to ensure complaints are addressed fairly, effectively, and promptly. Furthermore, the HO expects Registered Providers to have a redress scheme in place.
- 1.3 The RSH regard councillors as responsible for ensuring overview that providers' businesses are managed effectively and that providers comply with all regulatory requirements. As such, members should be satisfied MDH are complying with the relevant current consumer standards and requirements regarding tenant compensation as set out above.

2 Policy Review and Changes

- 2.1 MDH have had a redress and tenant compensation scheme in place through the adopted current and previous compensation policy for a number of years. The policy review found the current policy to largely fit for purpose, nonetheless some amendments are now required as set out below.
- 2.2 As a result of an investigation by the HO into compensation paid to a tenant who had had temporary heaters installed it was determined that MDH were liable for the daily usage of the heaters. Our current Policy stated 'Tenants will be compensated for the daily use of each heater provided'.
- 2.3 The revised Policy now states that 'MDH will consider reimbursing tenants for any out of pocket expenses as a result of having to use temporary heaters whilst their heating issue is being resolved. We may request proof of these out of pocket expenses' This amendment ensures that the policy is transparent for tenants that we will reimburse them for an increase in their expenditure, if that occurs, for using the temporary heaters.
- 2.4 The revised Policy now also includes details of the updated Regulatory Framework including the new mandatory consumer regulation standards alongside mirroring wording within the updated HO guidance and context so there is clear alignment.

2.4 It is proposed that the revised Policy will be reviewed after 5 years instead of 3 to align it with all MDH policy reviews.

3 Performance 2023-2024, Monitoring and Reporting

3.1 During 2023-24 we offered £10,327.93 in compensation and goodwill gesture payments (GWG).

3.2 £6,692.93 compensation was accepted and £369.66 GWG payments were accepted. Not everyone accepted their offer of redress.

3.3 In total 51 residents/tenants were offered compensation/GWG but only 43 accepted.

3.4 The highest amount we paid to a tenant in one go was £1,123.00, this payment was accepted. The highest amount we offered that was not accepted was £1,050.00.

3.5 Such payments are always made in accordance with adopted policy and are reviewed and monitored on a regular basis. This is undertaken through rolling reporting and monthly meetings between the complaints officer and the Head of Housing and Health alongside wider, pan-service performance management meetings.

3.6 Going forward, data and details of compensation and GWG payment information (on a non-case specific basis) will be reported as part of meeting the wider transparency requirements of the Transparency, Influence and Accountability Standard. This will be achieved through inclusion in the annual MDH complaints reports produced under the HO Complaints Handling Code.

4 Consultation

4.1 Tenants and members of the Homes PDG were invited to comment on the draft policy between 1st September and 1st October 2024.

4.2 No queries or concerns were raised during the consultation.

4.3 Despite no response to the consultation from tenants, 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 also aware of the updated policy as required.

5 Safeguarding and Vulnerable Tenants

5.1 MDH recognises that there are some circumstances whereby a tenant's disability, language or cultural background may make it more difficult for them to understand or exercise their rights as set out in this policy and associated regulations. We tailor our service to support such tenants.

5.2 The provision of the discretionary compensation section allows the housing repairs service to consider the additional impact of disability, language barriers, cultural background or any other vulnerability factors.

6 Recommendation

6.1 In accordance with the above, the following recommendation is made:

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

Financial Implications

The financial implications will be contained within the Housing Revenue Account (HRA) and adequate budget provision in place back on trend and current levels of compensation payments.

Legal Implications

It will be necessary to ensure that the Tenant Compensation Policy addresses all the legal obligations the Council has as a Landlord under within the parameters of the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994, the Housing Act 1985 and the Leasehold Reform, Housing and Urban Development Act 1993.

Risk Assessment

There are risks that without a policy compensation may not be awarded in a consistent and fair way and that tenants may not feel that they have been treated with fairness and respect.

The ombudsman expects local authorities to have a compensation policy which provides fair and proportionate redress to tenants (contract-holders) where there are shortcomings in the provision of services. The policy should reduce the risk of complaints and/or court action in relevant matters where the facts are not in dispute.

Successful implementation of this policy could help to reduce customer dissatisfaction, and upheld complaints, by empowering tenants to exercise their rights to claim compensation appropriately as service requests.

MDH has a service improvement programme to address common sources of claims and drive up the quality of service provided.

Impact on Climate Change

This Policy has no impact on Climate Change

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 safety issues 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 for this draft, updated policy specifically is attached to this report in Annex B.

Relationship to Corporate Plan

The Tenant Compensation Policy will be key to managing our council homes and tenancies effectively whilst meeting broader regulatory requirements to redress tenants for loss and mistakes caused by the landlord. As such it supports the wider Homes priority within the current Corporate Plan

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 11.11.24

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 11.11.24

Chief Officer: Simon Newcombe

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

Date: 28 October 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 01 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe – Head of Housing and Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers: Current Tenant Compensation Policy: [MDH Tenant Compensation Policy \(middevon.gov.uk\)](#)

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Tenant Compensation Policy

This policy was produced in 2024 and is version 2.0

This policy was adopted by Cabinet on xxxx

Review Frequency: MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations

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1 Introduction

- 1.1 Mid Devon Housing (MDH) aim is to provide an excellent service to its tenants at all times, however, we recognise that there will be occasions when our tenants may suffer some disadvantage, inconvenience or loss as a result of our actions or mistake and that in some instances, financial compensation or a goodwill gesture may be the most appropriate form of redress.
- 1.2 This policy applies to tenants or residents of MDH. It covers both discretionary compensation, which relates to loss, damage or inconvenience due to a service failure and statutory (obligatory) compensation.
- 1.3 Each case will be considered on its individual merits and discretion and common sense will be applied, while promoting consistency. MDH will take responsibility for any detriment or damage caused to an individual or their property and belongings by a third party (contractor) working on MDH's behalf.

2 Aims and Objectives

- 2.1 The aims of the Tenant Compensation Policy are:
 - To ensure a clear, fair and transparent approach to compensation for all tenants and residents;
 - To ensure consistency when calculating compensation;
 - To provide guidance on how and when compensation can be claimed;
 - Record and pay compensation promptly;
 - Monitor compensation payments and spend.
- 2.2 The objective is to provide tenants and residents of MDH with clear guidelines on when compensation will be paid and what factors will be considered when calculating payments.

3 Regulatory Framework and Context

- 3.1 Under the Transparency, Influence and Accountability Standard, the Regulator of Social Housing (RSH) requires that all registered providers must ensure complaints are addressed fairly, effectively, and promptly.
- 3.2 The Regulator of Social Housing (RSH) regard councillors as responsible for overview that providers' businesses are managed effectively and that providers comply with all regulatory requirements.
- 3.3 Social Housing (Regulation) Act 2023 has impacted the regulatory framework for social housing and introduced a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime was to ensure that providers of social housing, such as the Council treat is tenants with respect.

- 3.4 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.
- 3.5 As part of the new consumer regulation regime 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 tenant's views on our performance.
- 3.6 The TSM's associated with this Policy are:
- TP01 – Overall Satisfaction
 - TP08 - Agreement that the landlord treats tenants fairly and with respect
 - TP09 - Satisfaction with the landlord's approach to handling of complaints

4 Related and Relevant Policies

- 4.1 MDH is governed by legislation and good practice relating to the payment of compensation. This is used to decide when and how much compensation will be payable. Compensation payable under legislation includes:
- Right to Repair –Housing Act 1985 (the “Housing Act”) and Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994 (the “Right to Repair Regulations”)
 - Right to Compensation for Improvements – -Housing Act and the Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994 SI 1994/613
 - Home Loss and Disturbance payments – Land Compensation Act 1973 as amended
- 4.2 The following should be read in conjunction with this Policy:
- Corporate Complaints and Feedback Policy
 - MDH Repairs and Maintenance Policy
 - MDH Decant Policy

5 Compensation Considerations

- 5.1 MDH strive to provide excellent standards of service for our residents. We acknowledge that when these standards are not met, tenants can be inconvenienced or distressed, or have suffered a loss as a result of our action or inaction and that in some instances, compensation may be the most appropriate remedy.
- 5.2 Compensation is not automatic and will not apply where the service failure or mistake has not caused any inconvenience and has been easily and quickly remedied. The level of compensation should be reasonable, justifiable and proportionate to reflect value for money for all MDH tenants or residents.

5.3 Each case will be considered for compensation on an individual basis and take into account all relevant known circumstances and supporting evidence. All reports of loss or inconvenience will be investigated and where appropriate, compensation offered. Factors that should be taken into consideration when the level of compensation or goodwill gesture are calculated include:

- Costs that have been incurred by the resident that would not otherwise have been incurred including time and trouble, distress and inconvenience caused and out of pocket expenses;
- The level of stress or distress caused as a result of an action or inaction that has led to the claim of compensation. This will include the severity of the distress, the length of time involved and the number of people affected;
- The amount of inconvenience experienced by the tenants and how much effort was required by them to resolve the problem.

5.4 If the tenant has contributed to the failure in the service, when there have been problems gaining access for example, reserves the right to charge tenants for missed appointments.

5.5 Any compensation or goodwill gesture awarded must be appropriate and proportionate. To ensure consistency in the levels of compensation paid, the matrix in clause 8.19 sets out the maximum values that should be awarded. These amounts are based on the level of our responsibility and the impact on the resident. They are in line with guidance on compensation and redress, issued by the Housing Ombudsman Service.

6 Mandatory Compensation

6.1 MDH have a statutory duty to compensate tenants in the following cases:-

- Right to Repair;
- Tenant Improvements;
- Disturbance and Home Loss Payments;
- Right to buy.

The details of which are set out below.

Right to Repair Scheme

6.2 Right to repair scheme for council tenants

Tenants (secure and introductory) can use the right to repair scheme to get small repair jobs done quickly. Only repairs that cost less than £250 are covered by the scheme and only if they are specified defects. These are known as “qualifying repairs”. MDH can look at the repair to check it qualifies.

The tenants cannot use the right to repair scheme if MDH:

- Decides that fixing the problem would cost more than £250;
- Is not responsible for the repair.

Tenants also cannot use the scheme if they do not allow the MDH access to their home to inspect or fix the problem.

Tenants should report a repair to MDH as soon as they can. After the tenant reports the repair MDH will give to the tenant:

- information if the repair is covered under the scheme
- an explanation of the tenant's rights under the scheme
- contact details of the contractor who will do the repair (the contractor could be MDH itself)
- Information about the time and date to be home to let the contractor in

Repairs must be done within 1, 3 or 7 working days, depending on how urgent the problem is. The table below sets out the qualifying repairs and the prescribed period for the repairs to be completed

Qualifying Repairs:

Qualifying repairs (provided it costs less than £250 to repair)	Prescribed period (in working days)
Total loss of electric power	1
Partial loss of electric power	3
Unsafe power or lighting socket, or electrical fitting	1
Total loss of water supply	1
Partial loss of water supply	3
Total or partial loss of gas supply	1
Blocked flue to open fire or boiler	1
Total or partial loss of space or water heating between 31 st October and 1 st May	1
Total or partial loss of space or water heating between 30 th April and 1 st November	3
Blocked or leaking foul drain, soil stack or (where there is no other working toilet in the house) toilet pan	1
Blocked sink, bath or basin	3
Tap which cannot be turned	3
Leaking from water or heating pipe, tank or cistern	1
Leaking roof	7

Qualifying repairs (provided it costs less than £250 to repair)	Prescribed period (in working days)
Insecure external window, door or lock	1
Loose or detached bannister or hand rail	3
Rotten timber flooring or stair tread	3
Door entry phone not working	7

If the repair works are not done in time the tenant can request in writing that the authority use a different contractor. So where MDH is the first contractor and fails to complete the works in time the tenant can require a different contractor to MDH to do the repair works

A new time limit (see the prescribe periods in the above table) starts after MDH receives the tenant's request for MDH to arrange a replacement contractor. There are prescribed rules as to when the new time limit starts- see regulations

Time limits can be suspended if the works cannot be done because of circumstances beyond MDH's control or the contactor's control

Tenants can claim compensation if the second contractor does not do the repair within the new time limit. Tenants can get £10 compensation with a further £2 a day for every extra day the repair is not fixed, up to a maximum of £50. If there are rent arrears, compensation is deducted from the arrears.

If the contractor does not turn up to do the work by the last day of the time limit the tenant should let MDH know. Arrangements will be made for another contractor to carry out the works

Tenant Improvements

6.3 Secure tenants may have the right to be compensated for improvements that they carry out to their property. The compensation is only paid for certain types of improvement and can only be claimed at the end of the tenancy

6.4 Qualifying improvements that may be eligible for compensation are:

- bath or shower;
- wash hand basin;
- toilet;
- kitchen sink;
- storage cupboards in bathroom or kitchen;
- kitchen work surfaces;
- central heating or water heating;
- thermostatic radiator valves;
- insulation of pipes, water tank or cylinder;
- loft or cavity wall insulation;
- double glazing, secondary glazing or other window replacement;

- draught proofing of external doors or windows; or
- re-wiring or the provision of power and lighting or other electrical fittings including smoke alarms, security measures (excluding burglar alarms).

6.5 Internal decoration does not qualify for compensation.

6.6 Prior permission from MDH must have been obtained for a 'qualifying' improvement, and it must be made clear at the time of requesting permission that it would qualify as an improvement. For example, a kitchen may be on the list as a 'qualifying improvement', however MDH reserves the right not to deem it an 'improvement' if the materials used were not compatible with Council standard materials, fixtures and fittings. It is important that the tenant seeks advice, prior to work commencing, as to whether MDH would class it as a 'qualifying improvement'. Tenants can claim for the cost of materials and labour costs, but not for appliances or their own labour. The amount payable can be up to £3000 though claims under £50 will not be considered.

6.7 Payments will be adjusted for undue wear and tear or if any defects to the improvement exist at the end of the tenancy. Compensation is worked out based on the notional life of the improvement, divided by the cost of the improvement, minus the number of years left.

$$C \times \left(1 - \frac{Y}{N} \right)$$

- C = Cost of Improvement
- N = Notional life of improvement
- Y = Number of years since completion

6.8 Compensation will not be paid to tenants who have exercised their Right to Buy or where the tenancy ends as a result of a Court Order for possession.

6.9 Any compensation will be paid at the end of the tenancy and will be offset against any sums owed to MDH.

6.10 Tenants can enquire about compensation at any point during their tenancy, but should apply for compensation at the same time as giving notice to end the tenancy. Tenants have 14 days from the end from the end of the tenancy to make a claim. The tenant will need to supply:

- Name and Address;
- Details of improvements;
- Evidence of permission obtained;
- Evidence of cost of improvements; and
- The dates the improvement works started and finished.

- 6.11 For more information on compensation for tenant improvements, please visit:
www.gov.uk/government/publications/landlord-and-tenant-law-compensation-for-tenants-improvements

Disturbance and Home Loss Payments

- 6.12 A home loss payment may be available where a person is displaced from a MDH Dwelling in consequence of:
- a) The compulsory acquisition of an interest in the dwelling;
 - b) The carrying out of any improvement to the dwelling or of redevelopment on the land;
 - c) The making of an order for possession ground 10 or 10A in Part II of Schedule 2 to the Housing Act 1985.

A home loss payment is limited to those persons with a specific qualifying status (as set out in section 29 of the Land Compensation Act 1973) such as freeholders, leaseholders, tenants (including secure and introductory tenants and certain licensees. A spouse or a civil partner with home rights under the Family Law Act 1996 may also claim.

The person claiming must have been in occupation of the dwelling for a minimum of one year ending with the date of the displacement.

The homeless payment must be claimed by the applicant and must be claimed within six years of displacement.

The amount is set by the Land Compensation Act 1973. At the date of writing this policy the amount is in the case of an owner, 10 percent of the market value of the interest to a maximum of payment of £63,000, in all other case the amount is £6,300

- 6.13 Decanting is the term used to explain the process when residents are required to move from their homes due to works being carried out that cannot be carried out whilst they are in residence. This includes when a resident has to move because their home is due to be demolished or disposed of, and when extensive structural or intrusive works are required. Please see our Decants policy for more details.
- 6.14 A disturbance payment is also available in the same circumstances as a home loss payment. A disturbance payment is an additional amount representing “to compensate a residential occupier for reasonable expenses in moving from the house or land” This includes removal costs and the costs of setting up in a new home. There is no maximum specified for the payment and each case must be judged on its facts.

Right to Buy

6.15 Tenants who have made an application to buy their home are entitled to claim compensation if the sale has not completed within our statutory timescales, as a result of our inaction.

6.16 Tenants will need to:

- Issue a Notice of Delay to officers giving one month in which to resolve the delay; and
- Issue a further Operative Notice of Delay if the delay is not resolved within a month.

6.17 Financial compensation - We will deduct the sum of the weekly rent amount x the delay period. For instance, if the rent is £78.60 a week and there has been an 8-week delay, we would take £78.60 x 8 =£628.80 off the final purchase price.

7 Discretionary Payments

7.1 Examples of where discretionary payments may be applicable could include:

- Poor complaint handling;
- Delays in providing a service e.g. in undertaking a repair;
- Failure to provide a service that has been charged for;
- Temporary loss of amenity;
- Failure to meet target response times;
- Loss of use of part of the property;
- Failure to follow policy and procedure; or
- Unreasonable time taken to resolve a situation.

7.2 We know how important it is to tenants that we help them to maintain their home and fix repairs as quickly as possible. When considering paying discretionary compensation, due to our action or inaction, we will consider:

- Distress, dissatisfaction or inconvenience caused to the tenant by our action; and
- Financial loss suffered by the tenant due to our actions.

- 7.3 Each claim for compensation is on an individual basis, taking into account all relevant circumstances, where documents and evidence have been supplied. If evidence has been requested and is not supplied, claims may not be considered.
- 7.4 Financial compensation may be appropriate for:
- Loss of amenities or rooms; or
 - If we are unable to complete a responsive repair within the set response times, in operation at the time, the tenant may have to cope without the use of amenities and/or rooms. In such cases, compensation may be awarded and will be calculated on the amount of rooms which are unable to be used and the amount of rent payable.
- 7.5 In some circumstances it may not be possible to carry out a repair to heating systems during the first visit due to the availability of spare parts, or the system is beyond economical repair. In such circumstances we will provide tenants with temporary heaters. MDH will consider reimbursing tenants for any out of pocket expenses as a result of having to use temporary heaters whilst their heating issue is being resolved. We may request proof of these out of pocket expenses. Where it is difficult to demonstrate additional energy usage as a result of use of temporary heating, and in many cases there is not an additional cost, but there is a reduction in thermal comfort and convenience, we may look to make a discretionary offer.
- 7.6 Tenants can claim compensation for financial loss if a pre-arranged appointment that has been confirmed is broken by a member of staff or one of our contractors. On such occasions we will pay a fixed amount of compensation up to £20, except in exceptional circumstances which are beyond the control of the Council, its officers, or appointed contractors.
- 7.7 We may ask tenants to provide evidence if they have suffered a financial loss including utility bills or receipts for unexpected expenses. We will use our discretion for small amounts such as having a meal out as the tenant had no access to electrics to cook a meal.
- 7.8 Tenants will not be eligible for compensation if the tenant was advised that the appointment would not be kept 24 hours before the appointment and an alternative appointment was arranged within a mutually acceptable timeframe.
- 7.9 Tenants are advised to have home contents insurance however tenants can claim compensation for accidental damage to their personal belongings caused by our contractors or staff. Tenants may be eligible for compensation if they do not have insurance but they will be required to provide us with photographic evidence and proof of the value of the loss.
- 7.10 We may, at our discretion, issue compensation to tenants as a result of decorations, furniture or personal items being damaged due to neglect by a member of staff or a contractor acting on our behalf, where it can be reasonably proven.

- 7.11 We may decide that through our actions or inaction, we have caused a tenant to experience distress, upset or inconvenience and as such may look to compensate them for this. We do not compensate for loss of earnings, but may consider, for example, that if a tenant had to take time off work, that this was an inconvenience. We may make a payment due to a service failure or missed appointment but this is dependent on individual circumstances.
- 7.12 If a good will gesture is offered managers should aim to tailor it to the individual and base each offer on the particular circumstances of the case.
- 7.13 We reserve the right to choose, sometimes even without acceptance of fault, to offer a gesture of goodwill. This can take the form of a physical token or financial gesture. Such gestures of goodwill will be considered on a case by case basis, but should not normally constitute more than a value of £250. However, there may be occasions when this amount may be exceeded but this will be at the discretion of MDH.
- 7.14 Our tenant may have had to go to extensive time and trouble to persuade us to revise our decision or recognise their complaint. In this instance it is appropriate to pay compensation in recognition of our inaction. If we have failed to follow our processes within the permitted timescales, tenants may be entitled to compensation or a goodwill gesture.
- 7.15 The Complaints Officer may authorise compensation, up to a maximum of £250. Higher payments must be authorised by a manager.
- 7.16 Compensation payments for delay and distress will be made based on the level of MDH's responsibility for the loss or inconvenience and the impact on the resident.
- 7.17 On occasions, MDH has the right to use discretion when awarding an amount, other than that stated in the matrix.
- 7.18 Discretionary payments include:
- Unacceptable delays in providing service which have resulted in serious distress or inconvenience to the tenant;
 - Unacceptable responses to uphold or partially uphold complaints which have caused distress, dissatisfaction or inconvenience;
 - Where a tenant has incurred additional costs as a result of a failure in service.
- 7.19 MDH may offer an apology in place of financial compensation. MDH may offer a lower financial payment dependant on the individual's circumstances and how they have been impacted. The matrix sets out the *maximum* payment that can be made:

	Impact on Tenant			
Level of Mid Devon Housing Responsibility	No Impact	Low Impact	Medium Impact	High Impact
None	£0	£0	£0	£0
Partial	£0	£25	£175	£250
Full	£10	£50	£250	£500

Low impact: The complaint has been upheld but there has not been significant inconvenience or distress caused. The impact has been no more than a reasonable person could be expected to accept and the compensation is a token in acknowledgement of MDH’s responsibility.

Medium impact: Inconvenience and/or distress has clearly been caused as a result of a failure in service. A repeated failure of a low impact event could result in the impact being increased to a medium impact.

High impact: A serious failure in service has taken place. This could either be due to the severity of the event or a persistent failure has occurred over a prolonged period of time or an unacceptable number of attempts to resolve the complaint have failed.

Goodwill gestures: Any member of staff is able to offer a goodwill gesture to residents who have received a poor service or have suffered inconvenience. Payments should take into account the level of stress, anxiety, frustration, uncertainty and inconvenience caused. This will include the severity, length of time, number of people affected and their individual circumstances. If a tenant wishes to accept a compensation offer, they should do so within 30 days of the offer, unless otherwise agreed. After this time, it will be up to the investigating officer’s discretion whether the offer is still available or a further review is required.

7.20 Accepting an offer of compensation at a stage 2 complaint does not prevent the Tenant escalating their complaint to the Housing Ombudsman if they feel that complaint has not been resolved to their satisfaction.

8 Situations where compensation will not be considered

8.1 There are certain circumstances where compensation will not be considered and these include:

- Claims for personal injury;
- Claims for damage caused by circumstances beyond MDH's control (e.g. through storm or flooding); or
- Problems caused by a third party not working for MDH.

8.2 Compensation would not normally be paid where any damage is covered under contents insurance. However where damage has been caused directly as a result of the actions or omissions of MDH or our contractors, consideration will be given reimbursement without the need for the tenant to make a claim at further inconvenience and cost to themselves where the facts are not in dispute.

8.3 MDH will not consider a claim of compensation where:

- The loss or damage was caused by a tenant, household member or visitor and includes failure to report a repair promptly or keep an appointment;
- The fault was unforeseeable and/or caused by a 3rd party or MDH had no control over it, such as a water leak from a neighbouring property;
- Possessions are lost, stolen or damaged through no fault of MDH;
- Items which have been unavoidably damaged by improvement works, such as installation of central heating which has unavoidably left holes in the flooring to accommodate new pipework;
- Service failure or damage is the result of extreme or unforeseen conditions such as weather; or
- Loss of the supply of gas, electricity or water which is outside of MDH's control.

8.4 Financial compensation would not be offered if the complainant had done any of the following:

- Failed to provide us with any information requested;
- Caused an unreasonable delay in any part of the process;
- Been abusive or threatening to our staff; or
- Rejected a transfer offer which we consider reasonable.

9 Payments

9.1 Claims for compensation or a goodwill gesture, due to service failures can be made via a service request before it reaches a stage one complaint. The relevant Office or Service Lead will decide on a case by case basis the most appropriate way to pay compensation. If the tenant owes money to MDH, the compensation will be credited directly to their rent account.

- 9.2 MDH may not use compensation to pay a debt if the compensation is meant to be used for a specific purpose, e.g. to replace a damaged item. However, if part of the compensation awarded is for distress or inconvenience, MDH may use this part to offset any debt.
- 9.3 If a tenant feels that the compensation payment offered has not been considered in line with this policy, they have the right to use MDH's Complaints Procedure.
- 9.4 If a tenant accepts an offer of compensation, they must notify us within 30 working days of the offer. If the tenant fails to notify us of their acceptance, we reserve the right to withdraw our offer of compensation.

10 Appeals/Disputes

- 10.1 Tenants have a right to dispute or appeal the compensation decision if they feel that MDH has not met its legal or statutory requirements, or if there is evidence that there has been a service failure.
- 10.2 Disputes can be dealt with informally by phone, email or letter, should a Tenant wish to discuss this with their Neighbourhood Officer or a Repairs Officer. Disputes can be formally dealt with as a service request. First time disputes or appeals cannot be dealt with as formal complaints in the first instance.

11 Complaints

- 11.1 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.
- 11.2 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
- 11.3 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.
- 11.4 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'.

- 11.5 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.
- 11.6 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.
- 11.7 MDH's complaints procedure is detailed on Mid Devon District Council website: [Feedback and Complaints](#)

12 Equality Impact Assessments

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

Equality Impact Assessment

Purpose of the Equality Impact Assessment process:

The Equality Act (2010) introduced the [Public Sector Equality Duty](#) (PSED) requiring public bodies to give due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

Consideration must be given to the protected characteristics covered by the Equality Act (2010). Assessments should consider relevant evidence relating to persons with protected characteristics in relation to assessments of potential impact.

The purpose of an Equality Impact Assessment (EIA) is to ensure that policies, functions, plans or decisions (hereafter referred to as 'policy/ decision') do not create unnecessary barriers for people protected under the Act. Where negative impacts are identified these should be eliminated or minimised, and opportunities for positive impact should be maximised. An EIA is not required for a decision in relation to an individual.

Screening is a short exercise to determine whether a policy/ decision is relevant to equalities, and if so, whether a full EIA should be conducted.

Section 1: Equality Impact Assessment Screening

Title and description of the policy/ decision:	MDH Tenant Compensation Policy		
Job title of the person(s) undertaking the assessment:	Policy Officer		
Council service:	Mid Devon Housing		
Date of assessment:			
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?			
<p>To meet our requirements as a landlord to comply with the Regulator's framework for social housing and in particular, the Transparency, Influence and Accountability Standard.</p> <p>This policy applies to tenants or residents of MDH. It covers both discretionary compensation, which relates to loss, damage or inconvenience due to a service failure and statutory (obligatory) compensation.</p>			
Who may be affected by the policy/ decision?	All MDH Tenants		
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	Tenants and Members of the Homes PDG were consulted between 01 September & 01 October 2024		
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	Yes		
To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:			
	Yes	No	Details
1. Eliminate unlawful discrimination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Advance equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	
3. Foster good relations between different groups	<input type="checkbox"/>	<input type="checkbox"/>	

Which of the protected characteristics is the policy/ decision relevant to?

Tick and briefly describe any likely equalities impact (positive, negative, or neutral)

Characteristic	Positive	Negative	Neutral	Comments
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Older people are more likely to suffer health problems such as dementia, hearing and sight loss and therefore are more likely to have difficulties in claiming compensation.

Characteristic	Positive	Negative	Neutral	Comments
				To mitigate this, officers will provide assistance to tenants to do this and enquiries/applications from relatives/carers/support workers of tenants can be made.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A tenant with disabilities may have more difficulties in conveying their reasons for claiming compensation. To mitigate this, as above, officers can provide assistance for anyone having difficulties. Enquiries and applications on behalf of a tenant can be considered, with their consent.
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Some tenants of a different nationality do not speak, read or write English as their first language and may face difficulties in claiming compensation. To mitigate this, enquiries and applications can be made by relatives/advocates for tenants and officers will use translation and interpretation services, where needed
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

*Applies only to Employment and the duty to give regard to the elimination of discrimination.

Decision by Head of Service to recommend this policy/ decision for an Equality Impact Assessment?

Yes

If the answer is “Yes”, please continue to the Section 2 and complete the Equality Impact Assessment. If the answer is “No”, please give a brief reason here.



EIA Screening Complete

Section 2: Equality Impact Assessment

Evidence and Consultation

What existing sources of information have you gathered to help identify how people covered by the protected characteristics may be affected by this policy/ decision? E.g. consultations, national or local data and/or research, complaints or customer feedback. Please identify any gaps in the available information that might make it difficult to form an opinion about the effect of the policy on different groups.

The policy applies to tenants of MDH all regardless of age. MDH will utilise a variety of methods to engage with tenants of all ages.

The policy provides a fair and transparent approach to the application of compensation payments to tenants. It is acknowledged that those with physical or learning disabilities may require additional support to be actively involved and therefore MDH will take steps to ensure we are inclusive and consider potential barriers. We recognise that there will be occasions when our tenants may suffer some disadvantage, inconvenience or loss as a result of our actions or mistake and that in some instances, financial compensation or a goodwill gesture may be the most appropriate form of redress.

Tenants were invited to comment on the Tenant Compensation policy between 01 September & 01 December 2024

Please complete this table for all the Protected Characteristics. If you have identified any negative impacts you will need to consider how these can be justified or where possible mitigated either to reduce or remove them. (Please add rows where needed)

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
None			
Age			
None			
Disability			
None			
Religion or Belief			
None			
Race			
None			
Sexual Orientation			
None			

Gender Reassignment			
None			
Pregnancy/ maternity			
None			
Marriage and Civil partnership (Applies only to Employment and the duty to give regard to the elimination of discrimination)			
N/A			

Please provide details of arrangements to monitor and review the policy/ decision and any mitigating actions or actions to promote equality:

MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations

Please state where the EIA will be published (e.g. on the Mid Devon District Council website):

Mid Devon Housing Website

=====

Equality Impact Assessment Sign off

For completion by Head of Service

Are you prepared to agree and sign off the EIA?

Yes **No**

If "No", provide details of why and next steps:

Name: Simon Newcombe

Job Title: Head of Housing and Health

Date: 23 October 2024

Report for: CABINET

Date of Meeting:	10 December 2024
Subject:	National Assistance Burial Policy Review
Cabinet Member:	Cllr Josh Wright – Cabinet Member Service Delivery and Continuous Improvement
Responsible Officer:	Paul Deal – Head of Finance, Property & Climate Resilience.
Exempt:	None
Wards Affected:	All
Enclosures:	Appendix 1 – National Assistance Burials Policy - 2024

Section 1 – Summary and Recommendation(s)

The policy was last approved in June 2019 and has become due for review after 5 years. This report presents the revised Policy for National Assistance Burials.

Recommendation(s):

It is recommended that the Cabinet adopt the National Assistance Burials Policy as recommended by the Service Delivery & Continuous Improvement Policy Development Group.

Section 2 – Report

1.0 Introduction/Background

- 1.1 When a resident of the district has died and there is no one able to make arrangements for the deceased funeral, the burial fees are met by the Council. National Assistance Burials are sometimes referred to as “Paupers” Funerals. The Council may be informed by the Exeter Coroner’s Office, a Nursing Home, a Housing Association, a relative or a friend.
- 1.2 The number of National Assistance Burials carried out by the Council has steadily increased over the past decade; there have been 22 since 2006 at the time of previous review in 2019, and a further 14 to date.

1.3 Where it appears to the Council that there are no suitable arrangements for the burial of the deceased, the Council have a statutory duty to bury or cremate the body of any person who has passed away or been found deceased within the district.

1.4 The 2019 policy has been revised and for ease of reference when referring to the revised policy, the changes are:

- 3.5 Department for Work & Pensions payments updated.
- 6.4 clarification on cost of moving a body between Undertakers.
- 7.1 contact for registering a death updated.
- 8.2 clarification on consideration of choice of cemetery for burial.

2.0 **Funeral Arrangements**

2.1 All National Assistance Burials arranged by the Council shall be an interment in either our Crediton or Tiverton Cemetery. Unless specific instructions have been left by the deceased, the Council reserve the right to make the final decision on the type of burial.

2.2 Burial plots within both cemeteries are double depth and have the capacity for two coffins, this will result in unrelated persons being buried in the same plot.

2.3 A Will may state the preference to be buried in a family plot, this should be complied with as long as the difference in cost can be paid by a relative or there are sufficient funds in the bank account of the deceased.

3.0 **Funeral Director**

3.1 The Funeral Director contracted by the Council is Friendship & Sons who have offices in Dulverton, Chard and Barnstaple. A fair procurement process was followed between all the interested undertakers that the Council have used in the past.

3.2 The Funeral Director provision is to be tendered in accordance with Procurement Policy for year commencing 2025/26.

4.0 **Genealogy Searches**

4.1 In advance of arranging a National Assistance Burial and where no next of kin are known, the Council may engage a genealogical company by following an approved procurement route and they will carry out a search for any next of Kin.

4.2 By engaging a genealogical company it will give further opportunity to identify any possible next of Kin, and this process will then ensure that they are aware of their relatives' death and that they are offered the opportunity to make the necessary funeral arrangements.

5.0 **Conclusion**

5.1 The revised policy clearly outlines the procedure for handling National Assistance Burials, with the changes have been detailed in paragraph 1.4. It is therefore the Officers recommendation that the PDG recommends to Cabinet the adoption of the revised National Assistance Burial Policy that is attached as Annex A.

Financial Implications

It is essential that the National Assistance Burials carried out by the Council are cost effective; there is currently an increase in the demand for this statutory duty.

Legal Implications

The Council has a statutory duty to carry out National Assistance Burials under Section 46 of The Public Health (Control of Disease) Act 1984.

Risk Assessment

If there is no National Assistance Burials policy or if the policy is not followed a funeral may take place without the knowledge of relatives, where in appropriate or at unnecessary cost the council.

Impact on Climate Change

None

Equalities Impact Assessment

Not applicable

Relationship to Corporate Plan

This service provides an important statutory duty. It is essential that we continue to review and update our service provision to ensure it provides the best value for money.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 22 November 2024

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 22 November 2024

Cabinet Member notified: (yes/no)

Section 4 - Contact Details and Background Papers

Contact: Paul Deal, Head of Finance, Property & Climate Resilience, Finance

pdeal@middevon.gov.uk

**In his absence contact Bereavement services Tel: 01884 234343,
bereavementservices@middevon.gov.uk**

Background papers: N/a

Appendix 1



National Assistance Burials

Policy

December 2024
Review date 5 years

**The Public Health (Control of Disease)
Act 1984 Section 46**

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1. Introduction

- 1.1 Mid Devon District Council (MDDC) has a duty to bury or cremate the body of any person who has died or been found dead in its area where it appears that no suitable arrangements for the disposal of the body are being made – **Public Health (Control of Disease) Act 1984 s.46.**
- 1.2 The Council can recover the cost of burial or cremation from the estate of the deceased person – **Public Health (Control of Disease) Act 1984 s.46.**
- 1.3 The Council may consider the use of Heir Hunter companies to assist with the process of trying to locate possible next of kin. This will be achieved by an approved procurement route.

2. How we are contacted

- 2.1 We may be informed of a death by:
 - The Coroner's Office
 - Nursing Home or Social Services
 - Housing Association
 - Relative or friend of deceased
 - Police
 - Undertaker

3. Who is responsible?

Firstly, you need to decide if MDDC is responsible for arranging the funeral and the following options should be explored:

- 3.1 If the death occurred in hospital it is the Health Authorities responsibility to arrange a funeral. This will usually occur at Royal Devon & Exeter Hospital (RD&E) and contact should be made with the Bereavements services office, RD&E hospital, Tel: 01392 402093.
- 3.2 If the death occurred in a Devon County Council (DCC) residential home, we can ask the manager of the home if they would like to take on the responsibility of arranging the funeral if the deceased had any funds. If the deceased had no family, DCC may have been looking after the deceased's financial affairs and had Court of Protection rights and although these rights cease upon death, they may still feel morally responsible for arranging the funeral. If the deceased had no funds, then it is very likely that DCC will refer any funeral responsibilities to MDDC to deal with.

Note – Neither RD&E or DCC have a legal duty to deal with the funeral arrangements in the instance where no suitable arrangements are being

made. There has always been a **general understanding** that the Health Authority will take on the responsibility if someone has died whilst in their care and RD&E will usually honour this.

If either organisation refuses to deal with the arrangements, the duty would fall to the local authority where the death occurred (Exeter City Council if resident died in RD&E)

- 3.3 If death occurred outside MDDC district then we have no responsibility and we do not need to carry out funeral arrangements.
- 3.4 A close relative and in certain circumstances a close friend can apply for a Funeral Payment from the Social Fund (part of the Department for Work & Pensions (DWP)) if they are claiming certain benefits. Details of how they can apply are listed below:

- Visit the Social Fund's website and obtain their guidance pack and form at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300448/sf200_print.pdf

- Contact the Social Fund 'Bereavement Line' on 08007310139 and they will take details of the case over the phone.
- Call into the local Job Centre Plus office and complete a form with a member of staff

There is also a Council guidance note on National Assistance Burials which can be sent out to a relative / friend etc and includes how a relative can get financial help from the Department for Work and Pensions.

- 3.5 If a wife, husband or civil partner has died and paid National Insurance Contributions they may be eligible for a one-off, tax-free, lump-sum Bereavement Payment of £2,500. Higher payment of £3,500 for applicants with children under 16 receiving Child Allowance.

Applicants can contact the Bereavement Service (part of DWP) on 08007310139 – Option 2.

- 3.6 If a next of kin / relative or friend is located who wishes to take responsibility for the funeral this is welcomed. In the instance where the deceased has sufficient funds in their bank account to cover any funeral costs. The family member or friend should make contact with the deceased bank and ask if they can release funds or pay the funeral director directly.

Note - Has the relative spoken to all family and friends regarding a combined approach to pay for the funeral?

- 3.7 All of the above options need to be discussed thoroughly with the relative or friend before we decide to arrange the funeral. There is no provision of part payment of expenses or donations – someone must take FULL responsibility. If they pass the responsibility onto the Council we will take full control of the arrangement and the relative will need to complete & sign a **‘Next of Kin’ declaration form** which confirms that there are:

- No other family members willing to deal with the funeral.
- No one on any type of qualifying benefits.
- No will or Insurance etc.

4. Details of deceased

- 4.1 If no one has accepted responsibility at this stage, more details will need to be obtained and the ‘Particulars of Deceased’ form should be completed.
- 4.2 Coroner involvement – The Coroner investigates all unexpected, accidental and/or suspicious deaths. He/she is assisted in this by officers from Devon & Cornwall Police as well as local pathologists.

Her Majesty’s Coroner for Exeter & Greater Devon District which includes North, West, East and Mid Devon contact:

H.M. Coroner County Hall
Topsham Road Exeter
EX2 4QD

If the Coroner’s Office is involved, they will have already made some enquiries and will be able to provide ‘all known information’ to the local authority regarding the deceased.

Main Coroner office contact number is: 01392 383636

- 4.3 Ask the informant if they know of a Will left by the deceased as this may name a person responsible for the funeral.
- 4.4 Speak with the following to try and obtain Next of Kin details or existence of

a Will:

- Hospital
- Police
- Doctor
- Neighbours
- Friends
- Contact local solicitors who may hold a Will

4.5 In the event where next of kin details are found, ask if they would like to take on the funeral arrangements and go through Section 3 of the procedure with them. If they decline, a 'Next of Kin' declaration form will need completing by them and returning to us.

5. Visiting deceased property

5.1 If the deceased had an abode, which may be a privately owned house, rented accommodation or council owned property, access must be obtained. Two authorized officers must go to the last known address to try and locate any next of kin details and to ensure that the effects of the deceased are properly dealt with and accounted for. If it is a Council owned property, then a Housing Officer will usually be the second authorized officer and they can also assess the clearance of the property at the same time. A full procedure and proforma's have been produced to manage this requirement. This will be directed by the Group Manager for Public Health and Regulatory services and in his absence, a Team Lead officer for Private sector housing.

5.2 Keys to the property may need to be collected from a Landlord, friend, family member, community support officer / warden or Police. If the Police are involved, contact must be made with the Police Officer who attended the property to ascertain where the keys should be collected from and when. The Council will ask for details of the property log number, this will make any property easy to locate upon collection. The Police will be notified before the Council enter any property.

5.3 The following items are particularly useful and officers should always attempt to recover them during their search of the property:

- Will
- Evidence of any next of kin / relatives
- Insurance Policies
- Pension Book or Documents
- Savings Books
- Bank Account details
- Cash
- Medical Records (medical card)
- Birth / Marriage Certificate(s)

- Any wishes regarding a burial or cremation
 - Utility Bills if the property is owned by MDDC – The Estate Management officer who attends the search will make contact with all utility companies and advise them of the tenants death
 - Make contact with any religious group that they may be a member of.
- 5.4 Take photos of each room of the property before and after the search to confirm the condition of the property.
- 5.5 Any cash, small valuables or personal paperwork should be removed and recorded on the 'Retrieval of Possessions Form'. This should be completed and signed by the case officer and countersigned by the second officer once the search has been completed. Any cash should be paid into the Council's National Assistance Burial account via the cashiers on return to the office. A 'Payment Advice' form can be handed over to the cashier, along with the cost code for the National Assistance Burial Income account – ES1007259.

Note – Retrieval of any cash from the deceased's property should always be fully recorded and countersigned by the second officer attending the search.

On returning back to the office, ask a line manager to check the amount again and countersign the 'Retrieval of Possessions' form.

- 5.6 Any larger items of value (furniture, cars, etc.) should be recorded in the Officers notebook and photos taken; this should include any valuables held by family and friends for security.
- 5.7 If there is any perishable food or food waste at the property, place in refuse sacks and either put in food recycle bin or landfill bin. Inform Waste Management of the number of bags and the collection point and a Waste Officer will organize a special collection via SITA.
- 5.8 If the property is filthy or verminous and / or there are bodily fluids causing a public health issue, then this information should be passed onto the property owner immediately (landlord, Estate Management etc) and they should ensure that a pest control firm or a professional cleaning company are employed to deal with the issues, this may result in a public health issue if not resolved. If the property was owned by the deceased, then Environmental Health will consider formal action if required and this may result in the Council recovering the costs back from the estate.

Note – Officers must wear appropriate PPE under these conditions which may include a paper suit, gloves, mask and shoe covers.

Before leaving the property, make sure all windows and doors are secure and turn off any electrical devices.

- 5.9 If a Will is located the executor or the solicitor named should be notified and asked if they wish to take over the arrangements as soon as possible. Any public health issues within the property must also be raised with the executor or solicitor straight away and advice given regarding any pest control treatment or cleansing required.

6. Moving the body

- 6.1 The body may be at:

- The deceased home.
- A residential home.
- The Mortuary at the RD&E, Exeter.
- Already at an undertakers.

- 6.2 If the initial information suggests MDDC is likely to undertake the funeral arrangements and the body is still at the deceased property then the contracted undertaker should be contacted to remove the body (provided a doctor has confirmed death and the Coroner's Office / police have not indicated otherwise).

Details of the deceased should be sent to the funeral directors contact officer in writing (by email) and authorization given to proceed with the collection of the body and arrangement of the funeral. An order number will also need to be provided.

- 6.3 The Councils contracted Funeral Director is:

**Friendship & Sons Funeral Directors Unit 7, Barle Enterprise Centre,
Dulverton, Somerset. TA22 9BF.**

Contact Officer: Nick Friendship, 01398 324590

Email: nick@friendshipandsons.co.uk

- 6.4 If for any reason the body is taken to another undertaker then the cost of moving the body to Friendship & Sons Funeral Directors will **NOT** fall to MDDC.

7. Registering the death

- 7.1 The death must be registered with the Registrar from the district in which the death occurred, within five days after death (14 days after Post Mortem).

To make an appointment to register a death call:
Devon County Council Registrars on 03451551002 / My Devon.

- 7.2 If a relative, friend or nursing home is willing to register the death ask them to do so, if not it is the local authorities' responsibility to do so.

- 7.3 If an inquest has been held, the Coroner's Office will register the death and the certificate for cremation / burial will be left with the body at the mortuary. This process can take some time and the Coroner can provide the local authority with an 'Interim Death Certificate' in the meantime (acts in the same way as a certified death certificate which we would usually obtain from the Registrars).
- 7.4 If a post mortem has been carried out (but no inquest) the Coroner's Office will deliver the 'Coroner Death Certificate' to the Registrar but the local authority or relative must still register the death. Again the certificate for cremation / burial will be with the body.
- 7.5 If there is no post mortem the death must be registered by the local authority or relative and they will need to take the death certificate signed by the doctor in the sealed envelope in which it comes. If a cremation is to take place, the Registrar will give the 'informant' the green certificate for burial or cremation.

Note - Details can be checked with an officer at the Coroner's Office – tel: 01392 383636.

- 7.6 To register the death the officer will need to know as much information as possible about the deceased and they should take the Doctors death certificate with them. Officers should try and obtain the following information to take with them:

- Full name and address of deceased (and maiden name if female)
- Date and Place of Death
- Date & Place of Birth
- Details of spouse (if there is one)
- Occupation at time of death (and before retiring)
- NI number – Registrars can inform DWP of the death which resolves any issues of overpayment of pension

- 7.7 The registrar will issue:

1. A certified copy of the registration of death
2. Form for National Insurance and Social Security purposes (otherwise known as a DB8)
3. A certificate for burial or cremation (green form) which should be passed onto the funeral director. Not needed if coroner involved.

- 7.8 A copy of the registration of death (Death Certificate) will only be needed if MDDC is likely to reclaim expenses against insurance policy / bank accounts etc or other estate. A copy of the Death Certificate will cost £11.00 and can be reclaimed through expenses. If there are several bank accounts then the officer may need to request 2 or 3 copies.
- 7.9 The registrar will provide, free of charge, a form for National Insurance and Social Security which needs to be taken or sent to Job Centre Plus to cancel any pensions / benefits etc. This will require completion and should be sent to :
- Job Centre Plus**
Phoenix Lane Tiverton
EX16 6LU
- 7.10 If a burial is to take place, one doctor certificate of death is needed. If cremation is to take place two doctors certificates are needed from separate medical practices. The second doctor can visit the funeral directors to view the body.
- 7.11 When arrangements have been made to register the death the Councils contracted funeral director (Friendship & Sons Funeral Directors) can be contacted and asked to arrange the funeral.

8. Funeral and Funeral Director

- 8.1 The certificate for burial or cremation (green form) should be delivered to the funeral director. If the deceased requested cremation, the officer will need to complete a '**Cremation 1**' form – '**Application for cremation of the body of a person who has died**' and a '**Instructions for the cremated remains**'.
- 8.2 Burial is the preferred option as the Council owns two cemeteries, at Tiverton and Crediton, however, if the deceased has left specific instructions regarding cremation, the Council will usually try to honor this and arrange for a cremation to take place. The Council reserve the right to choose which cemetery is used, but would take into consideration where the deceased lived and requests from friends / relatives.
- 8.3 However there may be reasons the deceased wished to be cremated. This could be due to information contained in a Will; family or friends wishes or due to religious reasons.

It is stated in the Public Health (Control of Disease) Act 1984 Section 46 (3) that:

'an Authority should not cause a body to be cremated if there is any reason to believe that cremation would be contrary to the wishes of the deceased'.

The Council will always have the final say whether to bury or cremate.

8.4 A Will may also state the preference of the deceased to be buried at a family grave, which should also be complied with as long as the difference in the cost can be paid by the relative or there is sufficient funds in the deceased's bank account.

8.5 The Council will pay for a simple but dignified funeral arranged by Friendship & Sons Funeral Directors and this will include:

- Supply a coffin appropriate for burial or cremation, suitably fitted with handles, plate of inscription, internal lining and gown
- Removal of the deceased to the Chapel of Rest and care of the deceased until day of funeral
- Provision of Hearse and attendant staff
- Arranging and conducting the Funeral

Note - The Council has no legal duty to inform relatives of the arrangements but we would be open to criticism after a 'normal' investigation if we did not inform relatives and friends of the date, time and place.

8.6 The Funeral Director will arrange the details of the funeral and will normally act as the Councils representative at the funeral.

8.7 Ashes from cremation will normally be scattered in the garden of remembrance at Exeter Crematorium unless there is a relative or friend who wishes to take possession of the ashes, in which case any details of relatives or friends who wish to take control of the ashes should be clearly highlighted on the '**Instructions for the cremated remains**' form.

8.8 Once the funeral has been completed the Funeral Director will send us their invoice and the procedure for paying. The procedure for paying invoices is as follows:

1. When the invoice arrives check name and details of the deceased are correct.
2. Check all figures and total are correct and in accordance with the Funeral Director's contract
3. Check on deceased file that invoice has not already been paid before certifying payment.
4. Put copy of invoice in deceased file with 'Passed for payment' and the date on the top of it.

9. The Estate

9.1 It is the Councils responsibility to make every effort to recover its costs,

which include the undertaker's bill and any administration charge for the work we have carried out. The person or organization responsible for the arranging and paying for the funeral has first claim on the deceased's estate.

- 9.2 It is not our responsibility to arrange house clearance (unless Council owned in which case refer to the Housing team) but sale of the possessions of the deceased may help to recover funeral costs if there are little funds in the deceased's bank account.
- 9.3 Valuable items should be auctioned and officers should make sensible decisions about the cost involved in selling items against their anticipated value.
- 9.4 As the funeral expenses are the first legal charge against any estate, we will need to write to any financial institution advising them of the person's death. Enclose the original death certificate, the funeral directors invoice and receipt of payment by MDDC. Only when this first charge has been paid can anyone else claim the residue.
- 9.5 Notify all relevant MDDC departments regarding the death (Council tax etc)
- 9.6 The Council will not be responsible for cleaning or fumigating a property – unless it is decided it is needed before they can investigate the case or there are public health issues which need dealing with.
- 9.7 If any money or valuables are left over after the bills are paid then this can either be passed to the relatives (after they have signed the 'Retrieval of Possessions/Valuables by Relative or Friend' form) or to the Treasury). Solicitor (see 10.2 for further details).

10. Treasury Solicitor

- 10.1 If after MDDC has recovered its costs, there is still money left, this should be sent to the Treasury Solicitor. This is done by filling in form BV1A which can be found on the Bona Vacantia Division website.

Treasury Solicitor initially require only birth, marriage and death certificates. DO NOT SEND ANY DOCUMENTS OR POSSESSIONS until confirmation has been obtained in writing from Treasury Solicitor that they are accepting the case. They now say 90% of cases result in them finding a next of kin. The case will then be referred back to us to pass all documents etc to Next of Kin.

Or from the Treasury Solicitors office at:

Treasury Solicitor's Department Bona Vacancia Division BVD

P O Box 2119
Croydon, CR90 9QU tel. 020 7210 4700
Email: bvcbt@governmentlegal.gov.uk

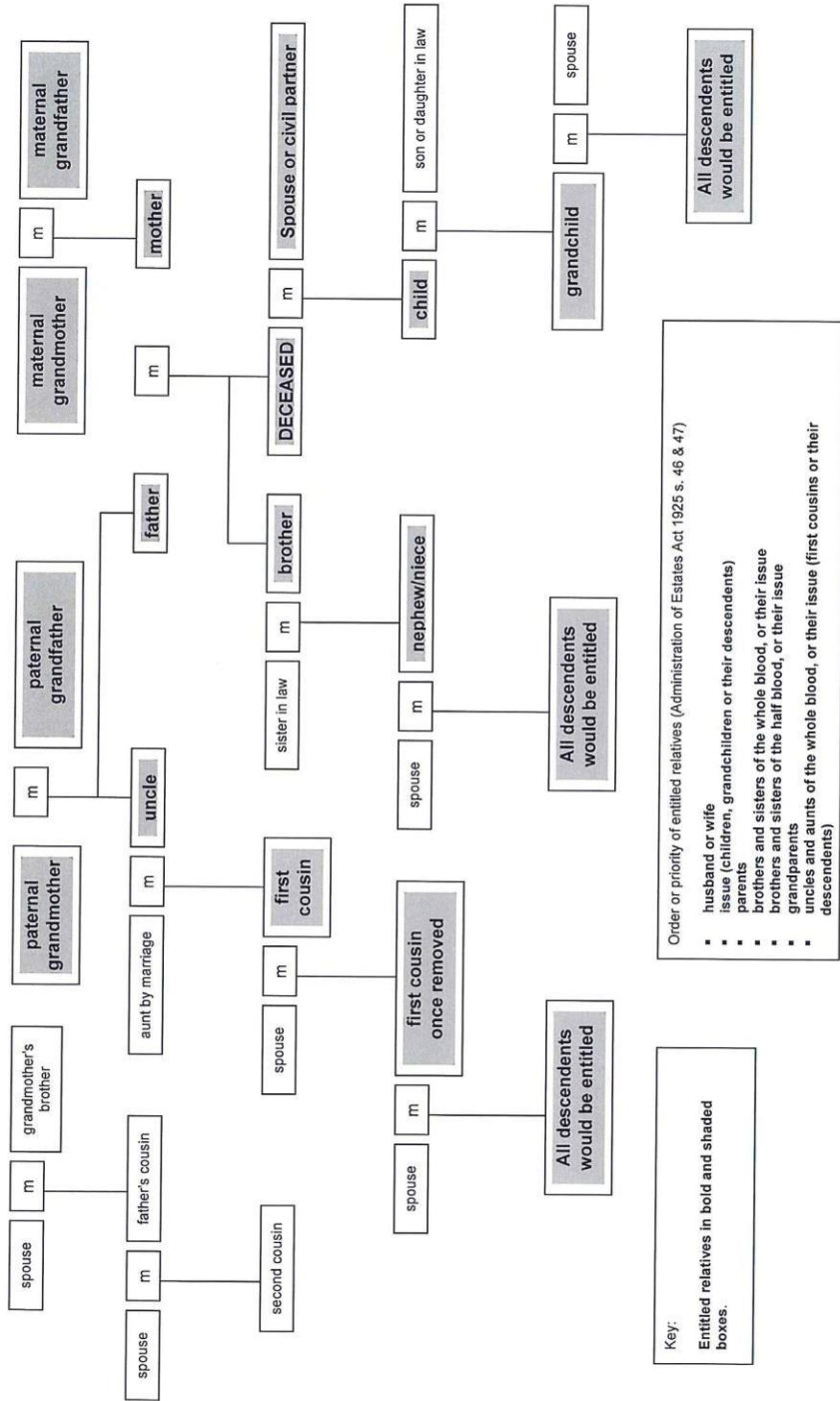
Note: If the deceased owned a freehold or leasehold property then form BV1D should also be completed (this can also be found on the above website or the information cabinet)

- 10.2 When an estate consists only of a net cash residue of £500 or under, the money may be retained by a blood relative (see family tree below) or the Council (if blood relative cannot be traced). When an estate consists of a cash residue of over £500 the case should be referred to the Treasury Solicitor, but only in the instance where a blood relative has not been found – **Treasury Solicitor can only administer the estate of someone when we have been unable to locate any next of kin.**
- 10.3 If blood relatives have been found refer to the family tree detailed below concerning order or priority of entitled relatives. Family entitled to make a claim on the deceased's estate should seek legal advice from a probate solicitor or contact the 'Probate or Inheritance Helpline' on 03001231072.
- 10.4 If Treasury Solicitor administers the estate, they will pay reasonable administrative charges for any work carried out in connection with the Council's statutory duties, under s.46 of the Public Health (Control of Diseases) Act 1984. We will include any costs involving the clearance of a property or pest control work, along with mileage and officer hours. The hourly rate of a Technical Officer will be calculated and charged with all on costs.
- 10.5 See separate guidance from The Treasury Solicitor entitled: "Guidelines for Referring Estates to the Treasury Solicitor" for a more in depth guide and procedure for sending papers and valuables to the Treasury Solicitor.

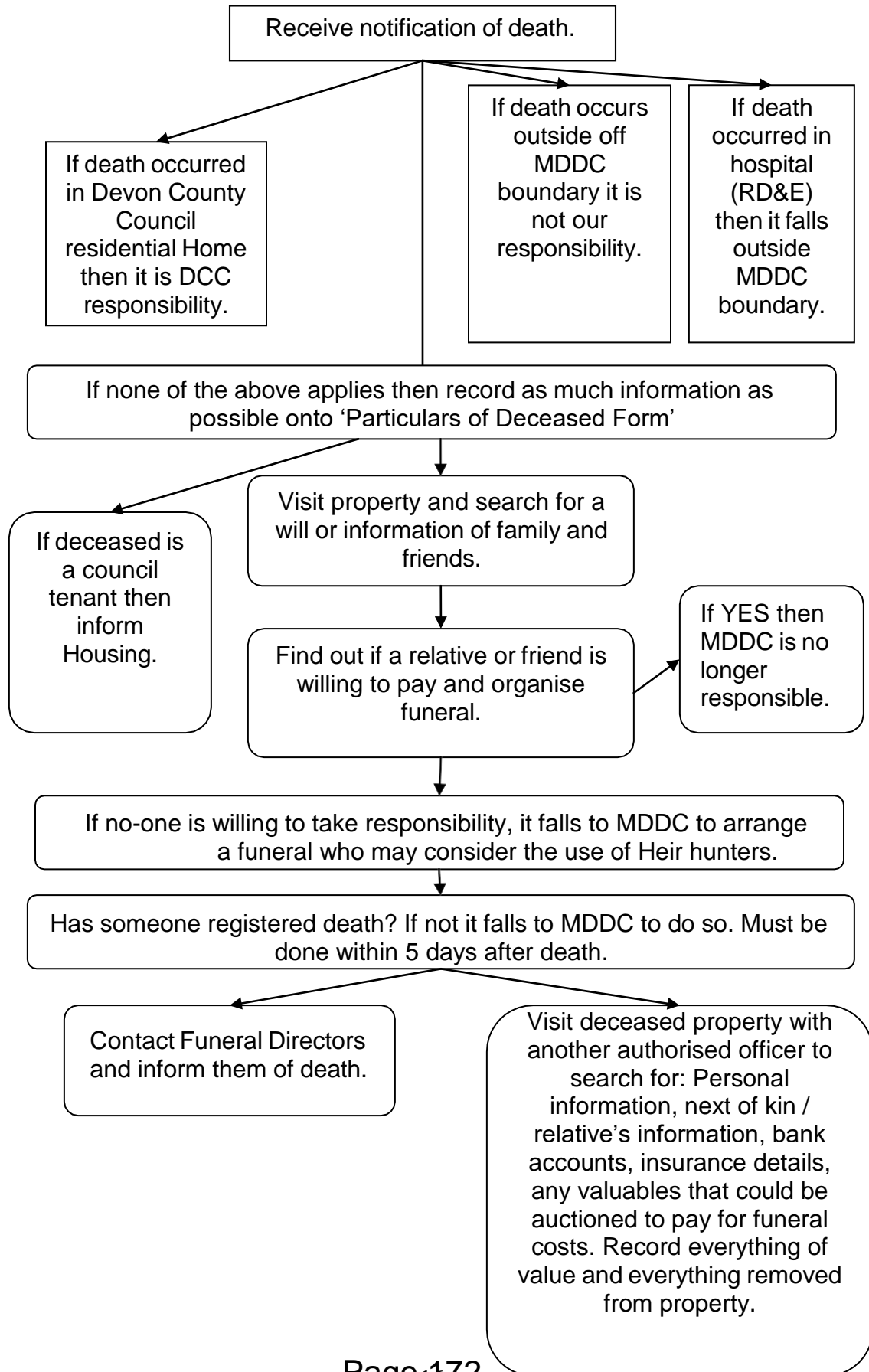
Officers should keep comprehensive records of all events as they occur during the investigation and actions they have taken. This is important if any queries arise. We need to show that we have made reasonable checks to ascertain any next of kin and a Will.

The sensitivity of dealing with these issues should not be underestimated, but you also need to be firm when handling relatives/friends of deceased as we need to keep a fair and uniform approach when arranging each funeral.

RELATIVES ENTITLED TO SHARE IN AN INTESTATE ESTATE



FLOWCHART PROCEDURE



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Report for: Cabinet

Date of Meeting: 10 December 2024

Subject: The Statutory Duty to Conserve and Enhance Biodiversity.

Cabinet Member: Cllr Natasha Bradshaw - Cabinet Member for Environment and Climate Change.

Responsible Officer: Jason Ball - Climate and Sustainability Specialist.

Exempt: None

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: A draft Biodiversity Duty Action Plan.

Section 1 – Summary and Recommendation(s)

To consider approval of the Biodiversity Duty Policy Framework and Action Plan arising from broad consultation across the Council.

Recommendation(s):

- 1. That the Cabinet approves the draft Biodiversity Duty Action Plan as recommended by the Planning, Environment and Sustainability Policy Development Group.**

Section 2 – Report

1.0 Introduction and summary

- 1.1 The general duty to conserve and enhance biodiversity is set out in the Environment Act 2021 and the Natural Environment and Rural Communities Act 2006 (NERC Act) as amended.**

- 1.2 Responsibility to deliver on the general biodiversity duty is shared across all Council operations. As such, this matter was raised on agendas for all Policy Development Groups (PDGs) and, where within the jurisdiction of the LPA, the Planning and Policy Advisory Group (PPAG) to request input to the policy framework and action plan. Thus, action and policy development will be split into two separate streams. Either:
- a) matters within the Council's statutory Planning Policy making process and the statutory powers as a Local Planning Authority (LPA), largely governed and prescribed by national policy and through the work of the Forward Planning and Development Management teams, or;
 - b) items outside those functions, such as land management and its wider corporate operations.
- 1.3 Mid Devon as LPA has set duties to discharge in line with national policy and this is separate and distinct from anything which the authority chooses to do as a corporate land / property owner.
- 1.4 The Cabinet Member for Environment and Climate Change led a first consideration of what action to take with regard to this duty and a report was submitted to Cabinet. Decision [published online](#).
- 1.5 The enclosed policy framework and action plan has been developed in consultation with committees and teams across the Council. The first round of development was carried out in consultation with each of the PDGs and by the Planning and Policy Advisory Group (PPAG) who considered potential action related to each of their remits. The second round was addressed by staff teams to shape realistic actions and achievable measures / metrics.

Financial Implications. The financial implications associated with this report are the overall costs of resourcing actions; these are expected to be covered already by current activity. Specifically new projects arising from developing policy / undertaking actions would be subject to their own business case for each proposal.

Legal Implications. The Council's environmental sustainability duties are underpinned by legislation e.g. [Environment Act 2021](#) as noted.

Risk Assessment. There are 2 main risks (to the Council): 1) that the Council does not take sufficient actions to meet its statutory duty; and 2) that the financial implications are not adequately considered. Extensive consultation across teams was carried out in order to avoid potential risks to delivery of the action plan.

Impact on Climate Change. New works or projects that arise from the action plan would be subject to specific evaluations of impact and benefit. Council or partnership schemes could potentially achieve benefits and avoidance of impact, e.g. from protecting or enhancing ecological complexity and habitat coverage.

Equalities Impact Assessment. There are no equality impacts associated with this report. Specific projects and policies are subject to the Public Sector Equality Duty. (Assessing the equality impacts of proposed changes to policies, procedures and practices is not only a legal requirement, but also a positive opportunity for authorities to make better decisions based on robust evidence.)

Relationship to [Corporate Plan](#). Priority 1.4. “We will ensure that biodiversity is increased across the district”.

Section 3 – Statutory Officer sign-off / mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151.
Date: 24/11/24

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer.
Date: 24/11/24

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager.
Date: 29 November 2024

Cabinet member notified: Yes.

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No.

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No.

Section 4 - Contact Details and Background Papers

Contact: Jason Ball, Climate and Sustainability Specialist: Email: JBall@MidDevon.gov.uk Tel: 01884 255255.

Background papers: Previous report and [Cabinet decision January 2024](#). Consultation carried out with all PDGs. The enclosed paper was provided to the Planning, Environment and Sustainability [PDG](#) on [26 November 2024](#).

Biodiversity Duty Action Plan

Mid Devon District Council

November 2024 (draft)



Introduction

The Council's statutory duty to conserve and enhance biodiversity (habitats and species) is set out by the Environment Act 2021 and the amended Natural Environment and Rural Communities Act 2006 (NERC Act). This is known as 'the biodiversity duty'.

The Council must:

- Consider what it can do to conserve and enhance biodiversity.
- Agree policies and specific objectives based on its consideration.
- Act to deliver its policies and achieve its objectives.
- [Report on its biodiversity duty actions.](#)

The Department for Environment, Food & Rural Affairs (Defra) has published [guidance](#) on purpose and compliance.

Joined-up delivery of the Council's action planning.

Responsibility to deliver on the general biodiversity duty is shared across all Council operations. As such, this matter was raised on agendas for all Policy Development Groups (PDGs) and, where within the jurisdiction of the LPA, the Planning and Policy Advisory Group (PPAG) to request input to the policy framework and action plan.

Thus, action and policy development will be split into two separate streams. Either:

- a. matters within the Council's statutory Planning Policy making process and the statutory powers as a Local Planning Authority (LPA), largely governed and

- prescribed by national policy and through the work of the Forward Planning and Development Management teams, or;
- b. items outside those functions, such as land management and its wider corporate operations.

The approach to action and policy development.

The legislation's explanatory notes (Part 6, section 102) carry key points:

- A requirement for public authorities to assess how they can take action to conserve and enhance biodiversity, and then to take these actions (beyond simply discharging its duties as the Local Planning Authority).
- The aim is to provide for the enhancement or improvement of biodiversity, not just its maintenance in its current state.
- To comply, a public authority must periodically consider the opportunities available across the full range of its functions. This represents a proactive, strategic assessment of functions, rather than considering each function in isolation.

The Council may decide there is no action it can reasonably take that is consistent with the proper exercise of its functions. For example, if a particular action is not possible within budget constraints, not good value for money, or it conflicts with other priorities. However, if there is action it can take, then it must decide how that action can be put into effect, through appropriate policies and objectives. It is possible the duty can be satisfied by adjusting existing policies and objectives, rather than requiring public authorities to introduce new policies or undertake new projects.

Progression and development of this action plan

The Cabinet Member for Environment and Climate Change led a first consideration of what action to take with regard to this duty in autumn 2023, and a report was submitted to [Cabinet](#). The Cabinet Decision was [published online](#).

The next step was to develop a policy framework and action plan, in consultation with committees and teams across the Council. The first round of development was carried out in consultation with each of the PDGs and by the Planning and Policy Advisory Group (PPAG) who considered reports that highlighted potential action related to each of their remits. The second round was addressed by staff teams to shape realistic actions and achievable measures / metrics.

Guidance was given to teams on key considerations for policy development and actions:

- Does the action comply with and support the requirements of the legislation? (Please refer to the introduction.)
- Would the Council have full control over whether the Aim / Action is achieved?
- Are your objectives SMART?
- Does the Aim / Action require new policies or projects - or could it build on current practice?
- Does an action need partnership work to make it happen? (How would it influence the work of others / partners to help realise the aims?)

Guidance was given to teams on key considerations for monitoring and targets:

- What would success look like?
- Would the Council be able to measure success and progress? (Would we rely on others for this information?)
- Would a quantifiable metric (number) be appropriate?
- Would a metric be realistically achievable – e.g. will data be affordable and available?
- Could a qualitative evaluation be appropriate instead of a metric, or be an essential way to explain progress?

The key outcome is this **policy framework and action plan** to enable and inform implementation, decision-making and policy development.

Policy Framework and Action Plan

Mid Devon District Council's implementation and monitoring of its Statutory Duty for Biodiversity will focus on the following Biodiversity Duty Policy Framework and Action Plan. This contains aims, actions and goals for the Council and its partners.

Policy and practical actions are shown in tables below, for each policy / service remit.

Table 1 - Planning, Environment and Sustainability PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
e1	Biodiversity Net Gain at 10% or above.				Please refer to the actions for the Local Planning Authority role.
e2	Shape / influence planning policy.		Not applicable.		Seek policy on enhancement through liaison with Planning and Policy Advisory Group (PPAG).
e3a	Tree Policy and Strategy.	Strengthen tree policy. Develop a Tree Strategy e.g. to improve potential for greater tree cover.	Document in place.	2026	Climate Change will affect the optimum choice of trees in terms of local suitability for planting.
e5	Active engagement with nature.	Engagement and partnership projects to help celebrate, boost and monitor biodiversity on Council owned land.	No. of events.		Hosting or supporting activities such as bat walks in parks, community orchard events, etc.
e6	Partnership schemes to boost nature at landscape scale.	Seek to identify and enhance special sites, Local Nature Reserves (LNR) and Country Parks. Landscape scale enhancement projects e.g. woodland cover, connectivity, river valley schemes.	No. of sites by 2028.	1 new LNR / country park / special scheme.	Additional to any required via developer Planning obligations.

Table 2 - Community, People and Equalities PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
c1	Review strategic grants to achieve biodiversity benefits.	This could include e.g. agreed results linked to a supported partner organisation or project.	Not applicable.		Next review due 2026. Existing grant regime includes a grant to the Grand Western Canal Country Park and Local Nature Reserve.
c2	Health and wellbeing benefits of nature.	Consider, monitor and promote the social and wellbeing benefits of nature engagement activities, green space, and ecological health.	Reporting in place.	2027	
c3	Co-benefits for nature and communities.	Consider and promote the social benefits of nature-based solutions for climate change e.g. natural flood management schemes, urban tree cover	Not applicable.		

Table 3 - Homes PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
h1	Tenant engagement projects to help celebrate, boost and monitor biodiversity on Mid Devon Housing land.	Activities or events. Communications (e.g. leaflet, social media) about maintenance of grounds and properties, in relation to wildlife.	Engagement numbers in each scheme. Number of schemes.	Annual summary to PDG. At least 3 sites or communities engaged per year.	
h2	Add enhancement targets into estate and asset strategy	Enhancement features and management practices e.g. roost bricks, mowing regimes, bird and bat boxes, planting.	No. of features / installations.	Plan to be in place 2026.	
h3	Ecological awareness	Provide a foundation of ecology training for key staff.	No. of training sessions.	At least 1 ecology workshop per year.	Basic ecology awareness training for key staff e.g. garden wildlife, bats, breeding birds.

Table 4 - Economy and Assets PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
ea1	Promote sustainable local food systems.	Regenerative / positive and low impact production innovations.	Not applicable.		Build on successes of support afforded through SPF/REPF aimed at local food producers
ea2	Support innovation and investment opportunities that enhance biodiversity across Mid Devon landscapes, neighbourhoods and built assets.	Promote environmental land management partnerships and grants. Promote local investment in urban green space. Promote green schemes with cobenefits for nature such as restorative landscape enhancement, farm diversification, active travel and ecotourism.	TBC Unlikely that MDDC would lead on this.	TBC	Mid Devon recently supported a Regenerative Agriculture initiatives within the district utilising REPF/SPF funding and an opportunity to build on this may exist via the 4 th year of SPF funding, recently announced.
ea3	Promote investment in Natural Capital and resource conservation.	Recognise, encourage and monitor the economic benefits of e.g. natural flood management schemes, habitat carbon capture / banking and biodiversity banking.	Not applicable.		Unlikely that MDDC would lead on this.
ea4	Council estate and asset management	Build biodiversity enhancement targets into estate and asset management strategy.	Plan in place.	2026	
ea5	Regeneration to boost nature.	MDDC major regeneration bids to include habitat gains and ecologically informed design.	Actions in major bids.		Opportunities available will depend on the purpose and setting of each project.

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
					Consideration is already being given on how to enhance existing scheme to deliver additional benefits

Table 5 - Service Delivery and Continuous Improvement PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
s1	Mowing regimes	Monitor the effects of conservation management and mowing regimes (less cutting) in cemeteries and green spaces.		Increase the number and variety of plant and invertebrate species present on these areas	To enable any form of measurement a baseline study of areas managed for conservation is required. In addition, the baseline needs to be established for more frequently mown areas.
s2	Optimise land management plans	Review land management plans to ensure gains.	Review document.	2026	
s3	Legacy policy	Develop a policy to conserve gains achieved e.g. if land management is passed to another party / partner.	Policy in place.	2025	

s4	Ecological awareness	Provide a foundation of ecology training for key staff.	Number of training sessions.	At least 1 ecology workshop per year.	Training sessions tailored to the operational supervisors and staff would be beneficial.
s5	Enhance nature on Council property.	Build biodiversity enhancement targets into estate and asset management strategy.	Plan in place.	2027	

Table 6 - Local Planning Authority role

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
p1	Biodiversity Net Gain at 10% or above.	Require and enforce mandatory Biodiversity Net Gain (BNG) at 10% or above, where possible, for eligible developments.	Number of Consents with BNG secured.	All eligible cases. (Annual total.)	Defra requires BNG to be reported. Development Management seek to track BNG and all cases where mitigation and enhancement are agreed / secured by Conditions. Even with enforcement, we cannot accurately track all actual change i.e. habitat enhancement being achieved / on target.
p2	Policy to support BNG.	Develop local policy to support BNG, such as to enable biodiversity banking, and enforcement.	Policy content.	Policies in place by 2027 / via Local Plan process.	Local Plan timetable review due 2025.

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
p3	Ecology checklist for developments.	Optimise checklist effectiveness for scoping ecological issues.	Checklist in place to raise ecological matters.	Use 2025 data collected via checklists to help devise monitoring goals.	Build on the ecological elements of the checklist introduced by the climate emergency interim planning policy statement (resource published 2023).
p4	County Ecologist provision.	Measure impacts / celebrate the success of the Ecology Service Level Agreement (SLA) with Devon County Council.	Not applicable.		SLA in place with Devon County Council. Potential for annual summary notes by Ecologist.
p5	Non-BNG gains	Seek / require ecological gains for cases not subject to mandatory BNG legislation.	No. of non-BNG cases with gains conditioned	Monitor 2025 data; use that to inform a target.	Development Management seek to track all cases where mitigation and enhancement are agreed / secured by Conditions.
p6	Planning service ecology targets	Devise strategic targets to achieve district gains such as % tree cover, key features e.g. swift roost bricks, wildlife road crossings, dark zones, landscapes permeable to wildlife movement.	Not applicable.		Targets will relate to strategic drivers such as species strategies and the Local Nature Recovery Strategy (LNRS). Progress targets to be reviewed once we have LNRS in place.
p7	Wider obligations such as the Local Nature Recovery Strategy (LNRS)	Reinforce policy and practice around delivering the NERC Act duty and new Environment Act obligations such as LNRS.	Not applicable.		We will identify and implement delivery mechanisms; potential to use the Local Plan review to enable policy. Devon County Council is the "Responsible

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
					Authority” for preparing the LNRS; Mid Devon District Council is a “Supporting Authority”.
p8	Report on Biodiversity Duty compliance and achievements	Delivery on BNG. Progress on Actions (including this action plan). How other strategies have been considered e.g. species, protected sites, LNRS. Future aims.	Report to be published.	Frequency of every 5 years or sooner.	To comply with reporting requirements as set out by Defra.
p9	Explore BNG policy	Evaluate the potential and viability of Mid Devon BNG policy above the national 10% minimum. This might be policy to realise specific uplift aims rather than blanket % habitat unit targets. Such as ecological enhancement for priority species; or priority factors e.g. disturbance, connectivity or climate adaptation.	Not applicable.		A matter to be investigated through the preparation of the new Local Plan. (A matter that cannot be pursued outside the plan-making process.)

Appendix

Background papers

Biodiversity statutory duty [report](#) submitted to [Cabinet 09 January 2024](#).

References

Defra [guidance](#) on legislation purpose and compliance.

Defra [guidance](#) about how and what the Authority / Council needs to report on with regard to its biodiversity duty actions.

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Report for: Cabinet

Date of Meeting: 10 December 2024

Subject: Climate Change Strategy and Climate Action Plan

Cabinet Member: Cllr Natasha Bradshaw - Cabinet Member for Environment and Climate Change.

Responsible Officer: Jason Ball - Climate and Sustainability Specialist.

Paul Deal – Head of Service for Finance, Property and Climate Resilience.

Exempt: None

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: 1: A draft Climate Change Strategy.
2: A draft Climate Action Plan.

Section 1 – Summary and Recommendation(s)

To consider the Climate Change Strategy and Climate Action Plan.

Recommendation(s):

- 1. That Cabinet approves the Climate Change Strategy and Action Plan as recommended by the Planning, Environment and Sustainability Policy Development Group.**

Section 2 – Report

1.0 Introduction

- 1.1** The draft 2024-2028 Climate Strategy and this year's Climate Action Plan (CAP) are enclosed. Aligned to the Corporate Plan, the Climate Strategy looks at the district's strategic position, as a starting point for engagement

between the Council, local communities, businesses and partners which will seek to co-create community climate action planning for adaptive resilience and ways to cut greenhouse gas emissions for the district as a whole.

- 1.2 The Climate Strategy is deliberately brief, with the intention that the collaborative work outlined above will generate more detail and research such as joint and community action programmes, sometimes led by others. The Climate Strategy will be published online alongside further work.
- 1.3 The Council will complement the Strategy annually with a carbon reduction plan ('roadmap to 2030') aiming to deliver corporate net zero at the soonest opportunity. Each will reflect current budgets and capacity.
- 1.4 As the Council has direct control over its own activities, i.e. transport, facilities and working practices, it makes sense to prioritise efforts to reduce the components of our corporate carbon footprint within direct control. This will involve innovation, direct investment and further bids for additional funding to make our journey towards net zero a reality.
- 1.5 Although recognising the majority of emissions are not in our direct control, it is vital that the Council seeks to reduce climate impact across the whole of its operations, and the carbon footprint shows the importance of its potential investments, influence and spending power. Therefore cutting emissions also entails work to enable change within supply chains, joint actions with tenants, and by innovating in partnership with communities and businesses.
- 1.6 As with the Corporate Plan, each PDG and team must drive and monitor their remit, and operations, with regard to climate adaptation and mitigation. The Climate and Sustainability (C&S) Specialist leads the development of the Council's C&S Programme, working inclusively with all Councillors and colleagues and particularly service leads, the Corporate Management Team and the Cabinet Member for Environment and Climate Change.

Financial Implications. The financial implications associated with this report are the overall costs of the Climate and Sustainability Programme, budgets linked specifically to the Council's Corporate Plan, Climate Strategy and CAP.

Legal Implications. The Council's environmental sustainability duties are underpinned by legislation e.g. [Environment Act 2021](#). All local authorities have obligations under the [Climate Change Act 2008](#) with regard to climate change adaptation (resilience) and mitigation (emission reductions). [Full Council declared a Climate Emergency in June 2019](#).

Risk Assessment. Progress on Performance Indicators (PI) provided separately by Performance and Risk Reports. There are 2 main risks (to the Council): 1) that the Council does not take sufficient actions to enable it to meet its Climate Emergency declaration ambitions; and 2) that the financial implications of Climate Change are not adequately measured and reflected in the Council's decision making.

Impact on Climate Change. The climate change impact ([carbon footprint](#)) of an activity, project or organisation's operation is measured in tonnes of carbon dioxide equivalent (tCO_{2e}). The CAP sets out specific actions, each with estimated impacts or savings. The Climate Change Strategy outlines areas of potential action for the Council and / or communities and other partners to prioritise, and provides a sense of the challenges in addressing the climate emergency. The role of the C&S Specialist in support of the corporate officer team is central to the Council's C&S Programme by actions such as the development of strategic positions, [guidance](#) and delivery of projects through internal, community and partnership work.

Equalities Impact Assessment. There are no equality impacts associated with this report. Specific projects and policies are subject to the Public Sector Equality Duty. (Assessing the equality impacts of proposed changes to policies, procedures and practices is not only a legal requirement, but also a positive opportunity for authorities to make better decisions based on robust evidence.)

Relationship to Corporate Plan. Please refer to priorities 1.1 and 1.2.

Section 3 – Statutory Officer sign-off / mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151.

Date: 24/11/2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer.

Date: 24/11/2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager.

Date: 29 November 2024

Cabinet member notified: Yes.

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No.

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No.

Section 4 - Contact Details and Background Papers

Contact: Jason Ball, Climate and Sustainability Specialist: Email:

JBall@MidDevon.gov.uk Tel: 01884 255255.

Background papers: An update report and the enclosed papers were provided to the Planning, Environment and Sustainability [PDG](#) on [26 November 2024](#).

Draft Climate Change Strategy 2024-2028

Page 197

Welcome to our Climate Change Strategy for Mid Devon



This document considers Mid Devon's strategic position, sets out the Council's approach to climate change and serves as a starting point for engagement with communities, businesses and other partners.

The strategy, aligned with our Corporate Plan, sets the Council's priority ambitions and aims. We provide some key facts and figures for Mid Devon, such as its carbon footprint and the renewable energy installed in our district so far. We also explore the Council's own carbon footprint and outline our climate action plan that aims to deliver operational net zero at the soonest opportunity.

To realise progress for the whole of Mid Devon, we must work in partnership, learn from those leading change, and support those who need help. Together we can co-create community climate action planning to cut greenhouse gas emissions for the district and adapt to build resilience in the face of the climate change already happening. Can you help create a vision for a sustainable future?

Councillor Natasha Bradshaw
Cabinet Member for Environment and Climate Change

November 2024

Climate Change and the Mid Devon district.

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Working together for a brighter future

Working in partnership, the Council is determined to take positive action to address the climate emergency in every aspect of what we do - through strategy, how we operate, and how we support residents and businesses.

Vibrant landscapes at the heart of Devon

As part of reviewing Mid Devon's Local Plan (Plan Mid Devon), the overarching priority must be to respond to the climate emergency by moving to a net-zero carbon future and investing to adapt. The Local Plan will draw together policy to address interlinked issues, ranging from resource consumption to landscape and ecosystem conservation and recovery.

Climate Resilient Communities

We work in partnerships such as the Blackdown Hills National Landscape and projects such as *Connecting the Culm* that work with farmers and communities on citizen science and nature-based solutions for climate adaptation and flood risks.

Healthy Homes

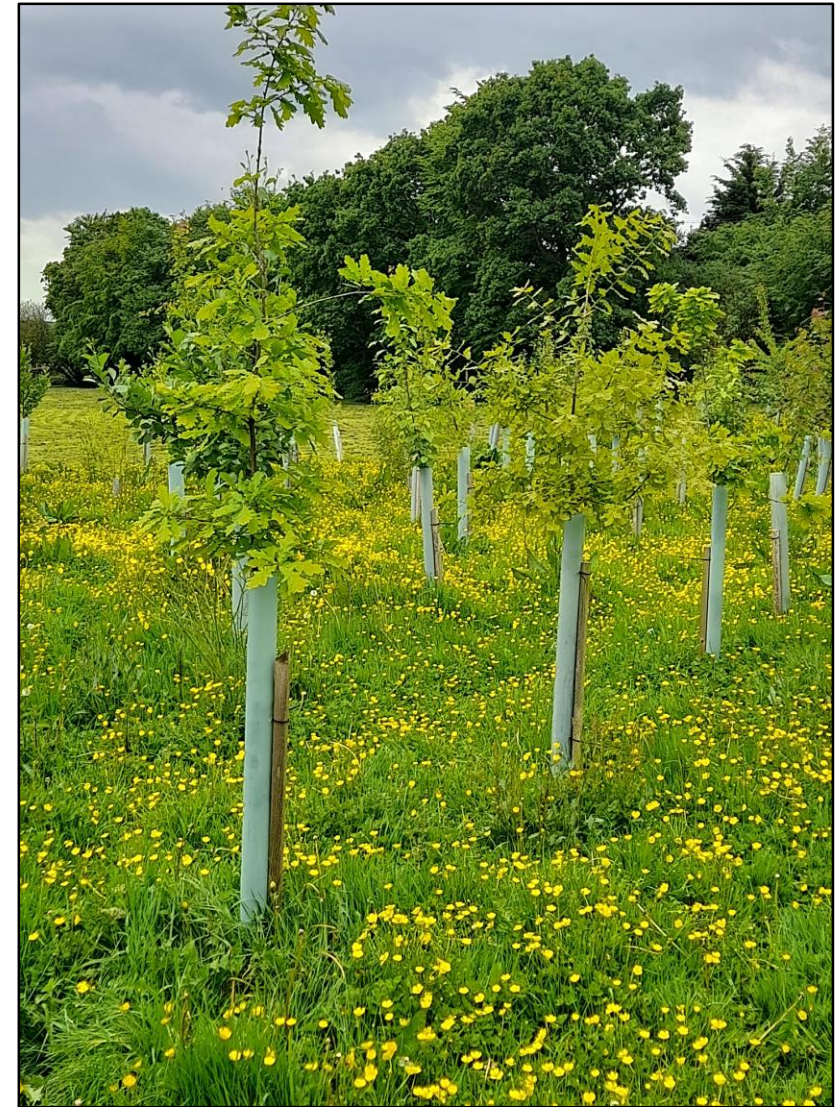
The Council provides 3,000 homes and continually invests in maintenance, energy efficiency and retrofit to meet tenant needs. Our new Net-Zero-carbon homes are climate-adapted and affordable to run, A-rated and super-insulated with heat recapture and rooftop solar panels. We continue to help landlords and private tenants to access funding and advice for home improvements and retrofit. This is backed by climate-linked targets to raise standards in the Mid Devon Housing Strategy.

Green Growth and Bright Futures

Climate is vital to our economic strategy and for Plan Mid Devon, shaping policy to help drive green growth, supported by greener travel infrastructure to enable more walking and cycling, public transport and EV charger networks. We need futureproofed developments as part of a resilient and prosperous Mid Devon.

Sustainable Services and Spending

Bin It 1-2-3 collections enable Mid Devon's communities to cut greenhouse gas emissions by reaching higher recycling rates. The Council has cut emissions by investing to save energy in transport, IT, communications and buildings, investing millions to decarbonise leisure centres.



Trees planted at Cullompton, in a sea of buttercups.

The trees will absorb carbon dioxide from the air and their roots will help the ground to absorb flood water.

Climate change resilience

Solutions to the challenges we face from climate change will overlap, as the problems are often interlinked, so acting in partnership is vital for climate adaptation.

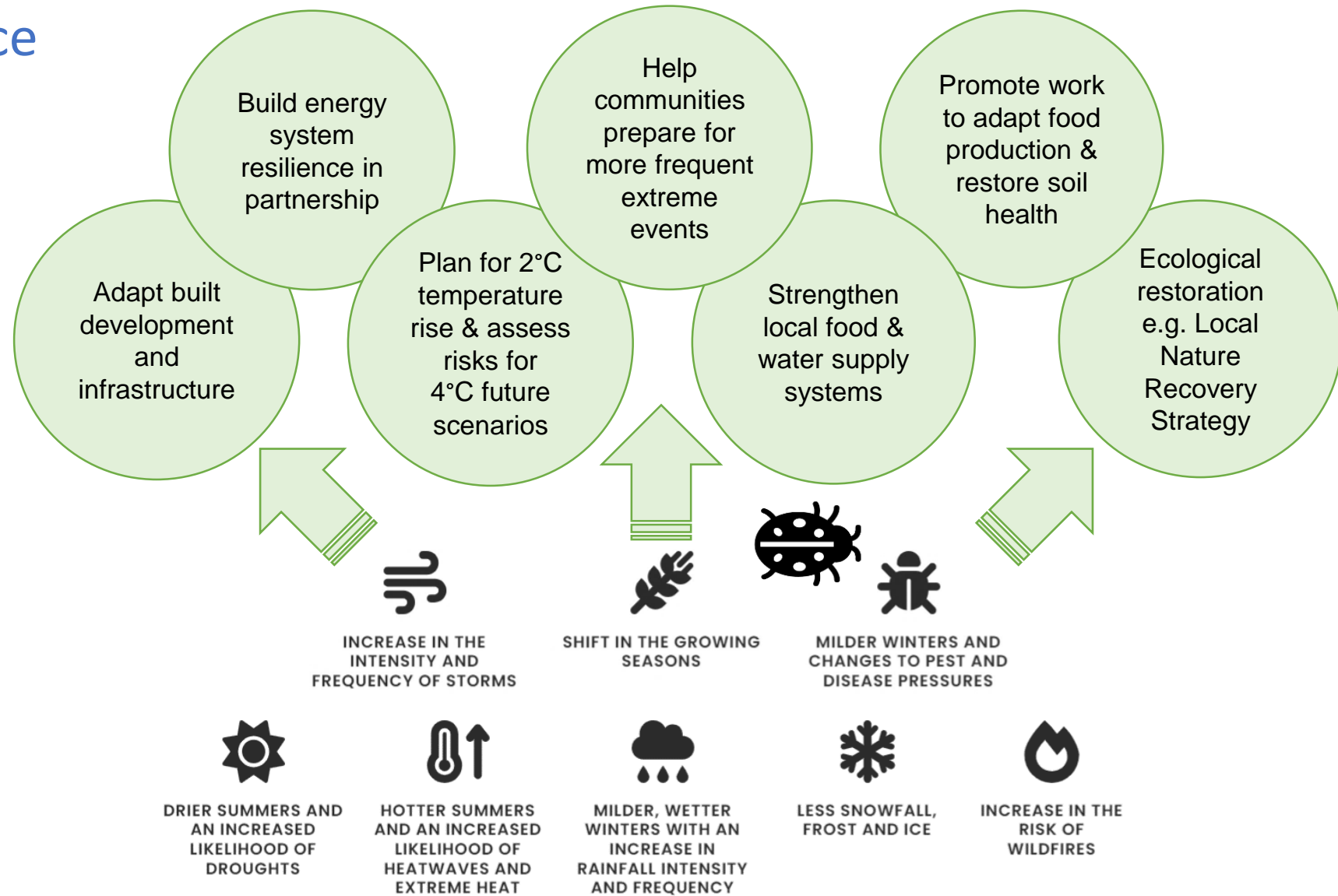
Risks to Mid Devon's residents e.g.

- Severe weather events risk increased.
- Vulnerable potentially most exposed to risk.
- Heat stress will affect people differently, depending on aspects such as age, health conditions, their home and their workplace.

Disruptive impacts e.g.

- threats to soils, nature and food supplies
- summertime heat stress for cattle
- extended crop growing season
- effects on the lifecycles of crop pests such as greenfly and midges, and their predators such as ladybirds and bats
- disruption to energy infrastructure, transport and supply chains could also arise from the consequences of impact felt elsewhere

South West England is already experiencing climate change, temperatures have increased (1884-2023) and many of the hottest years have occurred in the last few decades.



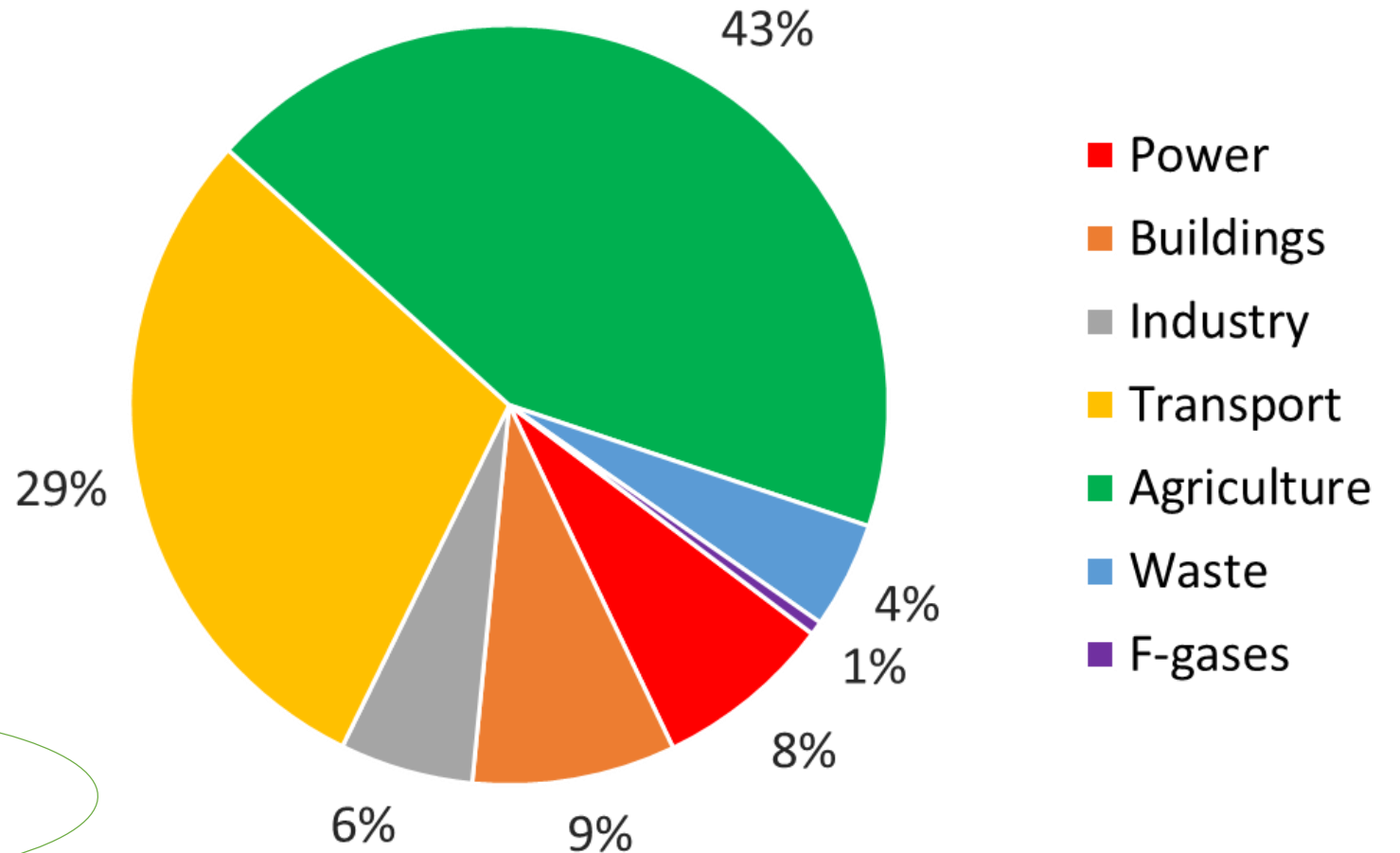
Greenhouse Gas Emissions for the district; Mid Devon's territorial footprint

Mid Devon's 2022 territorial carbon footprint, excluding land use change, was 907,684 tonnes of carbon dioxide equivalent (tCO₂e).

The largest climate impacts came from **agriculture at 43%** (394,256t), mainly from livestock farming; **29% from transport** (267,527t) almost all from road transport; and **9% from heating fuels in buildings** (78,689t) with most of that (68,643t) from homes.

Mid Devon district is 914 km² of chiefly agricultural land with only around 10% woodland cover. Land use change captures around 68,000 tonnes of CO₂ per year, giving net emissions of 839,311 tCO₂e.

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What are F gases?

Fluorinated gases are used as refrigerants and have a very powerful greenhouse effect.

Climate Change and the Council's work.

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Carbon Footprints linked to all council service areas

	Categories	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
8%	1. Buildings (exc. housing)	1654	1554	1469	1865	1694	1398
51%	2. Social Housing	9326	8758	8547	8711	8319	8526
9%	3. Transport	1626	1513	1216	1220	1263	1531
32%	4. Procurement	4594	4469	3615	4975	6784	5324
-2%	5. Offsets	0	-9	-8	-241	-181	-325

This colour-coded table and chart show the 2023/24 carbon footprint split into key activity categories.

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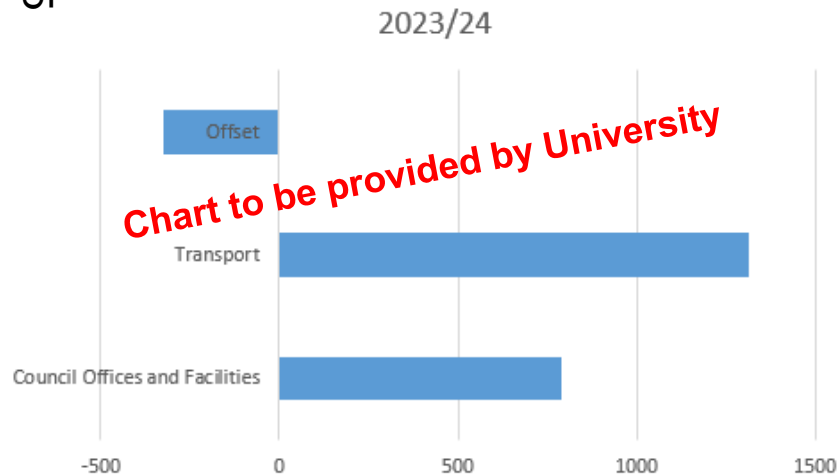
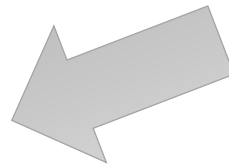
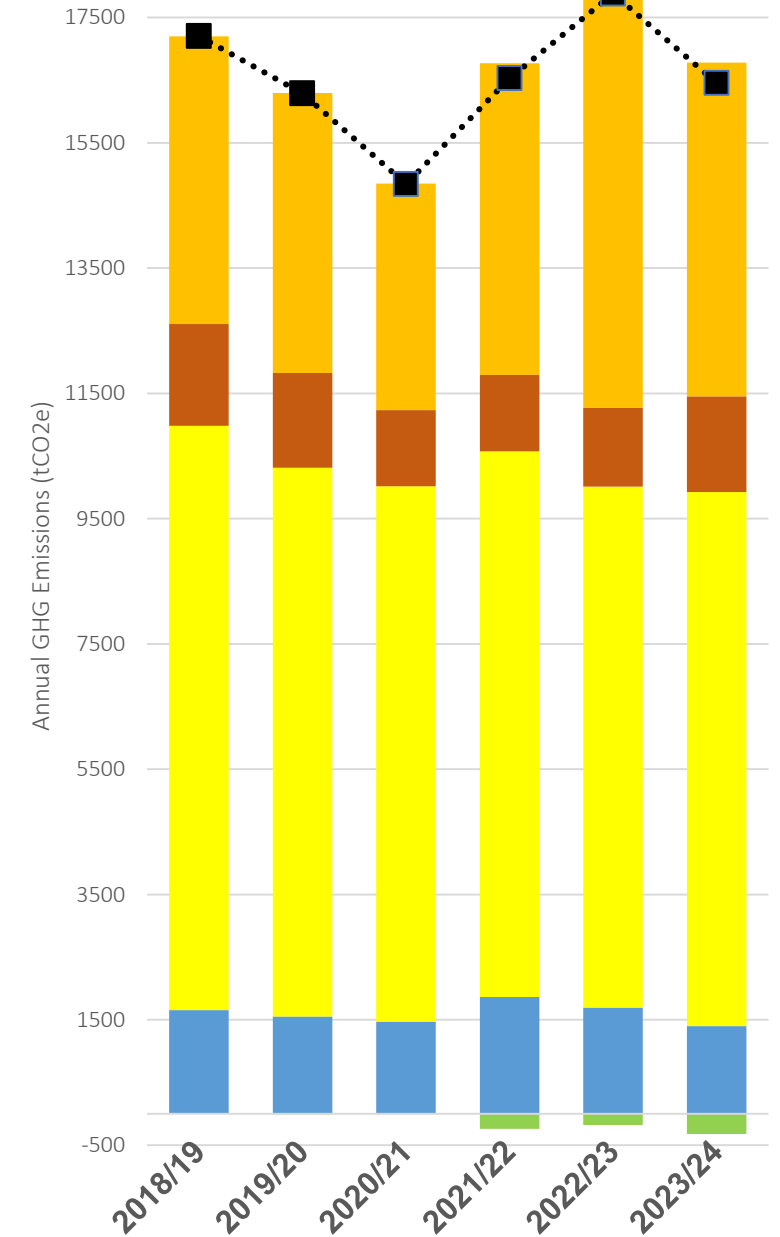


Chart to be provided by University

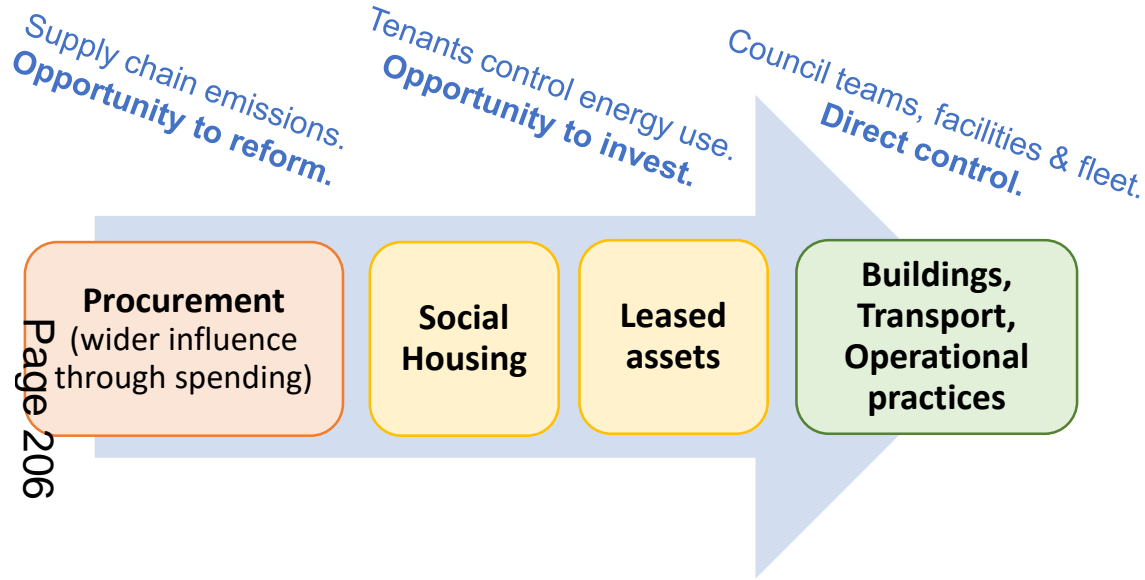
Elements under the direct control of the council - the corporate footprint - are a fraction of the overall impact.



Carbon Footprints 2018/19 to 2023/24 (tCO2e)



Cutting the Council's operational carbon footprint - a route map to 2030



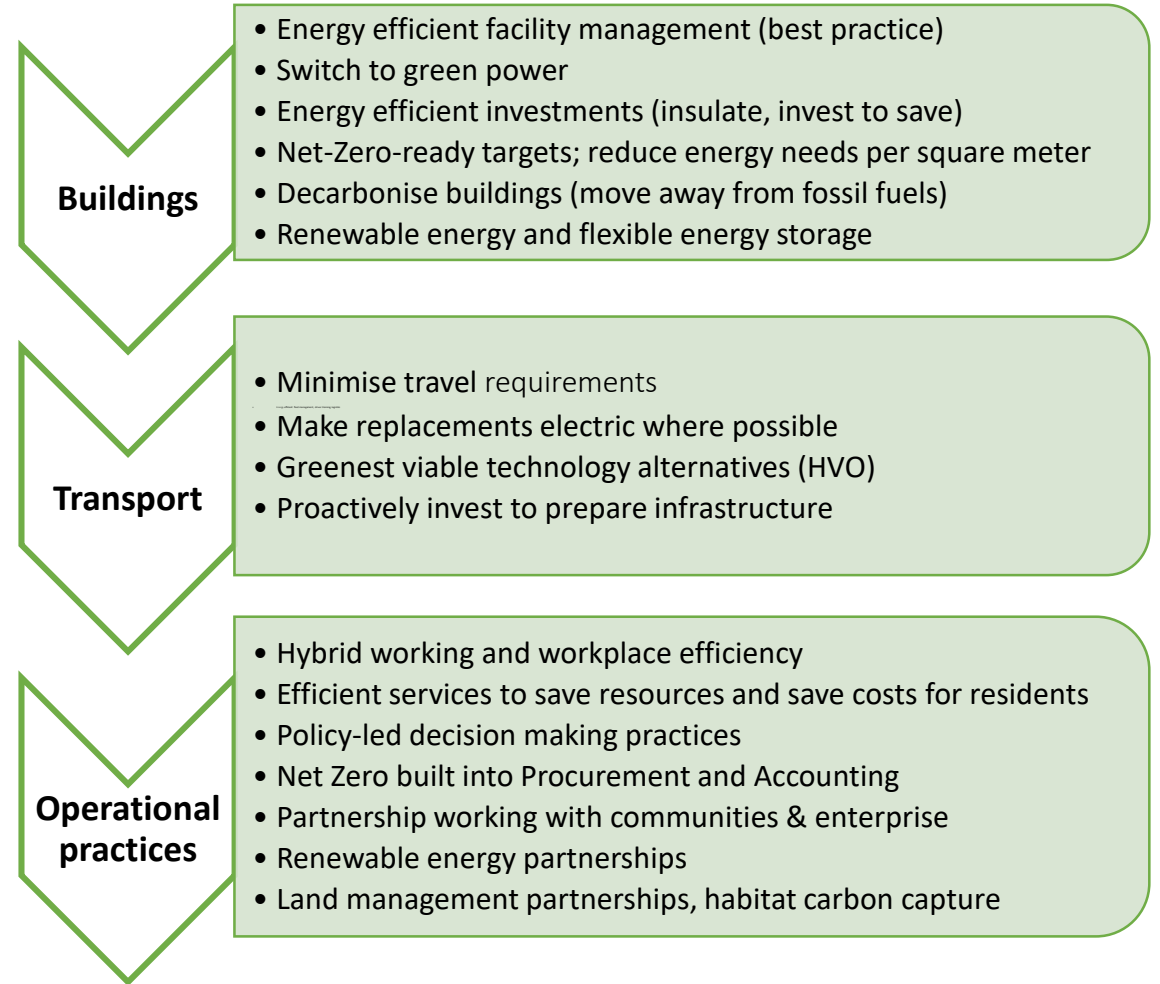
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Where is the Council best able to act?

The Council has direct control over its own activities, so we will prioritise efforts to reduce areas of the operational carbon footprint where we have direct control. Lower emissions for our fleet, facilities and services will feature alongside renewable energy projects and support for trees and habitat schemes.

Retrofit work will seek to achieve healthy, net-zero-ready housing and greener leased non-residential buildings. This relies strongly on external financing, so we will bid for additional funding to make our journey towards net zero a reality. We will lead and influence through best practice, as a workplace, by how we spend, and acting in partnership.

A strategic approach to cutting carbon.



The council recognised the climate emergency in 2019... how have we been cutting carbon since then?

We put all Council facilities onto a certified **100% renewable electricity supply** in 2023.

We invested **£2.8 million** from the Public Sector Decarbonisation Scheme (PSDS) at the Crediton and Tiverton leisure centres to make them Net-Zero-ready.

- ✓ **Exe Valley Leisure Centre** is heated and cooled by ground-source and air-source heat pumps, with power boosted by solar photovoltaic (PV) arrays on the roof and new solar car ports.
- ✓ **Lords Meadow Leisure Centre** has a biomass boiler [fuelled by locally-sourced wood](#), and boasts a new ground-source and air-source heat pumps plus extra solar PV on the roof.

PSDS
Our **Street Scene depot** has [solar PV panels](#). Our office base **Phoenix House** hosts a solar PV array and range of [energy saving measures](#). We invested **£300k to boost efficiency** with smart LED lighting to save **520 tonnes of CO₂** in their lifetime. New LED lighting at **Tiverton's Pannier Market** will save the equivalent of around 2 tonnes per year.

We have **solar PV on 1,000 council homes** and will fit solar on all new social housing.

Our new modular-build homes are Net-Zero by design with triple-glazed windows and doors, solar PV panels, heat pumps, and mechanical ventilation that recaptures over 80% of outgoing heat.

Council home energy upgrades 2020-24 e.g. insulation and roofing, cut **over 600 tonnes CO₂e** per year.

We cut commuter traffic with **hybrid working** which benefits the wellbeing of our teams and communities.

The Council has **10 Electric Vehicles** that will save **25 tonnes CO₂e** annually. We prioritise the greenest options each time we replace a vehicle.

We have worked in partnership to help **plant more than 2,400 trees** across Mid Devon since 2021.

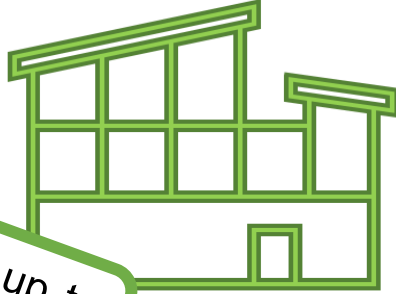


Solar panels




Heat pumps at Exe Valley Leisure Centre

Plans to reduce the Council's carbon footprint further




Renovate sports centres = save up to 200 tonnes CO₂e annually.




Workplace energy efficiency boost = save up to 200 tonnes CO₂e annually.

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More renewable energy projects = save 200 - 600 tonnes CO₂e annually.



Replace 57 vans with EV by 2030 = save over 140 tonnes CO₂e annually.



Renovate council homes = save over 400 tonnes CO₂e annually.

Replace 22 old residential properties with Net Zero homes by 2030 = save up to 136 tonnes CO₂e annually.

How our Corporate Plan priorities link into this Climate Change Strategy

Corporate Plan theme	Climate Strategy theme	Corporate Plan aims	Devon Carbon Plan theme
Planning, Environment & Sustainability	Vibrant landscapes at the heart of Devon	<ul style="list-style-type: none"> • Demonstrate climate leadership through achieving ambitious net zero targets. • Support the district’s response to the climate emergency. • We will work with stakeholders to introduce planning policy which reflects the key issues and challenges facing the district. • Value and protect Mid Devon’s natural and built environment. 	<ul style="list-style-type: none"> • Food, land and sea • Transport • Energy supply • Economy and resources • Built environment • Cross-cutting themes
Community, People & Equalities	Climate Resilient Communities	<ul style="list-style-type: none"> • We will support the health, wellbeing, and safety of our residents. 	<ul style="list-style-type: none"> • Cross-cutting themes
Homes	Healthy Homes	<ul style="list-style-type: none"> • We will build, promote, and encourage the building of energy efficient and low carbon homes and communities. • We will invest in our homes. We will upgrade our social housing by installing energy efficiency measures and renewable energy. 	<ul style="list-style-type: none"> • Built environment
Economy & Assets	Green Growth and Bright Futures	<ul style="list-style-type: none"> • We will work with partners to ensure that Mid Devon has the infrastructure it requires to meet its potential. • We will support business and economic development across Mid Devon, enabling job creation, and sustainable tourism growth. 	<ul style="list-style-type: none"> • Economy and resources • Built environment • Transport
Service Delivery & Continuous Improvement	Sustainable Services and Spending	<ul style="list-style-type: none"> • We will maintain our leisure services and ensure they are fit for the future. • We will continue to improve and transform our services. (e.g. digital) • We will further increase our recycling services, enabling our communities to achieve even higher levels of recycling. 	<ul style="list-style-type: none"> • Economy and resources • Transport

Background information.

What is the future for renewable energy in Mid Devon?

Whilst the future growth of renewable energy in the district is potentially very significant, it needs to be achieved in an environmentally responsible way.

A special study for Mid Devon by Exeter University's Centre for Energy and the Environment identified potential for between 15 and 66 large wind turbines (2 MW) plus potential for between 140 and 368 smaller-scale turbines (500 kW) to generate a yearly total of 245 to 797 GWh. Solar PV of between 194 and 312 sites were also identified with the potential to generate between 1,934 and 4,036 GWh annually.

This work was published in 2020 as the [Low Carbon and Climate Change Evidence Base](#) for the former [Greater Exeter Strategic Plan](#).

Other research by the University of Exeter's *Environmental Intelligence Centre* and Friends of the Earth sought to identify suitable land across England for renewable energy developments. [Their 2023 research](#) suggested that just 1.3% of Mid Devon land could generate 674 gigawatt-hours (GWh) each year. That is more than 10 times the 59 GWh currently generated annually, with over 56 GWh from solar, and around 2.5 GWh per year from wind.

Renewable Energy Installations	Photovoltaics	Onshore Wind	Hydro	Anaerobic Digestion	Sewage Gas	Landfill Gas	Plant Biomass	Total
	4,963	37	2	10	1	1	1	5,015

Mid Devon has over 5,000 renewable energy installations, mostly solar photovoltaic arrays. This may sound like a lot, but the current total [annual energy consumption](#) (2,226 GWh) already far outweighs [local power generation](#) (88 GWh).

Future projections and national strategy recognise that Mid Devon energy system demands will need transformational change, particularly to enable decarbonised heating and cooling in our homes, and more electrically powered transport.

The way ahead and the pace of change depends on a range of factors such as Planning policies, developer or investor strategies, and the power grid configuration.

Useful Resources

Saving energy and carbon at home.

- [The Energy Saving Trust](#) has great [energy-saving tips for the kitchen](#).
- [Centre for Sustainable Energy](#) free [resources](#) on practical DIY, such as how to fit loft insulation.
- Find clever ways to save water on the [Waterwise website](#).
- [Historic England's guidance](#) on working with roofs, walls, windows and doors to conserve energy in heritage buildings.

Healthier, greener lifestyles

- Delicious [recipes](#) to help you save money and avoid food waste.
- [Devon Community Energy](#) offers advice for communities that seek to embrace eco-friendly initiatives.
- Cycling and walking routes feature on the [Visit Mid Devon](#) website.

We share a range of resources on our [Sustainable Mid Devon](#) website, where we welcome contributions of articles, news and events about the many fantastic community projects across Mid Devon.



References used in this paper

Mid Devon District Council

- The MDDC [Corporate Plan 2024 - 2028](#).

Adaptation.

- Devon, Cornwall and Isles of Scilly (DCIoS) Climate Adaptation Strategy: [Link](#).
- Met Office 2024 summary for Mid Devon: [LACS](#) (Local Authority Climate Service).
- Met Office: Food, farming and natural environment risks. [Link](#).
- The CCC: UK Climate Risks. [Link](#).
- Devon Climate Emergency page. [Link](#).

Carbon Footprint (Council).

[Annual carbon footprint reports](#) (greenhouse gas accounting) are published on the Council's [Sustainable Mid Devon](#) website.

Carbon Footprint (Community).

- Explore your local emissions data with the free Impact Tool [here](#).
- The chart and figures in this paper were from analysis provided by the Centre for Energy and the Environment, University of Exeter, which used the [UK local authority & regional greenhouse gas emissions statistics](#) (2022 data) published July 2024.
- Woodland data was from the ONS, Forestry Research and Defra. [Link](#).

Mid Devon's Renewable Energy Generation Potential.

- The University of Exeter's Centre for Energy and the Environment 2020 [Low Carbon and Climate Change Evidence Base](#) for the former [Greater Exeter Strategic Plan](#).
- Research by Exeter University's Environmental Intelligence Centre and Friends of the Earth. [Article and interactive map](#). Full data: [Link](#).

Retrofit.

Historic England estimated the potential economic value of Mid Devon district's retrofit needs as £22.8 million of direct economic output (2018 prices). That would require, on average, 180 more jobs per year to support the work. [Link](#).

Carbon Reduction Plan

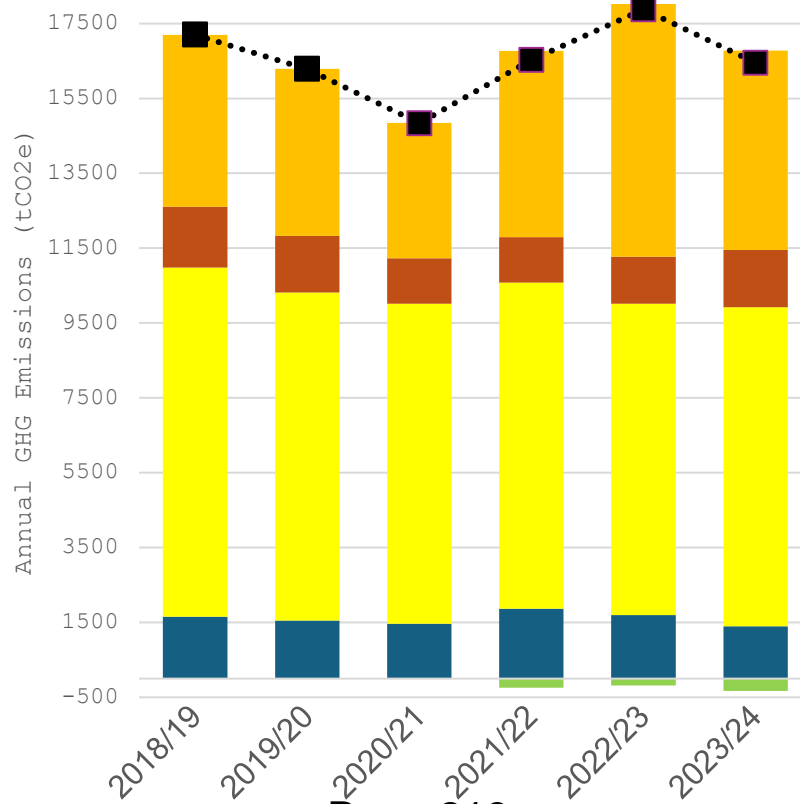
Mid Devon District Council, November 2024

The Council's Carbon Footprint

Each year the Council commissions a carbon footprint report by the University of Exeter. Emissions are measured as tonnes of carbon dioxide equivalent (tCO_{2e}).

- Total net greenhouse gas emissions for the 2023/24 period were 16,454 tCO_{2e}.
- Offsets at -325 tCO_{2e} made a small reduction in overall emissions with almost all due to the purchase of renewable electricity.

	Categories	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
8%	1. Buildings	1654	1554	1469	1865	1694	1398
51%	2. Social Housing	9326	8758	8547	8711	8319	8526
9%	3. Transport	1626	1513	1216	1220	1263	1531
32%	4. Procurement	4594	4469	3615	4975	6784	5324
-2%	5. Offsets	0	-9	-8	-241	-181	-325



Actions to reduce climate impact (greenhouse gas emissions)

The following table is a summary of actions for 2024-2026 that will affect the Council's carbon footprint, through investing in energy efficiency and low carbon technologies. The figures for emissions saved are estimates of how much the actions would reduce our annual carbon footprint. Measured in tCO_{2e} per year.

Year	Actions, Activities, Projects	Emissions Saved, tCO _{2e} /year
	Council Facilities	Subtotal 218
2024	Pannier Market LED fixtures and controls.	2
2024	Exe Valley, additional solar car ports.	37
2024	Culm Valley, new ASHP, solar.	45
2024	Exe Valley CHP 70kW (*)	-50
2025	Solar Car Ports, Phoenix Lane multi-storey.	146
2025	Building Management System project at Phoenix House.	38
	Transport Fleet	Subtotal 7
2024	Replace 1 van	2
2025	Replace 4 vans	5
	Housing	Subtotal 135
2024-2026	Solid Fuel appliance removals from HRA Stock	50
2024-2026	Whole house UPVC window replacements to HRA stock	15
2024-2026	Internal Insulation upgrades to HRA stock	13
2024-2026	Whole roof Replacement to HRA stock	7
2024-2026	Renewable Heating installations to HRA stock	48
2024-2026	LED lighting to Bathrooms in HRA stock	1
	Total	360

(*Combined heat and power. Gas use would counteract savings, so is shown as a negative.)

Fuel and power consumption by the activity areas above - council buildings, transport fleet and housing - are significant sources of greenhouse gas emissions.

Moving away from consuming fossil fuels where possible (Scope 1 emissions) will 'decarbonise' transport and the energy used to heat buildings i.e. within the council's rented commercial estate, and in social housing.

Actions to reduce energy demand will cut costs and carbon, such as works to improve insulation and the fabric on buildings e.g. door seals and windows, or changing to more efficient heating and cooling systems, or energy controls and management systems.

The climate impact linked to electricity generation and supply (Scope 2 emissions) is also expected to gradually decrease as the UK's generation mix continues to decarbonise, and due to future growth of localised generation. This will, in turn, reduce the impact of power used by the council's rented commercial estate, and in homes rented out by the council.

The Council switched to 100% green power at all its facilities, including offices, leisure centres and the waste depot, in October 2023. This saved over 300 tCO₂e in 2023/24 and should save even more during this financial year.

Looking ahead to 2030, a series of projects are set to deliver important reductions to our annual carbon footprint.

- Renovating sports centres could save up to 200 tonnes per year.
- Workplace energy efficiency could save up to 200 tonnes annually.
- Replacing 57 vans with EV by 2030 will save over 140 tonnes annually.
- More renewable energy projects could save 200 - 600 tonnes annually.
- A programme to replace 22 old residential properties with Net Zero homes by 2030 will save up to 136 tonnes annually.
- Renovating council homes will save over 400 tonnes annually.

The scale of these reductions to the annual carbon footprint, circa 1,100 to 1,600 tCO₂e are compatible with targets in the [Corporate Plan](#) 2024-2028. However, further reductions will be sought, and teams will submit external funding bids to enable more projects. Funding provided by central government plays a crucial part in making it possible and affordable for us to achieve and expand our action to address climate change.

In addition to the actions above, the Authority will seek to use its spending power to influence and require its suppliers to reduce the climate impact of the goods and services they provide (Scope 3 emissions). The reach of our influence, such as engaging with tenants, working in partnership, demanding supply side change, and leading by example, has the potential to outweigh and outlast what we can achieve in the short term within our directly managed buildings and transport.

Working towards Net Zero

Components of the 2023/24 carbon footprint under the direct corporate control comprised 2,103 tCO₂e with emissions that belong to Scope 1 (fuel) and Scope 2 (electricity). The Council's ability to fully decarbonise this 'corporate carbon footprint' is highly constrained, because currently the availability and costs of the alternative technology are inhibitive. For example, small vehicles can be replaced with electric vehicles (EV) but this is not a feasible option for most large vehicles, particularly in a rural district.

However, in theory, net zero for the 'corporate carbon footprint' can be achieved by a combination of cutting the impact of what the Council can directly control - and by balancing actions that reduce the impact of other elements. This is known as offsetting.

The top priority is to cut greenhouse gas emissions, particularly Scope 1 and Scope 2, and primarily those impacts under direct management control. Therefore any offsetting would be secondary to this, and would need to comply with recognised best practice standards such as the [Oxford Offsetting Principles](#), to ensure carbon credits are additional, measurable, etc.

The Council already offsets hundreds of tonnes of emissions annually, by buying green power, and it exports some of the power created by solar panels on its property (surplus

that cannot be used on site is absorbed by the local network). There is potential to grow this renewable energy portfolio.

By investing in actions to shrink the overall footprint in other areas e.g. housing, rented commercial property and procurement, which each create impact outside the Council’s direct control, this can be considered ‘insetting’ or ‘offsetting’ to help balance out the corporate carbon footprint.

The Council will also consider how nature-based [carbon capture](#) can contribute to offsetting, such as through land / habitat management and partnership projects.

The table below provides examples of different types of actions that could avoid, reduce or seek to balance out greenhouse gas emissions.

Scope 1 , direct emissions, from fuel combustion	Scope 2 , indirect, from purchase of electricity	Scope 3 , indirect emissions linked to supply chains
AVOID Less travel.	AVOID Switch off / use less power.	AVOID Buy less.
REDUCE Replace vehicles with more efficient models and vehicles with low carbon energy technology, such as EV. Switch to low-carbon fuels. Staff culture and best practice.	REDUCE Replace plant and equipment with more efficient models and technology. Generate renewable power on Council sites. Staff culture and best practice.	REDUCE Require suppliers to reduce their emissions. Buy products and services with lower emissions. Avoid high impact options. Efficient supply chains e.g. buy local, combine delivery.
INSET Support / enable / invest in ways to reduce tenant energy use, and to decarbonise tenant energy.	INSET Council funds / supports / enables / invests in ways to reduce tenant energy use, and to decarbonise tenant energy.	INSET Actions taken by supply chain. Council supports / funds / invests to enable communities and businesses to reduce their climate impacts.
OFFSET Purchase gas from renewable sources e.g. biogas. Nature-based offset.	OFFSET Export / sell green energy. Purchase green power. Nature-based offset.	OFFSET Buy carbon-neutral products and services. Suppliers subscribe to (certified) offsetting schemes.

Caveats and notes

Conversion factors are subject to change. Figures cited in this report relate to the relevant conversion factors used to estimate the carbon footprint of e.g., fuel use, travel, and other activities.

Estimates used in this report were, where possible, based on the UK 2024 conversion factors. However, some estimated values were provided by others e.g. the 2021 decarbonisation plan; solar PV suppliers; CHP supplier.

The climate impact of the UK’s electricity generation and supply is projected to decrease. Therefore, any estimates of carbon savings linked to reduced electricity consumption could be affected by interrelation to the grid’s conversion / emissions factor.

Report for: Cabinet

Date of Meeting:	10 th December 2024
Subject:	S106 Governance
Cabinet Member:	Cllr Steven Keable, Cabinet Member for Planning & Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place & Economy
Exempt:	There are no exemptions within the documents
Wards Affected:	Districtwide
Enclosures:	Proposed S106 Governance Framework and Terms of Reference

Section 1 – Summary and Recommendation(s)

To advise Members of an update to the existing S106 Governance arrangements. The S106 Governance has been updated as a result of a best practice review to ensure that the Mid Devon’s framework and governance arrangements remain the most appropriate and effective approach to S106 management and monitoring.

Recommendation(s):

- 1. That Cabinet approve the revised S106 Governance arrangements (Appendix 1; Mid Devon District Council S106 Governance Framework) as recommended by the Planning, Environment and Sustainability Policy Development Group.**

Section 2 – Report

1.0 Background/Introduction

- 1.1 The current S106 Governance arrangements were adopted by Cabinet on 1st October 2020 following the adoption of the Mid Devon Local Plan 2013 – 2033 (the Local Plan) in July 2020. Officers have reviewed these arrangements and looked to refine them to bring them up to date to reflect best practice, experience gained over the last few years and ensure that they are consistent with the latest government regulations. The proposed revised governance arrangements are consistent with the Planning Advisory Service guidance on Developer Contributions and aim to provide a robust approach to the management of funds secured from Section 106 (S106) Agreements.

1.2 In addition to ensuring that appropriate management arrangements are in place, the governance arrangements also recognises the requirement on local authorities, since December 2020, to submit Infrastructure Funding Statements (IFS) annually. The Infrastructure Funding Statement sets out how much money has been collected through developer contributions, as well as where it has and will be spent. The Framework document in Appendix 1 explains more about this requirement.

2.0 The S106 Governance Framework

2.1 The proposed revised S106 Governance Framework (Appendix 1) sets out a recommended approach to the governance of planning obligations. These financial contributions must be used to offset the implications of an individual development.

2.2 Clear governance, prioritisation and effective project management are required to ensure that any existing or future S106 funds, are used most effectively to deliver infrastructure across the district and to successfully mitigate the impacts of development. The proposed approach will assist in securing a high quality environment and sustainable economic growth in Mid Devon.

2.3 The framework document sets out the process for identifying infrastructure requirements at the planning application/S106 drafting stage. These are often identified as specific projects. There are also instances when a broader definition of obligation is required. The framework therefore also provides a mechanism for determining project spend on schemes which are identified at a later stage by means of an application process.

2.4 The framework document describes the administrative processes, clear levels of decision making authority and monitoring arrangements. As part of the proposed governance arrangements the S106 Governance Board, which considers the more significant decisions, have also been reviewed. The terms of reference for the S106 Governance Board is appended to the framework document. These terms of reference set out the purpose and expectations of the Board, along with setting out the decision making and administrative processes. It also sets out information such as composition of the Board and regularity of meetings.

2.5 The framework document and appended terms of reference were circulated to Planning, Environment and Sustainability Policy Development Group (PDG) for consideration at a meeting on 26th November 2024. They were considered by the members of PDG who confirmed, by a majority vote, that the framework document and appended terms of reference be passed to Cabinet for approval in accordance with the recommendations of this report with one minor amendment as follows:

4.0 Planning obligations (Section 106 agreements) – bullet point 9, to be changed from ‘Highways and Transport’ to read ‘Highways and Transport Infrastructure’

Financial Implications

S106 agreements may include obligations on the developer to make a financial contribution in order to make the development acceptable in planning terms. Contributions become due on a trigger point set out in the legal agreement.

Most S106 agreements contain obligations on the Council as well as on the developer. The obligations on the Council are usually quite straightforward and will usually be;

- To spend any contributions in accordance with the terms of the S106 agreement
- To repay any contributions to the developer which haven't been spent (or contractually committed to be spent) within a timescale stipulated within the S106 agreement (most commonly this is 10 (ten) years).

The purpose of the framework document is to ensure more efficient spend of S106 contributions and ensure prudent and timely management of their expenditure.

Legal Implications: Planning Obligations referred to in this report are secured by means of a legal agreement. The proposed governance arrangements seek to ensure that S106 contributions are managed and monitored effectively and appropriately and in accordance with the legally binding agreements they are associated with.

Risk Assessment: The proposed governance arrangements seek to reduce the risks of non-compliance with legislation or an ineffective governance structure by ensuring we have an effective and robust system in place.

Impact on Climate Change: Effective governance of S106 contributions will ensure the delivery of projects to help mitigate against Climate Change.

Equalities Impact Assessment: This report is with regard to a governance framework of S106 contributions to ensure the delivery of projects (including those involving improved accessibility to infrastructure and facilities). Specific projects will need to consider equality impact implications.

Relationship to Corporate Plan: Clear governance, prioritisation and effective project management are required to ensure that any existing or future S106 funds, are used most effectively to deliver infrastructure across the District and to successfully mitigate the impacts of development. This approach will assist in securing a high quality environment and sustainable economic growth in Mid Devon, and will contribute towards the Council's priority themes of Planning, Environment & Sustainability; Community, People & Equalities; Homes; Economy & Assets.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 15 November 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 15 November 2024

Chief Officer: Richard Marsh

Agreed by or on behalf of the Director of Place and Economy

Date: 15 November 2024

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 15 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Elaine Barry, Planning and Obligations Monitoring Officer

Email: S106@middevon.gov.uk

Adrian Welsh, Strategic Manager Growth, Economy & Delivery

Email: awelsh@middevon.gov.uk

Background papers:

Section 106 Governance (existing arrangements) adopted October 2020

2020 Cabinet Report

Link to background documents: [Cabinet Report 1st October 2020](#)



Mid Devon District Council **S106 Governance Framework**

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1.0 Background: S106 planning obligations and Community Infrastructure Levy (CIL)

There are different mechanisms in which a Local Authority can require a developer to contribute towards infrastructure. This is to mitigate the impact of development and make it acceptable in planning terms.

Planning obligations can be sought in accordance with Section 106 of the Town and Country Planning Act 1990. These planning obligations are a legal agreement between the applicant and the local planning authority.

Local Authorities can also secure funding towards infrastructure through a Community Infrastructure Levy (CIL). The CIL is a flat rate and non-negotiable charge which can be levied on new development in their area and it is a mechanism to use to help deliver the infrastructure needed to support development in their area. The CIL can only apply in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website. Mid Devon District Council is not currently a CIL charging authority. The District Council in 2017 submitted documentation to the planning inspectorate, alongside its Local Plan, with the intention of becoming a CIL authority. However when the government subsequently removed pooling restrictions on s106 contributions, the Council at its 6th January 2021 meeting decided to withdraw the CIL draft charging schedule from its examination and CIL was no longer progressed.

2.0 Introduction: S106 Governance Framework

This document will form the framework relating to the governance of planning obligations, also known as developer contributions or section 106 (S106) agreements which can be used to fund new infrastructure, wholly or in part. These financial contributions must be used to offset the implications of an individual development. S106 agreements specify a particular use for the sums received.

Clear governance, prioritisation and effective project management are required to ensure that any existing or future S106 funds, are used most effectively to deliver infrastructure across the district and to successfully mitigate the impacts of development. This approach will assist in securing a high quality environment and sustainable economic growth in Mid Devon. This framework sets out the governance arrangements.

3.0 Identifying infrastructure needs in Mid Devon

The Mid Devon Local Plan Review 2013 - 2033 provides important evidence regarding the infrastructure required to support development in the district. Infrastructure is essential to support additional (as well as existing) housing provision and economic growth, to mitigate the current and anticipated effects of climate change, and to create thriving and sustainable communities.

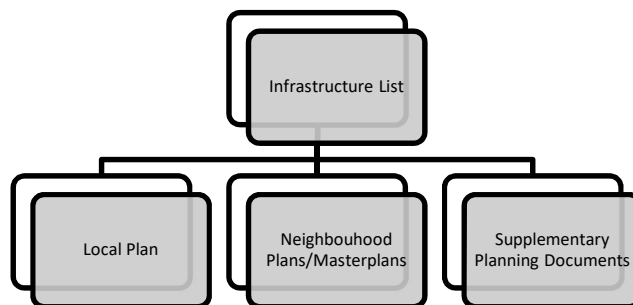
3.1 The (Mid Devon) Infrastructure List

The Infrastructure List (“the list”) identifies those infrastructure schemes deemed necessary to support development proposed within the Local Plan. It is a live document, able to be updated at any time.

Not all schemes on the list will require funding through development, as they may be deliverable through other sources including Government or private funding. The inclusion of a project on the list does not guarantee that it will receive funding now or in the future; funding through development is not capable of funding all infrastructure. Contributions can, however, be used as a mechanism to lever in additional funding.

The purpose of the Infrastructure List is therefore, in the first instance, to record infrastructure schemes to support new development. The Council’s Infrastructure List will also be a key document for determining S106 agreements and for setting a program of infrastructure delivery using S106 contributions.

Diagram 1: Key documents informing the Infrastructure List



3.2 The Infrastructure Funding Statement

The 2019 amendments to the CIL regulations, introduced mandatory reporting of S106 receipts and expenditure within a new ‘Infrastructure Funding Statement’ (IFS). Regulation 121A relates to annual infrastructure funding statements and requires authorities to publish an annual infrastructure funding statement each year no later than 31st December. The statement must comprise:

- the infrastructure list (referred to above); and
- a report about planning obligations, in relation to the reported year (“section 106 report”).

The Council’s IFS must be published by 31st December each year as it should set out those infrastructure items that the Council intends to fund in the following financial year(s). These documents are considered by the Planning, Environment and Sustainability Policy Development Group prior to consideration by Cabinet for a final decision by early December.

4.0 Planning obligations (Section 106 agreements)

S106 agreements must be used to deliver benefits to local communities that can offset the negative impacts caused as a result of a specific development. Regulation 122 of the CIL regulations defines the limitation on the use of planning obligations:

‘A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- **Necessary** to make the development acceptable in planning terms;
- **Directly** related to the development; and
- **Fairly** and reasonably related in scale and kind to the development’

Planning obligations can be used by the Council to secure contributions towards off-site infrastructure provision where on-site provision has not been possible as part of the development. Infrastructure types secured through contributions include (but not exclusively);

- | | |
|--------------------------|-----------------------------|
| • Affordable Housing | • Flood Risk Mitigation |
| • Air Quality Mitigation | • Healthcare (Primary care) |
| • Climate Change | • Highways and Transport |
| • Community Facilities | • Monitoring Fees |
| • Ecology | • Public Open Space |
| • Education | • Public Realm |

4.1 Use of planning obligations

In accordance with the statutory tests governing the use of planning obligations, S106 agreements will be used to address site specific issues, where those matters cannot be addressed through planning conditions, as well as contributing towards other infrastructure delivery. This will be done on a site by site basis and in line with the adopted Local Plan, any relevant supplementary planning documents (SPDs), Neighbourhood Plans and the Infrastructure List in effect at the time of decision-making.

For the avoidance of doubt, the following will apply:

Selection of Heads of Terms; must meet the legal tests	<ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms; • Directly related to the development; and • Fairly and reasonably related in scale and kind to the development
Selection of Heads of Terms; must be evidenced by policy support	<ul style="list-style-type: none"> • Local Plan • Neighbourhood Plans/Masterplans • Supplementary Planning Documents • Infrastructure List

4.2 Identification of S106 projects within the planning application stage

Planning Officers, in conjunction with the Planning Obligations Monitoring Officer, will agree any planning obligations at the earliest opportunity within the planning application stage.

Where a project has not already been identified through the Local Plan, Neighbourhood Plans or Masterplans and where an obligation needs to be assigned to a recognised project, the Planning Obligations Monitoring Officer will consult with relevant internal department(s), ward members and town or parish councils, as appropriate to the type of obligation, to agree a project or to nominate a project, allowing for a 28 day consultation period. In the event that there are conflicting priorities for projects to be included within a S106 agreement the matter will be referred to the S106 Governance Board for a decision.

It is acceptable to include broad definitions such as 'new or improved public open space' and 'measures necessary to improve air quality within an Air Quality Management Area' as long as the locations/areas are identified and are appropriate to the application site. Where a broader definition is agreed, the specifics of projects will be considered subsequently as part of the s106 funding application process and will be governed by the Protocol for the approval of spend as laid out within this governance framework (see section 5.3).

The Mid Devon '**Meeting Housing Needs Supplementary Planning Document – adopted November 2023**' sets out the framework for on-site and off-site affordable housing requirements. Affordable housing in new developments where possible will be accommodated on site; however there are instances where a financial contribution is appropriate. Off-site Affordable Housing contributions are secured to address the district housing need and as such will be assigned as district wide.

Often in the case of Public Open Space, it is considered more appropriate to include a more broad definition as referred to above, at the S106 agreement planning application stage. The Planning Obligations Officer will engage with parish and town councils, at the earliest opportunity, to ensure they are aware of when funds become available for spending in their area, and to provide assistance throughout the process. Town and parish councils, along with local community groups, will be able to apply for Public Open Space S106 funds as detailed in section 5 below.

4.3 Collection and reporting of S106 contributions

The Planning Obligations Monitoring Officer is responsible for monitoring developments and ensuring compliance with planning obligations. Financial reconciliation of any monies collected is carried out on a quarterly basis and used to generate financial reports showing S106 contributions that are available to spend broken down by infrastructure type, catchment and project. These reports are available to all and are published on the Council's website; [Section 106 Funding - MIDDEVON.GOV.UK](#)

As referred to above, the Council is required to publish annual reports (for the previous financial year) detailing received and anticipated receipts and expenditure. This must be reported through an annual Infrastructure Funding Statement (IFS), and an annual report relating to Section 106

obligations.

5.0 Expenditure process for S106 contributions

It is important that contributions secured are spent in accordance with the related legal agreement, monitored effectively and subject to appropriate governance arrangements. The following section sets out the protocol to manage S106 funds.

5.1 Funding application process

For reasons of transparency, accountability and maintaining suitable evidence to be provided in times of audit, the Council operates a S106 funding application process for both internal and external applicants, where funds are held that are suitable for expenditure by a qualifying party.

Applicants are invited to submit details on how their proposed project meets the criteria specified in the S106 agreement(s). There is also a requirement for the applicant to evidence how they meet the following criteria:

- Land ownership or explicit permission of the landowner agreeing to the use of the land for the purpose of the project in perpetuity or as an absolute minimum for the lifetime of the project (where appropriate, e.g. Public Open Space);
- Compliance with procurement regulations;
- Need and justification for the project;
- Policy support and/or regulatory objectives;
- Project support from:
 - Town or parish council (where appropriate, e.g. Public open Space)
 - Local district council member(s)
 - Other local organisations (where appropriate)
- Public polls or survey results (where appropriate);
- Meeting ongoing maintenance costs (where appropriate);
- For third party payments, will need to enter into a legal funding agreement for either;
 - Spend greater than £12,000; or
 - For third party applicants requiring upfront payment of funds

Details of all funding applications and supporting documents will be stored on the Council's database in accordance with the Council's retention schedule:

- 8 years for successful applications
- 1 year for unsuccessful applications

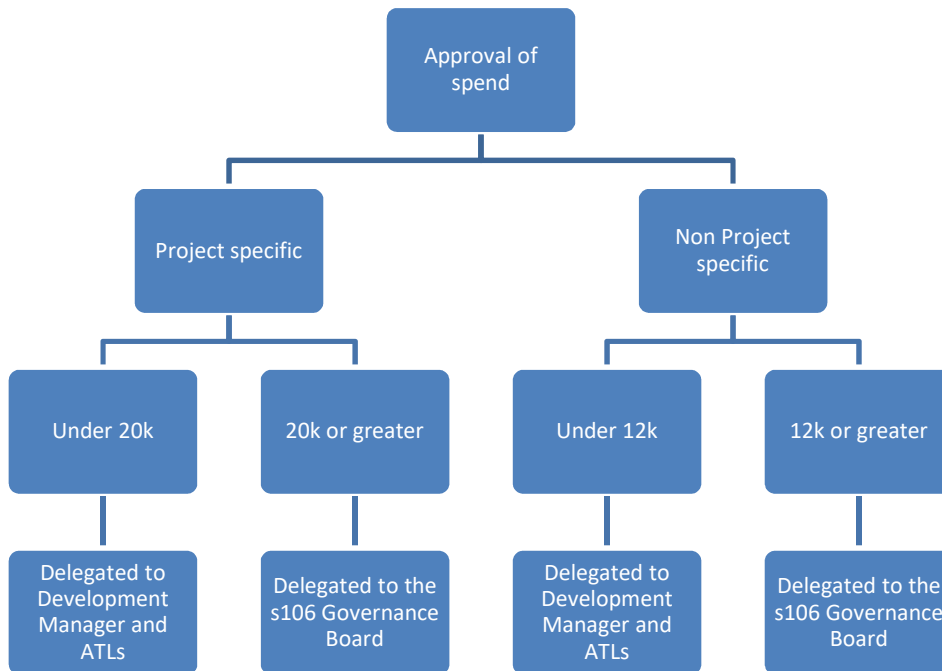
5.2 Validation

Once an application has been received, the Council's Planning Obligations Monitoring Officer will assess the application to ensure it meets the criteria for spend, that the appropriate funding is available for the nominated project and that the form and supporting documents meet the criteria

for validation. Once validated, any suitable applications will be passed for approval of spend.

5.3 Protocol for the approval of spend

Following the submission and validation of funding applications, the following protocol for the approval of spend will apply:



For clarity, the following definitions apply:

Project specific: Applications which clearly align with specifically allocated funds

For requests where the funding is allocated to a specific project within the S106 agreement(s).

Non Project specific: Applications which align with more broadly defined funds

For S106 agreements with a broad definition of provision, for example 'new or improved public open space', 'measures necessary to improve air quality within an Air Quality Management Area'.

As set out in 5.5, below, delegated decisions made in a preceding quarter will be reported to the S106 Governance Board for monitoring, awareness and transparency.

5.4 Protocol for the processing of spend

For all approved schemes over the value of £12,000, the applicant will be required to enter into a binding funding agreement with the District Council.

Any upfront payments will be subject to the applicant entering into an agreement with the District Council to ensure that the funding released is spent in accordance with the approved application, within a specified timescale and that any underspend is repaid to the District Council immediately. In all other cases the applicant will need to submit evidence of the completed project, invoices against the project and proof of payment. Funds will then be paid directly into the applicant's bank account within 10 working days (or as soon as practicably after).

5.5 Monitoring spend

Once funding applications are approved and funds have been processed, the Planning Obligations Monitoring Officer will monitor progress to ensure the project is delivered in accordance with the details and timescales approved via the funding application process. Progress updates will be provided to the S106 Governance Board on a quarterly basis.

Any spend will be recorded and accounted for through the financial reconciliation process and reported through the quarterly funding reports and annual IFS.

6.0 Obligations on the District Council

Most S106 agreements contain obligations on the Council as well as on the interested parties. This is with the exception of unilateral undertakings – legal agreements where the obligation(s) is on one party only (i.e. the developer or land owner). The obligations on the Council are often quite straightforward and will usually be;

- To spend any contributions in accordance with the terms of the S106 agreement
- To repay any contributions to the relevant party to the S106 agreement which haven't been spent (or contractually committed to be spent) within a timescale stipulated within the S106 agreement (most commonly this is 10 (ten) years).

7.0 The S106 Governance Board

The S106 Governance Board will consist of a fixed panel of members and officers with guest members and/or officers to attend as appropriate to their ward or department. The makeup of the S106 Governance Board is as follows:

Fixed Panel

- Director of Place and Economy (**Chair**) (who may delegate a deputy to chair in his/her absence)
- Planning Obligations Monitoring Officer (**Clerk**)
- Senior officer from Planning (Development Management Manager or Area Team Leader)
- Cabinet Member for Planning and Economic Regeneration
- Cabinet Member for Environment and Climate Change
- Cabinet Member for Quality of Living, Equalities and Public Health

As required

- Relevant ward member(s)
- Senior officer from department relevant to spend

7.1 Terms of Reference (ToR)

Terms of reference for the S106 Governance Board is appended to this framework document. These terms of reference sets out the purpose and expectations of the Board, along with setting out the decision making and administrative processes. It also sets out information such as composition of the Board and regularity of meetings.

Mid Devon District Council
S106 Governance Board
Terms of Reference

S106 Governance Board Terms of Reference (ToR)

The ToR document for the S106 Governance Board:

- Sets out the purpose of the S106 Governance Board
- Sets out the expectations of the S106 Governance Board
- Sets out the decision making process
- Sets out the administration process
- Sets out the regularity of meetings

1.0 The group shall be formally known as;
The (Mid Devon District Council) S106 Governance Board

2.0 The role of the group:

- To consider and make decisions on project allocations and funding applications that meet the board's threshold for consideration and/or where there are conflicting requests for contributions
- Ensuring the District Council meets its obligations
 - a. Spending the money in accordance with the terms of the S106 Agreement
 - b. Spending the money within the stipulated timescale
- To consider regular s106 monitoring reports

3.0 Matters beyond the scope of this Board:

- Approval of Heads of Terms
- Viability assessments
- Deeds of Variation and/or other amendments to legal agreements

4.0 Composition of the S106 Governance Board

The S106 Governance Board will consist of a fixed panel of members and officers with guest members and/or officers to attend as appropriate to their ward or department. The makeup of the S106 Governance Board is as follows:

Fixed Panel

- Director of Place and Economy (Chair) (who may delegate a deputy to chair in his/her absence)
- Planning Obligations Monitoring Officer (Clerk) (Non-voting)
- Senior Officer from Planning (Development Management Manager or Area Team Leader)
- Cabinet Member for Planning and Economic Regeneration
- Cabinet Member for Environment and Climate Change
- Cabinet Member for Quality of Living, Equalities and Public Health

As required

- Relevant ward member(s)
- Senior officer from department relevant to spend

The Planning Obligations Monitoring Officer encourages all board members and substitute members to obtain necessary skills to contribute to the work of the board. In the absence of a cabinet member of the board and where there will otherwise be less than 2 cabinet members present, they would find a suitable substitute that MUST be another cabinet portfolio holder and to brief them on the meeting which they are due to attend.

5.0 Decision making

The decision making process is voting, by fixed panel board members, with a majority determining decisions and the Chair having the casting vote.

When a decision needs to be made, where convening a meeting would be impracticable within the required timescales, taking account of the 5 clear days for publishing an agenda, and any consultation periods, the Planning Obligations Monitoring Officer will inform the S106 Board in writing of the matter about which decision is to be made and obtain the agreement of the S106 Board (keeping a written record of when agreement/approvals are confirmed, and how).

6.0 Quorum

The quorum for a meeting of the Governance Board shall be 2 cabinet members and one senior officer from the fixed panel.

7.0 Administration

The administration function will be provided by the clerk to the S106 Governance Board and this will include;

- Calendar bookings
- Circulating agenda and reports
- Consultation processes
- Minutes
- Managing enquiries

8.0 Time, Place and Notice of Meeting

Hourly meetings will take place in person on a quarterly basis ideally after financial reconciliation of accounts has taken place.

In order to allow for effective and timely decision making on funding applications, meetings can be called by the Planning Obligations Monitoring Officer, with the agreement of the Director of Place and Economy, on an as needed basis.

An agenda item for the first meeting should be to agree a meeting start time to be followed throughout the year.

The agenda and supporting documents will be sent out at least five clear working days before a meeting from the Planning Obligations Monitoring Officer to the cabinet members and officers on the board.

9.0 Standing Agenda Items

- Minutes of the previous meeting
- S106 Monitoring report
 - a. Quarterly funding updates
 - b. Review of any “at-risk” funding
- Infrastructure delivery:
 - a. Project Updates
 - b. Review of the Infrastructure List (annually)
- Consideration of any funding requests

10.0 Approval and review of ToR

ToR to be reviewed/updated annually.

11.0 Definition of terms

CIL tests	Specifically Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended)
Deed of Variation	A legal document that varies or modifies an existing S106 Agreement
Financial reconciliation	The process of validating S106 records against receipts held on the Council’s finance systems
Heads of Terms	The agreed obligations by infrastructure type to be included within a S106 Agreement
Infrastructure List	Document identifying infrastructure projects that can be partly or wholly funded by S106 Contributions
Project allocations	The project meeting the criteria set out in the CIL tests to which a financial contribution is legally assigned to
S106 Agreement	A legally binding agreement between a local authority and a landowner/developer under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) containing obligations, used to support the provision of services and infrastructure, which are necessary to make the development acceptable in planning terms
Viability assessments	Site-specific reports seeking a reduction in S106 contributions so as to make the development financially viable

Report for: Cabinet

Date of Meeting:	10 December 2024
Subject:	Annual Infrastructure Funding Statement; The Infrastructure List
Cabinet Member:	Cllr Steven Keable, Cabinet Member for Planning & Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place and Economy
Exempt:	There are no exemptions within the document(s)
Wards Affected:	District wide
Enclosures:	Mid Devon District Council Infrastructure List

Section 1 – Summary and Recommendation(s)

The Council maintains an Infrastructure List for the purposes of identifying those items of infrastructure that it intends to fund, either wholly or partly, through development (developer contributions, also known as section 106 (S106) agreements). The list is informed through development plans, which could include neighbourhood plans, and prioritised in accordance with the importance of the infrastructure item in relation to the implementation of the Local Plan, together with requirement to spend existing developer contributions on the delivery of infrastructure within designated timescales. The Infrastructure List is reviewed and updated annually and Cabinet are requested to approve the updated Infrastructure List for publication on the Council's website as part of the statutory annual Infrastructure Funding Statement.

Recommendation(s):

- 1. The list of infrastructure (Appendix 1; the Mid Devon Infrastructure List) that the Council intends to fund, either wholly or partly, by developer contributions is approved as recommended by the Planning, Environment and Sustainability PDG**
- 2. The Infrastructure List is included within the annual Infrastructure Funding Statement (IFS) to be published on the Council's website by 31st December 2024 as recommended by the Planning, Environment and Sustainability PDG**

Section 2 – Report

- 1.1 Developer contributions is a collective term mainly used to refer to the Community Infrastructure Levy (CIL) and planning obligations (commonly referred to as Section 106 or S106 obligations after Section 106 of the Town and Country Planning Act 1990). These are planning tools that can be used to secure financial and non-financial contributions (including affordable housing), or other works, to provide infrastructure to support development and mitigate the impact of development. Developer contributions might also relate to highways works secured under Section 278 of the Highways Act.
- 1.2 Developer contributions are normally a key component of any authority's approach to developing and delivering an infrastructure strategy for their area. Effective infrastructure planning, prioritisation and governance of spend are critical to supporting the delivery of sustainable development and growth. Local authorities have a fundamental role in leading the coordination and delivery of infrastructure that will support their areas.
- 1.3 The Mid Devon Community Infrastructure Levy (CIL) draft charging schedule was withdrawn from its public examination in 2021 and as such Mid Devon is not a CIL charging authority.
- 1.4 Mid Devon currently secures funding for infrastructure and affordable housing through the use of Section 106 planning obligations and Section 278 highways agreements (via Devon County Council).
- 1.5 Identification of S106 requirements should be driven by the impact of specific development(s) and the need to deliver local plan policies. Requirements for developer contributions should be clearly identified in local plan documents, consulted on and tested for viability. The Mid Devon Infrastructure List is the document that identifies and prioritises those requirements.
- 1.6 Developer contributions need to deliver infrastructure or other mitigation measures that support development. There is a statutory responsibility to make sure this happens, and legal and reputational risk where it does not.
- 1.7 Most of the legal agreements containing planning obligations also place an obligation on the Local Authority to spend the money within a designated timescale (which varies from one agreement to another but is commonly ten years).
- 1.8 There needs to be clear and transparent processes that ensure timely and effective spend that comply with the legislation on the use of developer contributions. Failure to have clear processes that take you from strategy to allocation and spend on a project is, along with failure to identify priorities, a major cause of unspent developer contributions.
- 1.9 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 made it a requirement that contribution-receiving authorities must publish an Infrastructure Funding Statement (IFS) by the 31st December

annually. The objective of an IFS is to improve transparency of monitoring and reporting so that monies secured, received, allocated, spent and delivered can be followed through the system.

- 1.10 The information published in the IFS responds to questions that are frequently asked of authorities through Freedom of Information (FOI) requests and should be information that can be readily accessed. The annual IFS is published on the Council's website prior 31st December each year.
- 1.11 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (section 121A) set out the required components of the IFS, namely:
 - (a) a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL ("the infrastructure list");
 - (b) a report about CIL, in relation to the previous financial year ("CIL report");
 - (c) a report about planning obligations, in relation to the reported year ("section 106 report").
- 1.12 The Mid Devon Infrastructure List is intended to satisfy part (a) of the IFS. In line with the approach taken previously, although Mid Devon District Council is not a CIL charging authority it may, nevertheless, be considered both beneficial and transparent to continue to publish a list of the infrastructure to be funded wholly or partly by developer contributions over the forthcoming year.
- 1.13 On the basis that Mid Devon District Council is not a CIL charging authority there will be no CIL report published within the IFS.
- 1.14 The IFS will therefore comprise two component parts; the infrastructure list and the section 106 report.
- 1.15 The section 106 report is a series of absolute facts and figures which will be signed-off by Finance and Senior Management prior to publication. Members will be notified when the IFS (both component parts) are completed and published.
- 1.16 National Planning Policy Guidance also advises that the infrastructure funding statement should set out the future spending priorities on infrastructure and affordable housing. This will not dictate how funds must be spent but will set out the local authority's intentions.
- 1.17 The Mid Devon Infrastructure List is prioritised in accordance with the importance of the infrastructure item in relation to the implementation of the Local Plan, together with requirement to spend existing developer contributions on the delivery of infrastructure within designated timescales. For example; affordable housing delivery is essential to the delivery of the Local Plan, and also the Council holds sums of unallocated contributions which are required to be expedited for expenditure before they become at risk of being returned to the developer under the terms of the legal agreement. Therefore affordable housing is a high priority on the infrastructure list.

- 1.18 The Mid Devon Infrastructure List is a live document capable of being updated at any time. The version of the list proposed for publication is a snap shot in time and includes the best information that is available at the point of its approval and publication. It has been informed through work undertaken as part of the preparation of the Mid Devon Local Plan Review 2013 – 2033. The Infrastructure List can also be informed through infrastructure needs identified in other development plans in Mid Devon i.e. the Devon Minerals and Waste Plans, and Neighbourhood Plans where these have passed their referendum and form part of the statutory development plan for their local area. It can also be informed through infrastructure needs identified through the masterplanning of planned urban extensions and town centres.
- 1.19 Silverton Neighbourhood Plan was formally 'made' on 24 April 2024 following a successful referendum held on 29 February 2024 and now forms part of the statutory development plan for the Silverton area. The infrastructure priorities of the plan have been reviewed and noted. The Infrastructure List includes scope to consider infrastructure priorities identified in the neighbourhood plan.
- 1.20 The preparation of a new Local Plan for Mid Devon ('Plan Mid Devon') will provide an opportunity to review the infrastructure needed to support new development where this is planned across the district. This will be informed through technical work and engagement with transport, education and other infrastructure and service providers. Infrastructure needs will be looked at in terms of the requirements placed through individual development sites and also the cumulative impacts of development sites at town level and wider area, to enable a strategic approach to be taken to infrastructure planning and its phasing and funding.
- 1.21 The infrastructure list should feed back into reviews of Local Plans to ensure that policy requirements for developer contributions remain realistic and do not undermine the deliverability of the plan.
- 1.22 The report and its attachments were circulated to Planning, Environment and Sustainability Policy Development Group (PDG) for consideration at a meeting on 26th November 2024. The Infrastructure List was considered by the members of PDG who confirmed, by a majority vote, that the list be passed to Cabinet for approval in accordance with the recommendations of this report. The following two inclusions/amendments were suggested for consideration.
1. Priority 2 - Sustainable Travel
To widen the definition to include – District Wide Railway infrastructure
 2. Priority 1 – Education Category
To reflect within the 2nd line around education to include Post 16 provision.

Financial Implications: The Infrastructure List plays an important role in identifying when developer contributions can be used to assist in the delivery of infrastructure. It is an easily accessible document that sets out the Council's priorities for income from development and expenditure.

Legal Implications: There is a legal requirement placed through Regulation 121A of the Community Infrastructure Levy largely applicable to CIL charging authorities to publish no later than 31st December in each calendar year an annual infrastructure funding statement which comprises "a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL ("the infrastructure list)". In line with the approach taken previously, although Mid Devon District Council is not a CIL charging authority (instead having to publish an annual 'S106 report' as detailed in the Regulations), the Council may still consider it useful (as well as transparent) for it to publish a list of the infrastructure to be funded wholly or partly (albeit in its case by S106 contributions) over the forthcoming year or so.

Risk Assessment: Risk is multi-faceted, but publication of a clear IFS mitigates these by allowing transparency on the utilisation of S106 funds, allows monitoring of measures to be implemented to support planned development and also safeguards against the loss of S106 receipts through the passage of time.

Impact on Climate Change: The Infrastructure List includes provision for carbon offsetting and air quality improvements. The infrastructure list should feed back into reviews of local plans to ensure that policy requirements for developer contributions remain realistic and do not undermine the deliverability of the plan. The Local Plan has been prepared within a legal framework and national planning policy that has at its heart the principle of sustainable development and policies to help address climate change through the development and use of land.

Equalities Impact Assessment: The Infrastructure List has been informed through the work undertaken for the preparation of the Mid Devon Local Plan Review 2013 - 2033 which has been screened through an Equalities Impact Assessment.

Relationship to Corporate Plan: The Infrastructure List includes infrastructure items relating to affordable housing, transport, education, libraries, waste, health, community facilities, emergency services, where these relate to built development and Local Plan objectives. Funding the delivery of these items can also help the Council achieve its priority themes of Planning, Environment & Sustainability; Community, People & Equalities; Homes; Economy & Assets.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 12 November 2024

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 12 November 2024

Chief Officer: Richard Marsh
Agreed by or on behalf of the Director of Place and Economy
Date: 11th November 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 08 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Richard Marsh, Director of Place and Economy
Email: rmarsh@middevon.gov.uk

Contact: Elaine Barry, Planning and Obligations Monitoring Officer
Email: S106@middevon.gov.uk

Background papers:

[Infrastructure Funding Statement 2022 23](#)

Equality Impact Assessment

Purpose of the Equality Impact Assessment process:

The Equality Act (2010) introduced the [Public Sector Equality Duty](#) (PSED) requiring public bodies to give due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

Consideration must be given to the protected characteristics covered by the Equality Act (2010). Assessments should consider relevant evidence relating to persons with protected characteristics in relation to assessments of potential impact.

The purpose of an Equality Impact Assessment (EIA) is to ensure that policies, functions, plans or decisions (hereafter referred to as 'policy/ decision') do not create unnecessary barriers for people protected under the Act. Where negative impacts are identified these should be eliminated or minimised, and opportunities for positive impact should be maximised. An EIA is not required for a decision in relation to an individual.

Screening is a short exercise to determine whether a policy/ decision is relevant to equalities, and if so, whether a full EIA should be conducted.

Section 1: Equality Impact Assessment Screening

Title and description of the policy/ decision:		Mid Devon Infrastructure List December 2024	
Job title of the person(s) undertaking the assessment:		Planning Obligations Monitoring Officer	
Council service:		Development Management	
Date of assessment:		2 nd October 2024	
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?			
To publish a list of Infrastructure which the Council intends may be funded (partly or wholly) by developer contributions			
Who may be affected by the policy/ decision?		All residents of Mid Devon	
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise		The list is informed by the Mid Devon Local Plan 2013 – 2033 and other planning policy documents	
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?		It is unlikely. The list is predominantly for information purposes though there is a statutory requirement to publish the list under The Community Infrastructure Levy Regulations 2010 (as amended)	
To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:			
	Yes	No	Details
1. Eliminate unlawful discrimination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advance equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To provide infrastructure through development available which will be of benefit to all Mid Devon residents
3. Foster good relations between different groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Which of the protected characteristics is the policy/ decision relevant to?

Tick and briefly describe any likely equalities impact (positive, negative, or neutral)

Characteristic	Positive	Negative	Neutral	Comments
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Infrastructure to benefit a range of age groups
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Accessible facilities delivered where possible
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Characteristic	Positive	Negative	Neutral	Comments
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Provision of Gypsy and Traveller pitches
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*Applies only to Employment and the duty to give regard to the elimination of discrimination.

Decision by Corporate Manager to recommend this policy/ decision for an Equality Impact Assessment?

Yes/~~No~~

If the answer is “Yes”, please continue to the Section 2 and complete the Equality Impact Assessment. If the answer is “No”, please give a brief reason here.

The Council has a statutory duty to publish a list of infrastructure types it intends may be funded through development. Whether or not those items of Infrastructure on the list are delivered depend on a suite of other factors – the list itself is primarily for guidance and any funding received through development requires relevant development proposals to come forward and for any infrastructure that may be funded by such a development to be directly related to that development.

The Infrastructure List is primarily informed by the adopted Mid Devon Local Plan which has been subject to an Equalities Impact Assessment in 2017 and an Addendum in 2019 which was necessary following the Council’s proposed Main Modifications to the local plan. The Inspector has considered the Equalities Impact Assessment as part of the examination process for the local plan and has had regard to the Equality Act 2010.

EIA Screening Complete

Section 2: Equality Impact Assessment

Evidence and Consultation

What existing sources of information have you gathered to help identify how people covered by the protected characteristics may be affected by this policy/ decision? E.g. consultations, national or local data and/or research, complaints or customer feedback. Please identify any gaps in the available information that might make it difficult to form an opinion about the effect of the policy on different groups.

Please complete this table for all the Protected Characteristics. If you have identified any negative impacts you will need to consider how these can be justified or where possible mitigated either to reduce or remove them. (Please add rows where needed)

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
Age			
Disability			
Religion or Belief			
Race			
Sexual Orientation			
Gender Reassignment			

Pregnancy/ maternity			
Marriage and Civil partnership (Applies only to Employment and the duty to give regard to the elimination of discrimination)			

Please provide details of arrangements to monitor and review the policy/ decision and any mitigating actions or actions to promote equality:

Please state where the EIA will be published (e.g. on the Mid Devon District Council website):

=====

Equality Impact Assessment Sign off

For completion by Director of Place and Economy

Are you prepared to agree and sign off the EIA?

Yes **No**

If "No", provide details of why and next steps:

Name: Richard Marsh

Job Title: Director of Economy and Place

Date: 2nd December 2024

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MID DEVON INFRASTRUCTURE LIST

PRIORITY #1: HIGH IMPORTANCE

Accessibility

District wide accessibility and mobility improvements

Affordable Housing

Affordable housing provision in the district of Mid Devon

Provision of custom & self-build housing

Provision of Gypsy & Traveller pitches

Carbon Reduction

Measures and infrastructure required to support a low carbon, energy efficient future

Community facilities

Provision of digital and smart infrastructure; including broadband and town centre electric points

Ecology

Measures required to provide a net gain in biodiversity

Education

New primary schools for Tiverton, Crediton and Cullompton

Primary and Secondary School expansion

Provision of a new special education need facility (to be located in Cullompton)

Highways

Capacity improvements at Junction 28 M5 to deliver a strategic highway improvement

Sustainable Travel

New and enhanced pedestrian and cycle facilities into and within major towns and settlements

Transport & Air Quality

Cullompton Town Centre Relief Road

Measures necessary to assist with the flow of traffic through the Western Gateway, St Lawrence Green and/or the High Street in Crediton

Transport & Highways

Measures necessary to improve traffic calming

Provision of a full grade separated junction on the A361 at Tiverton (east)

Through route linking Willand Road to Tiverton Road and traffic management measures on Willand Road at North West Cullompton

PRIORITY #2: IMPORTANT

Community facilities

Provision of community facilities including community centres, halls and hubs

Provision of new sports pitches

Provision of youth/teen facilities

Public Open Space for leisure and recreation, including sports and play facilities

Destination Management

Improved coach parking facilities within Mid Devon

Employment space

Provision of Incubator hubs

Flooding

Flood risk mitigation measures

Health facilities

Provision of healthcare facilities, including GP surgeries

Highways

Improvements to J27 of the M5

Miscellaneous

Infrastructure necessary for the delivery of Masterplans and Neighbourhood Plans

Resource funding to enable infrastructure delivery

Public Realm

Improvements to the public realm of the major town centres; includes new signage, seating and public art

Redevelopment of Phoenix Lane, Market Walk and the Tiverton pannier market

Sustainable Travel

Towards the re-opening of Cullompton railway station

Transport & Air Quality

Measures necessary to mitigate poor air quality in town centres

Transport & Highways

Provision of a junction on Heathcoat Way and a safeguarded road route to serve as a future second road access for development at the Tiverton eastern urban extension

PRIORITY #3: DESIRABLE

Community facilities

Enhancement to library facilities

Provision of new sports and play facilities at the main leisure centres; including a swimming pool complex at Cullompton and new soft-play facilities (all sites)

Destination Management

Heritage, Culture and Arts trails

Provision of a community theatre

Provision of a visitor centre and enhanced facilities at Junction 27, M5

Provision of new rural trails; including the Boniface Trail (Crediton to Exeter) and a cycleway along the A396/Exe Valley

Emergency services

Provision of a new criminal justice centre and/or expansion of existing fire and rescue services

Transport & Air Quality

Enhanced provision of community transport schemes

Provision of public electric vehicle charging infrastructure

Waste

New recycling centre to serve Tiverton and Cullompton catchments

Water

Enhanced waste water treatment facilities

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Report for: Cabinet

Date of Meeting:	10 December 2024
Subject:	Planning Enforcement Policy update
Cabinet Member:	Cllr Steven Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Heather Nesbitt, Senior Enforcement Officer
Exempt:	N/A
Wards Affected:	Relevant to all wards
Enclosures:	Revised Planning Enforcement Policy

Section 1 – Summary and Recommendation(s)

This report seeks to:

1. Discuss the reasons why an updated policy on Planning Enforcement is needed, and;
2. Present the updated Planning Enforcement Policy which incorporates amendments, requested by the Planning Policy Advisory Group (PPAG), to Cabinet for approval and adoption.

Recommendation(s):

1. **That Members note that the report and the updated planning enforcement policy has been discussed and noted by Scrutiny;**
2. **That Cabinet approve and adopt the updated planning enforcement policy, as recommended by the Planning Policy Advisory Group (PPAG), and;**
3. **That Cabinet Members approve that delegated authority be given to the Development Management Manager, in conjunction with the Cabinet**

Member for Planning and Economic Regeneration, to make any future revisions to the Planning Enforcement Policy to ensure it accords with National Planning Policy.

Section 2 – Report

1. Introduction – background to Planning Enforcement Policy

- 1.1 Mid Devon’s Local Planning Enforcement Policy seeks to set out how Mid Devon will take responsibility for reported breaches of planning control within the District. It sets out how reported breaches will be categorised by means of priority (high, medium and low), together with the timescales that can be expected with each in terms of acknowledgement, investigation and response time.
- 1.2 The Policy was last reviewed in April 2018. Since then, as Members will be aware, there have been a number of National and Local Policy together changes and legislative changes with a steady rise in reported planning breaches since the Covid pandemic.
- 1.3 Planning enforcement is an important part of planning activity and the planning system, however planning enforcement is governed by legislation, is discretionary and must be proportionate.
- 1.4 A high volume of planning breaches are reported, but the majority tend to be low impact/risk and, owing to the limited resource available, officers necessarily have to focus on the high risk/high impact cases where intervention is required to address serious breaches.
- 1.5 As planning enforcement is a discretionary service which is not chargeable, all authorities must necessarily take a ‘view’ in terms of how they resource their planning departments to accommodate enforcement activity. The approach varies significantly between councils with some having no-dedicated enforcement staff and other authorities, such as Mid Devon, having skilled staff dedicated to enforcement activity.
- 1.6 At Mid Devon, it has been considered appropriate and prudent to update the current Planning Enforcement Policy in order to provide clarity on officer approach when dealing with reported breaches. The aim of the policy is to set out clearly what will be investigated as a high priority, as well as make it clear that lower priority cases will not be investigated whilst other higher priority matters are being dealt with, unless there is planning officer capacity to do so.
- 1.7 The approach to enforcement is necessarily to prioritise high-risk and high impact breaches, understanding that the Council is not equipped (financially or in terms of staff) to address every alleged breach.

2 Proposed Changes in detail

- 2.1 The new Planning Enforcement Policy brings the operations of the

Enforcement Team in line with the Council's current approach. Formal adoption and publication of the policy should make it easier for the public to understand Mid Devon's approach to Planning Enforcement and will support the Council in enforcement activity.

- 2.2 The proposed Planning Enforcement Policy adopts a similar approach to that taken by other councils including East Devon. The reason for this is that officers consider it to be a robust policy and it was also considered to be a good template.
- 2.3 The proposed policy sets a much clearer framework for when enforcement action will be taken, and how it will be taken, together with clarity on what types of cases will be investigated as high priority, medium priority and low priority, accordingly.
- 2.4 It advises that a maximum of seven working days is the response time for acknowledgement of complaints received and sets out step by step guidance on how the complaint will be managed and what to expect as an outcome. The updated policy is more comprehensive, reflects current guidance and legislation and will enable improved management of the enforcement caseload.
- 2.5 Options regarding enforcement action, explaining what is appropriate and when, together with some examples of what will and will not constitute a breach of planning have also been included within the policy.
- 2.6 The proposed document is simple in comparison with the current policy document, in an attempt to help a wider audience to understand how a case is investigated and what options are available to enforcement officers in terms of taking action as set out by National Policy. This includes specific guidance in relation to what are normally higher priority cases, such as protection of trees, and listed buildings.
- 2.7 The updated Planning Enforcement Policy has been appended to this report for ease of reading and reference.
- 2.8 The policy has gone before PPAG, incorporates changes recommended by PPAG, and has been presented to the Scrutiny Committee to ensure that Members have had the ability to discuss the changes, and ask any questions, before the report and the policy were presented to Cabinet for approval and adoption.

3. Next steps

- 3.1 As set out above; the Council is seeking to implement this updated policy as soon as possible, in order that the public are better informed of how the Council will manage reported breaches of planning control.

Financial Implications

Planning enforcement is a discretionary and non-fee generating service. Ensuring that the Council's policy on enforcement is clear, understandable, and in line with National Planning Policy, is crucial in minimising the risk of enforcement appeals that could come forward with a cost implication to the Council as a result of unreasonable enforcement action.

Furthermore, the implementation of the updated policy into the Council's policies and procedures will help to ensure caseloads for officers are manageable. This is because the policy makes it clear what reported breaches of planning will be prioritised and those that will either take longer to be investigated, or will not be investigated until or unless capacity exists.

Legal Implications

Matters of enforcement are bound by strict data protection rules and the authority must be mindful of the rights of individuals concerned. This means that specific details and ongoing enforcement activity cannot be shared beyond those within the authority who are immediately and necessarily involved in cases.

Enforcement action must always be proportionate and, where appropriate, the LPA is encouraged to seek to resolve matters through dialogue and regularisation. The authority does not have 'carte blanche' in what it elects to do in relation to planning enforcement matters.

Nonetheless, enforcement is a necessary part of the planning system and so, in relation to severe planning breaches, the authority will seek to progress proactive enforcement.

Risk Assessment

Risk can arise through a lack of enforcement activity but the authority is seeking to mitigate this risk as explained within this report.

Risk can also accrue from unreasonable enforcement activity and a lack of general compliance on key issues such as data protection. The authority are also therefore seeking to minimise this risk by implementing the policy update which is considered to provide more clarity around what cases will be high priority and how enforcement action will be taken as appropriate. This subsequently assists in minimising risk of turnover of employed enforcement officers, given that their caseload should be more manageable.

Impact on Climate Change

Owing to the direct impact that planning has upon our built and natural environment, work in relation to planning enforcement can have an impact upon climate change, biodiversity and the environment at large. Generally speaking, planning enforcement should always have a positive impact in these areas as it seeks to ensure compliance with planning matters and seeks to guard against illegal or improper development and use of land.

Equalities Impact Assessment

No equalities issues are expected to arise from this report.

Relationship to Corporate Plan

Proactive and proportionate planning enforcement will support the Council in achieving its corporate objectives.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 12 November 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 12 November 2024

Chief Officer: Stephen Walford

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

Date: 12 November 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 29 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers Contact: Heather Nesbitt –
Senior Enforcement Officer

Email: hnesbitt@middevon.gov.uk

Background papers: None

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

December 2024



The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
December					
Housing Rents Page 257	Cabinet	10 Dec 2024	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Housing, Assets and Property and Deputy Leader Cabinet Member for Governance, Finance and Risk	Open
S106 Governance	Cabinet	10 Dec 2024		Cabinet Member for Governance, Finance and Risk	Open
Tenant Representation Report To receive a report regarding co-opted Tenant Representation on the Homes Policy Development Group.	Homes Policy Development Group Cabinet Council	19 Nov 2024 10 Dec 2024 18 Dec 2024	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open

Agenda Item 18.

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)
The Statutory Duty to Conserve and Enhance Biodiversity	Planning, Environment & Sustainability Policy Development Group Cabinet	26 Nov 2024 10 Dec 2024	Jason Ball, Climate and Sustainability Specialist	Cabinet Member for Environment and Climate Change	Open
Planning Enforcement-Enforcement Policy Update	Scrutiny Committee Cabinet	25 Nov 2024 10 Dec 2024	Angharad Williams, Development Management Manager	Cabinet Member for Planning and Economic Regeneration	Open
2025/2026 Draft Budget Report	Service Delivery & Continuous Improvement Policy Development Group Community, People & Equalities Policy Development Group Cabinet	2 Dec 2024 3 Dec 2024 10 Dec 2024	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	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)
HRA Asset Management Strategy To receive the updated HRA Assets Management Strategy.	Homes Policy Development Group Cabinet	19 Nov 2024 10 Dec 2024	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Infrastructure Funding Statement- Infrastructure List	Planning, Environment & Sustainability Policy Development Group Cabinet	26 Nov 2024 10 Dec 2024	Elaine Barry, Planning Obligations Monitoring Officer	Cabinet Member for Planning and Economic Regeneration	Open
Climate Strategy Action Plan To consider the Climate Strategy Action Plan	Planning, Environment & Sustainability Policy Development Group Cabinet	26 Nov 2024 10 Dec 2024	Jason Ball, Climate and Sustainability Specialist	Cabinet Member for Environment and Climate Change	Open
National Assistance Burial Procedure To consider the National Assistance Burial Procedure	Service Delivery & Continuous Improvement Policy Development Group Cabinet	2 Dec 2024 10 Dec 2024		Cabinet Member for Service Delivery and Continuous Improvement	Open
Tenant Compensation	Homes Policy	19 Nov 2024	Simon Newcombe,	Cabinet Member for	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)
Policy To receive the revised Tenant Compensation Policy.	Development Group Cabinet	10 Dec 2024	Head of Housing & Health	Housing, Assets and Property and Deputy Leader	
Corporate Performance Q2 including Dashboard; Corporate Risk Q2;	Cabinet	10 Dec 2024	Dr Stephen Carr, Corporate Performance & Improvement Manager	Leader of the Council	Open
Updating Election Fees	Cabinet	10 Dec 2024	Stephen Walford, Chief Executive Tel:	Cabinet Member for People, Development and Deputy Leader	Open
January 2025					
Investment in Community Land Trust projects using Devolution funding	Cabinet	7 Jan 2025	Arron Beecham, Principal Housing Enabling & Forward Planning Officer	Cabinet Member for Planning and Economic Regeneration	Open
Information Security Policy	Cabinet	7 Jan 2025		Cabinet Member for People, Development and Deputy Leader	Open
Information Security Incident Management	Cabinet	7 Jan 2025		Cabinet Member for People, Development	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)
Policies				and Deputy Leader	
CCTV Policy To receive the updated CCTV Policy	Community, People & Equalities Policy Development Group Cabinet	3 Dec 2024 7 Jan 2025		Cabinet Member for Quality of Living, Equalities and Public Health	Open
Willand Neighbourhood Plan	Planning, Environment & Sustainability Policy Development Group Cabinet Planning, Environment & Sustainability Policy Development Group Cabinet Council	26 Nov 2024 7 Jan 2025 11 Mar 2025 1 Apr 2025 23 Apr 2025	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration	Open
Green Enterprise Grants	Cabinet	7 Jan 2025	Jason Ball, Climate	Cabinet Member for	Part exempt

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)
			and Sustainability Specialist	Environment and Climate Change	
2025/2026 Draft Budget Report	Cabinet	7 Jan 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open
Future Waste & Recycling Options To receive a report regarding fully investigated future Waste & Recycling Options as identified at the previous PDG meeting.	Service Delivery & Continuous Improvement Policy Development Group Cabinet	2 Dec 2024 7 Jan 2025	Matthew Page, Head of People, Performance & Waste	Cabinet Member for Service Delivery and Continuous Improvement	Open
Air Quality Action Plan To consider the report	Community, People & Equalities Policy Development Group Cabinet	2 Dec 2024 7 Jan 2025	Simon Newcombe, Head of Housing & Health Jason Ball, Climate and Sustainability Specialist	Cabinet Member for Planning and Economic Regeneration Cabinet Member for People, Development and Deputy Leader	Open
February 2025					
Update on future EPR	Cabinet	4 Feb 2025	Darren Beer,	Cabinet Member for	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)
(Extended Producer Responsibility for Packaging)			Operations Manager for Street Scene	Service Delivery and Continuous Improvement	
Devon Housing Commission Report To receive the Devon Housing Commission Report.	Homes Policy Development Group Cabinet	19 Nov 2024 10 Feb 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
2025/2026 Draft Budget Report	Cabinet Council	4 Feb 2025 19 Feb 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open
Business Rates Tax Base	Cabinet	4 Feb 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open
Team Devon Joint Committee	Cabinet Council	4 Feb 2025 19 Feb 2025		Leader of the Council	Open
Unpaid Carers access to Leisure	Cabinet	4 Feb 2025	Andy Mackie, Leisure Services Manager	Cabinet Member for Service Delivery and Continuous Improvement	Open

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Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Domestic Drainage Works Contract 2025-2029	Cabinet	4 Feb 2025	Mike Lowman, Building Services Operations Manager	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Regulation of Investigatory Powers	Community, People & Equalities Policy Development Group Scrutiny Committee Cabinet	3 Dec 2024 13 Jan 2025 4 Feb 2025	Maria De Leiburne, Director of Legal, People & Governance (Monitoring Officer)	Cabinet Member for People, Development and Deputy Leader	Open
March 2025					
Blackdown Hills National Landscape Management Plan	Cabinet	4 Mar 2025	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration	Open
Corporate Anti Social Behaviour Policy	Community, People & Equalities Policy Development Group Cabinet	25 Mar 2025 1 Apr 2025		Cabinet Member for Quality of Living, Equalities and Public Health	Open
2024/2025 Quarter 3 Budget Monitoring Report	Cabinet	4 Mar 2025	Paul Deal, Head of Finance, Property &	Cabinet Member for Governance, 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)
			Climate Resilience	and Risk	
Mid Devon Draft Policies and Site Options	Cabinet	4 Mar 2025	Tristan Peat, Forward Planning Team Leader		Open
Local Development Scheme	Planning, Environment & Sustainability Policy Development Group	11 Mar 2025	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration	Open
Tenancy Options Waste Services– Carlu Close To consider the future of the tenancy at Carlu Close	Cabinet	28 Mar 2025	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change	Cabinet Member for Environment and Climate Change	Open
April 2025					
Tenant Involvement Strategy To receive the revised Tenant Involvement Strategy.	Homes Policy Development Group	18 Mar 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy	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)
	Cabinet	1 Apr 2025		Leader	
Housing Strategy To receive the revised Housing Strategy.	Homes Policy Development Group Cabinet	18 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Economic Strategy 2024 - 2029	Economy & Assets Policy Development Group Cabinet	6 Mar 2025 1 Apr 2025	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery	Cabinet Member for Planning and Economic Regeneration	Open
Destination Management Plan for Mid Devon	Economy & Assets Policy Development Group Cabinet	6 Mar 2025 1 Apr 2025	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery	Cabinet Member for Planning and Economic Regeneration	Open
Tenancy Management Policy To receive the revised Tenancy Management Policy.	Homes Policy Development Group Cabinet	18 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	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)
Variation to Standard Tenancy Agreement That the Homes PDG recommends to Cabinet that the procedure for the variation of tenancy conditions in line with the Housing Act 1985 (sections 102 & 103) commence.	Homes Policy Development Group Cabinet	18 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Asset Management Plan To receive the revised Asset Management Plan.	Economy & Assets Policy Development Group Cabinet	6 Mar 2025 1 Apr 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open
Right to Buy Policy (New) To receive the new Right to Buy Policy.	Homes Policy Development Group Cabinet Council	18 Mar 2025 1 Apr 2025 23 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Corporate Recovery Policy	Audit Committee	25 Mar 2025	Paul Deal, Head of	Cabinet Member for	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)
To receive the updated Corporate Recovery Policy.	Cabinet	1 Apr 2025	Finance, Property & Climate Resilience	Governance, Finance and Risk	
Community Safety Partnership Policy To consider the report	Community, People & Equalities Policy Development Group Cabinet	25 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health Tel: 01884 244615	Cabinet Member for Quality of Living, Equalities and Public Health Cabinet Member for Parish and Community Engagement	Open
Single Equalities Policy and Equality Objective	Community, People & Equalities Policy Development Group Cabinet	25 Mar 2025 1 Apr 2025	Matthew Page, Head of People, Performance & Waste	Cabinet Member for Quality of Living, Equalities and Public Health Cabinet Member for People, Development and Deputy Leader	Open
Safeguarding Children & Adults at Risk Policy	Community, People & Equalities Policy Development Group Cabinet	25 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Quality of Living, Equalities and Public Health Cabinet Member for	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)
				People, Development and Deputy Leader	
Data Policy (new) for MDH To receive the new Data Policy for Mid Devon Housing	Homes Policy Development Group Cabinet Council	18 Mar 2025 1 Apr 2025 23 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Safeguarding Policy (new for MDH) To receive the new Safeguarding Policy for Mid Devon Housing	Homes Policy Development Group Cabinet Council	18 Mar 2025 1 Apr 2025 23 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
June 2025					
Tenancy Strategy To receive the revised Tenancy Strategy	Homes Policy Development Group Cabinet	Not before 2nd Jun 2025 Not before 9th Jun 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	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)
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