

Community, People & Equalities Policy Development Group

Tuesday, 3 December 2024 at 12.30 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Tuesday, 25 March 2025 at 12.30 pm

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

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](#)

Membership

Cllr B Holdman
Cllr C Connor
Cllr D Broom
Cllr A Cuddy
Cllr M Farrell
Cllr A Glover
Cllr C Harrower
Cllr H Tuffin

AGENDA

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

- 1 **Apologies and Substitute Members**
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2 **Public Question Time**
To receive any questions from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **Declarations of Interest under the Code of Conduct**
To record any interests on agenda matters.
- 4 **Minutes of the Previous Meeting** (*Pages 5 - 10*)
To consider whether to approve the minutes as a correct record of the meeting held on Tuesday 24 September 2024.
- 5 **Chair's Announcements**
To receive any announcements that the Chair may wish to make.
- 6 **Regulation of Investigatory Powers (RIPA)** (*Pages 11 - 30*)
To receive a report from the Director of Legal, People and Governance (Monitoring Officer)
- 7 **Performance Dashboard - Quarter 2** (*Pages 31 - 32*)
To receive the Performance Dashboard for Quarter 2
- 8 **Medium Term Financial Plan (MTFP) for 2025/26** (*Pages 33 - 56*)
To present to Members the updated Medium Term Financial Plan (MTFP) which covers the period 2025/26 to 2028/29 for the General Fund (GF) and consider savings options including considering any savings options in relation to a reduction in engagement activity opportunities digitally and the impact on Let's Talk Mid Devon.
- 9 **CCTV Policy** (*Pages 57 - 122*)
To receive a report on the updated CCTV Policy from the Head of Finance, Property and Climate Resilience.
- 10 **Motion 606 WASPI** (*Pages 123 - 130*)
To receive a report and consider the wording of Motion 606 to be put before Full Council.
- 11 **Work Programme** (*Pages 131 - 132*)
To receive the current work plan for the Community PDG.

Stephen Walford
Chief Executive
Monday, 25 November 2024

Meeting Information

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

MINUTES of a MEETING of the COMMUNITY, PEOPLE & EQUALITIES POLICY DEVELOPMENT GROUP held on 24 September 2024 at 12.30 pm

Present

Councillors

B Holdman (Chairman)
C Connor (Vice-Chair), D Broom, A Cuddy,
M Farrell, A Glover, C Harrower and
H Tuffin

Also Present

Councillor

G Duchesne MBE

Also Present

Officers:

Paul Deal (Head of Finance, Property & Climate Resilience), Laura Woon (Democratic Services Manager) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

E Buczkowski, J Buczkowski and J Lock

Officers Online

Dr Stephen Carr ~(Corporate Performance and Improvement Manager) and Lewis Dyson (Resilience Officer)

15 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:36)

There were no apologies.

16 PUBLIC QUESTION TIME (00:03:46)

There were no members of the public present.

17 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:03:58)

No interests were declared under this item.

18 MINUTES OF THE PREVIOUS MEETING (00:04:12)

The Minutes of the Meeting held on 25 June 2024 were approved as a correct record and **SIGNED** by the Chair.

19 CHAIR'S ANNOUNCEMENTS (00:04:36)

The Chair stated that he understood that the Performance Dashboard was under review and likely to be further modified with glossary added to go into further detail relating to specific measures.

Although this was a meeting light of content, the Policy Development Group were likely to be busy at their future meetings.

20 PERFORMANCE DASHBOARD - QUARTER 1 (00:05:20)

The Group were presented with, and **NOTED**, summary information * reflecting performance in the Community People and Equalities areas for quarter 1 2024/2025.

The following was highlighted on the Performance Dashboard:

- The Dashboards were intended to provide an 'at a glance' representation of performance in the Community, People and Equalities area.
- The Dashboards allowed Members to easily see whether service areas were 'on track' and the use of pie charts and RAG (Red/Amber/Green) ratings were used to facilitate this.
- Given the new Policy Development Groups (PDG) structure and the new Corporate Plan, the dashboard continued to give an at a glance understanding of how services related to this PDG were performing in terms of performance, finance and risk.
- The performance measures mandated to this PDG relating to the new Corporate Plan were in yellow text.
- The 'In Focus' box was used to present additional information that may be of interest.
- There was one corporate risk (Severe Weather Emergency Recovery) in relation to this PDG and that risk was decreasing.
- Licenced vehicle inspections, although low for the first quarter, would improve through the year, it was normal for the inspections to happen later in the year.
- Private water supply sampling work had been paused but would resume in October when the performance metric would increase.

Discussion took place regarding:

- "Let's Talk Mid-Devon" – The service was launched in 2022 and 431 people had registered to use the site. Those people had visited the site almost 12,000 times and given contributions to the site in excess of 2,000 times. The engagement rate since inception was 22.8%. The Residents' survey was a successful proof of the concept. The platform was effective, lots of councils used such sites and Mid Devon had proved that it could work for this Council too. The figures quoted on the dashboard were new subscribers to the service in the first quarter of 2024/25. The Council were encouraging more services (such as "Development Management" and "Economic Development") to use the site in order to drive public engagement to the site and so encourage more people to subscribe.
- 104 complaints were made in the first quarter of which 95% were dealt with within the target timescale. The reasons for the remaining 5% not being dealt within target timescales were not known and the Corporate Performance and

Improvement Manager would ask the Complaints Team to circulate that information to the PDG.

- Was it possible to break down the level of complaints by complexity? – The new Customer Relationship Management (CRM) system was designed to track complaints and give the officers greater oversight of what was happening with a complaint. The Annual Report of Complaints and Compliments goes to the Scrutiny Committee.
- There was no annual target measure for the Council Tax Reduction Scheme as it was a demand led scheme. Including it on the dashboard enabled, the value of the scheme to the residents of Mid Devon, which was just under £5 million, to be considered.
- A glossary to explain the performance and finance measures should be ready for the next round of PDGs – the Council wanted to communicate clearly what was being measured. The dashboards were a public facing document that needed to communicate with a wide range of audiences

Note: * Dashboard previously circulated.

21 **MEDIUM TERM FINANCIAL PLAN (MTFP) FOR 2025/26 (00:21:32)**

The Group were presented with a report * from the Deputy Chief Executive (S151 Officer) presenting the updated Medium Term Financial Plan (MTFP) which covered the period 2025/2026 to 2028/2029 and took into account the Council's key strategies and demonstrated it had the financial resources to deliver the new Corporate Plan.

The contents of the report were outlined with particular reference to:

- The MTFP covered a period from 2025/26 to 2028/29. Normally this would be a 5 year plan but the Council were currently awaiting greater clarification from the new Government and the Chancellor's budget announcement on 30th October 2024. The 5th year would be added following that.
- The MTFP would normally include the Housing Revenue Account and Capital Programme updates but those were still being developed and the General Fund (GF) were slightly ahead of the game at this time of the year.
- The MTFP focussed on a framework of principles those being: (i) Each year the Council would target a balanced revenue budget without the use of General Fund reserve balances (ii) Optimise Income Generation to protect service delivery (iii) Allocation of Revenue Resources to statutory or higher priority services where necessary (iv) Allocation of Capital Resources to deliver the best value for money and minimise borrowing.
- The MTFP built on a number of assumptions around inflation which were shown in Appendix 1.
- Overall the result of pressures on the budget left a £1.2m gap rising to £4m by year 4 if the Council took no action.
- Over the summer, officers had looked at options which had been RAG rated as red, amber, green in terms of risk and deliverability.
- If the green and amber savings were accepted this would reduce the £1.2m gap down to circa £400,000.
- All Policy Development Groups would be asked to look at possible savings which would then be presented to Cabinet.

- There were no budget pressures (appendix 3) or savings pressures (appendix 4a) that related to this PDG.
- There would still be a shortfall for next year's budget even if the proposals set out in the report were agreed, therefore Members were encouraged to come forward with additional suggestions for savings.

Discussion took place regarding:

- What budgets related to the service areas of this PDG? - At the next meeting of the PDG there would be some training to assist Members of this PDG and to remind them of the service areas that each PDG was responsible for.
- The saving of £11,000 in relation to a reduction in engagement activity opportunities digitally and the impact on Let's Talk Mid Devon. As no-one was available to answer what the impact on Let's Talk Mid Devon would be, it was **AGREED** that the amber rated saving relating to Let's Talk Mid Devon NOT be recommended to Cabinet and it to come back to the December meeting, with an officer available to answer questions as to what the impact would be.

The Group **NOTED** the following:

1. The updated MTFP for the General Fund covering the years 2025/26 to 2028/29;
2. The principles and approach to balancing the General Fund Revenue Budget outlined in paragraph 6.2;
3. The emerging budget pressures included within Appendix 3;

RECOMMENDED to Cabinet that:

The green and amber round 1 budget proposals, **except for** the amber rated saving relating to Let's Talk Mid Devon, as set out in Appendix 4b, be approved.

(Proposed by Cllr A Glover, seconded by Cllr C Harrower.)

Reason for the decision

As set out in the report and further information wanted in relation to the saving suggested relating to Let's Talk Mid Devon.

Note: * Report previously circulated.

22 **WORK PROGRAMME (00:38:14)**

The Group had before it and **NOTED**, the current *work programme for the Community, People and Equalities Policy Development Group (PDG) for 2024/2025.

Members were asked to consider whether there were any other areas that they wanted to focus on, in addition to those already listed in the work programme.

The following was discussed and **AGREED**:

- The “Trauma Informed Council” work would be looked at by the Equality, Diversity and Inclusion Group. They would be bringing a report to the Community People and Equalities PDG in March 2025 on the Single Equalities Policy and Equality Objective which would include a section on Mid Devon District Council being a Trauma Informed Council.
- Let’s Talk Mid Devon would come back to the December 2024 meeting as part of the report on the Medium Term Financial Plan.
- A report on the Poverty Premium/Vulnerable Persons Strategy was requested.
- The clerk was asked to follow up on whether an invite to the Police to address the PDG had been made?

Note: *Work Programme previously circulated.

(The meeting ended at 1.13 pm)

CHAIR

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**Report for: Community, People and Equalities
Policy Development Group**

Date of Meeting:	3 December 2024
Subject:	Regulation of Investigatory Powers Act
Cabinet Member:	Cllr Wulff, Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)
Exempt:	There are no exemptions within the documents
Wards Affected:	All
Enclosures:	Appendix 1 - RIPA Policy

Section 1 – Summary and Recommendation(s)

To update Members on RIPA following receipt of the Investigatory Powers Commissioner’s Office (IPCO) Audit and in accordance with IPCOs recommendation that the Policy is presented to members annually.

Recommendation(s):

That the Community People and Equalities PDG recommends to Cabinet that

- (a) The Council’s policy for ensuring compliance with Regulation of Investigatory Powers Act 2000 (RIPA) is appropriate and shall remain as currently drafted;**
- (b) To note that the Council has not used its powers under RIPA since March 2014.**

Section 2 – Report

1.0 Background

- 1.1 Everyone has a fundamental right to privacy. This right is contained in Article 8 of the European Convention on Human Rights enshrined in the Human Rights Act 1998 (HRA 1998): “Everyone has the right to respect for his private and family life, his home and his correspondence”.

- 1.2. This means, for example, a right not to be watched, have your mail opened or have your personal space invaded including by a public authority. Accordingly, a local authority is required to respect the private and family life of each citizen, their homes and correspondence. However, this right is qualified such that it can be interfered with where it is necessary and proportionate and carried out in accordance with the law. If these requirements are not met and an investigation undertaken that interfered with these rights then it would be unlawful interference.
- 1.3 The Regulation of Investigatory Powers Act 2000 (RIPA) is one such law that permits interference – it details ways in which public bodies can lawfully carry out investigations when there is a wish to use surveillance techniques. For local authorities these comprise:
- Directed surveillance (covert surveillance of individuals outside of residential premises and vehicles);
 - Covert human intelligence sources (CHIS) (such as the deployment of undercover officers); and
 - The acquisition and disclosure of communications data (such as telephone billing information or subscriber details)
- 1.4 Where a local authority carries out overt investigation (e.g. enforcement officers on patrol, signposted CCTV cameras in normal use) then this does not fall within the scope of RIPA. Equally, obtaining information that is not private information about an individual but which is obtained without someone's immediate knowledge is in most cases not caught (e.g. including recording noise levels from outside a property where the occupier has been warned this will happen if the noise continues or Food Safety or Health and Safety inspections).
- 1.5 The general guiding principle is that if surveillance is overt, or is not obtaining private information it does not need to follow RIPA requirements. Where there is directed surveillance or use of a covert human intelligence source then the requirements of RIPA must be followed.
- 1.6 Following criticism of local authorities' use of covert surveillance powers additional safeguards were put in place including:
- The need to obtain magistrate approval
 - Only be used to investigate offences which attract sentences of six months or more or relate to the underage sale of alcohol or tobacco.
- 1.7 The Council's RIPA Policy as currently published is attached as Appendix 1. As it provides and as is appropriate, the Council's policy is to not use these covert surveillance powers save where absolutely necessary and the procedure is set out for what should be done where it is felt that it is necessary, including requiring the authority of named Authorised Officers.

1.8 Adopting this practice has not been to the detriment of carrying out the Council's functions and the Council has not used these powers of surveillance since 2014, providing an annual nil return to the IPCO, which requests statistics of how these powers are being used by public authorities across the country.

2.0 The Council and RIPA in the last 12 months

2.1 The Council has not used its RIPA surveillance powers in the last 12 months. The last time such powers were used dates back to 2014.

2.2 In August 2024, the Investigatory Powers Commissioner's Office (IPCO) conducted its 3 year review/inspection of the Council. The inspector appointed by the IPCO conducted a "remote" inspection. The Investigatory Powers Commissioner's Office in a letter dated the 9 August 2024 informed the Chief Executive of the results of the inspection. It was stated the inspector was satisfied that the information provided offered the required assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained. He also stated that MDDC appears to be in a strong compliance position. He did make one observation that the code outlines the requirement for elected members to review the authority's use and set the policy annually.

2.3 In the light of the inspector's comment the RIPA policy is attached at Appendix 1. The Inspector did not require any amendments to this policy. This was previously amended following the last audit and approved at the 8 March 2022 Cabinet meeting.

2.4 On 15 December 2021, the Council arranged RIPA training for officers, and in particular for front-line practitioners. The training was provided by an experienced external trainer in RIPA and was well attended. The training included social media surveillance. Further training is currently being arranged for front-line practitioners, and this will be cascaded down to their teams. Training of wider staff is also being considered at present and is likely to be appropriate to avoid inadvertently carrying out directed or other form of covert surveillance in breach of the Procedures in place.

Financial Implications: None directly arising from this report.

Legal Implications: The use of RIPA powers is heavily regulated and scrutinised by the Investigatory Powers Commissioner's Office ("IPCO"). The legislation, combined with Codes of Conduct, sets the framework for the use of RIPA powers. Statutory guidance requires the Council to review the use of RIPA and the RIPA policy annually.

Risk Assessment: There are no risks directly arising from this report. The Council has the necessary policy and procedures in place with appropriate training have been given to officers.

Impact on Climate Change: None.

Equalities Impact Assessment: None directly arising from this report, but human rights, including equalities matters, are central to RIPA.

Relationship to Corporate Plan: None.

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: 18 November 2024

Chief Officer: Stephen Walford
Agreed by Chief Executive
Date: 19 November 2024

Performance and risk: Stephen Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 20 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)
Email: mdeleburne@middevon.gov.uk

Background papers:

None

MID DEVON DISTRICT COUNCIL

POLICY ON THE USE OF COVERT INVESTIGATION TECHNIQUES (Application of the Regulation of Investigative Powers Act (RIPA) 2000)

1.0 INTRODUCTION

1.1 The Regulation of Investigatory Powers Act 2000 (hereafter referred to as 'the Act' or 'RIPA') regulates the use of covert investigative techniques by public authorities. It provides for the application for, and granting of, lawful authorisations for those surveillance techniques covered by the Act.

1.2 The European Convention on Human Rights (ECHR) is enshrined in UK law through the Human Rights Act 1998.

Article 8 of the ECHR provides a right to private and family life. This is not an absolute right; it may be infringed in certain circumstances. The RIPA is designed to provide a statutory regulatory framework, which will meet the requirements of the European Convention on Human Rights.

2.0 PURPOSE

The purpose of this policy is to ensure that the Council complies with the requirements of RIPA (and the overarching human rights and freedoms) - and that appropriate authorisations are given for covert surveillance, the use of covert human intelligence sources and, even rarer still, the acquisition and disclosure of communications data.

3.0 ASSOCIATED DOCUMENTS

3.1 Background documents

Report to the Council's Policy and Development Committee –15.02.01

3.2 Statutes and Statutory Instruments

- (a) Regulation of Investigatory Powers Act 2000
- (b) Human Rights Act 1998
- (c) Police and Criminal Evidence Act 1984
- (d) Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010
- (e) Protection of Freedoms Act 2012
- (f) Investigatory Powers Act 2016
- (g) General Data Protection Regulations (GDPR)
- (h) Data Protection Act 2018

3.3 Guidance

- (a) Explanatory Notes to RIPA
- (b) Code of Practice for covert surveillance and property interference
- (c) Code of Practice for the use of covert human intelligence sources

All Codes of Practice are currently available on the Home Office Web Site <https://www.gov.uk/government/collections/ripa-codes>

4.0 SCOPE

4.1 The Act provides a regime of primary legislation and Codes of Practice, which divide covert investigation techniques into categories distinguished (to an extent) by the degree of intrusion involved. This procedure applies to all investigation and surveillance that require an authorisation under RIPA.

4.2 This policy document relates to the **use of directed surveillance** and **covert human intelligence sources (CHIS)**. It does not cover the acquisition and disclosure of Communications Data (CD) as this engages an entirely separate procedure under The Investigatory Powers Act 2016 (IPA) which governs how law enforcement agencies use the investigatory powers available to them, in relation to the lawful acquisition of CD. Independent Authorisation for the acquisition of CD is through the new Office for Communications Data Authorisations (OCDA). All applications for CD must be made via an Accredited Officer known as a Single Point of Contact (SPoC) who has passed a Home Office approved course. All Councils must use the National Anti-Fraud Network (NAFN) as their SPoC. All applications to access CD will be made through NAFN via their online application service. The introduction of OCDA means the acquisition of CD by Council officers no longer requires judicial approval.

Guidance must be sought from Legal Services before any decision is taken to seek authority for the acquisition of CD.

4.3 This policy does not cover intrusive surveillance, because local authorities are not allowed to do this. Intrusive surveillance is the covert (i.e. secret) surveillance of anything taking place:

- in residential premises or
- a private car and
- involves the presence of an individual on the premises, or in the vehicle, or
- is carried out by means of a surveillance device.

4.3 RIPA sets out the purposes for which directed surveillance and CHIS may be used, and who should authorise the use.

Authorisation under RIPA gives lawful authority for the use of covert methods of obtaining information, provided there is compliance with the statutory requirements and procedures. Obtaining an authorisation will ensure that the action is carried out in accordance with law and subject to stringent safeguards against abuse. It will also make the action less vulnerable to challenge under the Human Rights Act 1998.

4.4 For district councils, RIPA does not allow directed surveillance or CHIS at all, except for the purpose of preventing or detecting crime or preventing disorder. For example, this means that you cannot carry out these covert activities prior to the service of a statutory notice, unless you believe an offence

- may have been committed,
- may be about to be committed, or
- there could be public disorder.

The only option in any other cases will be to carry out overt – open, non-secretive – surveillance.

4.5 Services likely to conduct investigations covered by RIPA are Planning, Environmental Health, Housing and Audit, however, any officer of the Council (if he or she conducts an investigation using methods or techniques covered RIPA) is required to seek the necessary authorisation, provided always that the purpose of the investigation is one which RIPA says can justify covert surveillance – see 4.4 above.

5.0 ACTIVITY REQUIRING AUTHORISATION

5.1 The following types of activity will require authorisation:

- directed surveillance
- the conduct and use of a CHIS

5.2 Directed surveillance is, in essence, any activity undertaken covertly for the purpose of a specific investigation, in such a way that is likely to result in obtaining information about a person's private life.

5.3 A covert human intelligence source (CHIS) is effectively, an inside informant or undercover officer, (i.e. someone who develops or maintains their relationship with the surveillance target), having the covert purpose of obtaining or accessing information, for the investigator.

6.0 APPLYING FOR AUTHORISATIONS

6.1 Subject to the provisions of paragraphs 6.3 and 8.7 the Directors are Authorising Officers for the Council.

In the absence of an Authorising Officer, applications for authorisation should be submitted to Chief Executive, who also has the delegated authority to issue authorisations in relation to any service of the Council.

Authorising Officers may authorise for any service within the Council.

6.2 Any officer intending to use directed surveillance or a CHIS must apply for authorisation from an Authorising Officer by completing the appropriate application form as set out at **Appendix DS/1 or CHIS/1**.

6.3 Special care needs to be taken with **confidential personal information**. This is information held in confidence, relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it.

Such information, which can include both oral and written communications, is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, or information from a patient's medical records. This also includes legally privileged material, journalistic materials and information given to a Member of Parliament.

Owing to the very sensitive nature of this type of information authorisations potentially involving confidential personal information must always be made by the **Chief Executive** or in his/her absence the person who is formally nominated to act on behalf of the Chief Executive.

6.4 When completing the application, always include a full account of the steps to be taken in the investigation, which require authorisation.

7.0 GRANTING OF AUTHORISATIONS FOR DIRECTED SURVEILLANCE

7.1 Section 28 of RIPA provides that *'a person shall not grant authorisation for directed surveillance unless he believes that the authorisation is:*

(a) necessary for the purpose of preventing or detecting crime, or of preventing disorder involving a crime; and

the authorised surveillance is proportionate to what is sought to be achieved by it. '

There is a **crime** threshold to be reached, i.e. the criminal offence:

- is or would be punishable (whether on summary conviction or on indictment) by a maximum term of at least 6 months of imprisonment, or
- it arises from the underage sale of alcohol, tobacco, or nicotine inhaling products.

Authorising Officer

7.2 The Authorising Officer, in determining whether the surveillance is proportionate, will give particular consideration to any collateral intrusion on, or interference with, the privacy of persons other than the subject(s) of the surveillance.

Such consideration of proportionality must involve:

- **balancing** the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm;
- **explaining** how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- **considering** whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought;
- **evidencing**, as far as reasonably practicable, what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully.

The Home Office Code of Practice on Covert Surveillance and Property Interference has the following to say on the issue of proportionality:

"4.5 if the activities are deemed necessary on...the statutory grounds, the person granting the authorisation... must also believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

4.6 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected

benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render intrusive actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate.

No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.”

7.3 Authorisations must be given in writing.

It is possible that Authorising Officers may face cross-examination in court about the authorisation sometime after it is granted, and memories fade. It is therefore important that a full written record of what they are being asked to authorise, appears on the application form. If in doubt, Authorising Officers should ask for more detail.

7.4 Authorising Officers should not be responsible for authorising their own activities.

7.5 All RIPA authorisations must be approved by a Magistrate before an authorisation becomes effective and directed surveillance is undertaken, or a CHIS deployed. .

7.6 **Duration of Authorisations and Reviews**

An authorisation in writing ceases to have effect at the end of a period of 3 months beginning with the day on which it took effect, e.g. an authorisation starting 1st January would come to an end on 31st March.

Regular reviews of authorisations should be undertaken. The results of the review should be recorded on **Appendix DS/2** and a copy filed on the central record of authorisations. If the surveillance provides access to confidential information or involves collateral intrusion, more frequent reviews will be required. The authorising officer should determine at the time of giving the initial authorisation, how often a review should take place (and this may also be subsequently reviewed).

7.7 **Renewals**

7.7.1 While an authorisation is still in force, the Authorising Officer can renew it if he considers this necessary for the purpose for which the authorisation was originally given. The authorisation will be renewed in writing for a further period, beginning with the day when the authorisation would have expired, but for the renewal, and can be for a period up to 3 months.

7.7.2 Applications requesting renewal of an authorisation are to be made on the appropriate form as set out at **Appendix DS/3** and submitted to the Authorising Officer.

The renewal must be granted before the original authorisation ceases to have effect.

7.7.3 Applications for renewal will record whether it is the first renewal; and if not, every occasion on which the authorisation has previously been renewed. Applications must also detail:

- the significant changes to the information in the initial authorisation
- the reasons why it is necessary to continue with the surveillance

- the content and value to the investigation or operation, of the information so far obtained by the surveillance
- The results of regular reviews of the investigation or operation.

7.7.4 When a directed surveillance authorisation requires renewal, the renewal must be approved by a magistrates' court in the same manner as an initial authorisation.

7.8 Cancellations

The person who granted or last renewed the authorisation (or other person with Authority under this policy) **MUST** cancel it if he is satisfied that the directed surveillance no longer meets the criteria for authorisation.

Requests for cancellation will be made on the appropriate form as set out at **Appendix DS/4** and submitted to the Authorising Officer for authorisation of the cancellation. All directed surveillance cancellations must include directions for the management and storage of any surveillance product.

8.0 GRANTING OF AUTHORISATION FOR THE CONDUCT AND USE OF COVERT HUMAN INTELLIGENCE SOURCES (CHIS)

8.1 The same requirements of necessity and proportionality exist for the granting of these authorisations as with directed surveillance.

8.2 Additionally, the Authorising Officer shall not grant an authorisation unless he /she believes that arrangements exist which satisfy the following requirements:

- there will at all times be an officer with day to day responsibility for dealing with the source and the source's security and welfare
- there will at all times be an officer who will have general oversight of the use made of the source
- there will at all times be an officer with responsibility for maintaining a record of the information supplied by the source
- records which disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available

8.3 Similarly, before authorising the use or conduct of the source, the Authorising Officer must be satisfied that the conduct/use is proportionate to what the use or conduct of the source seeks to achieve, taking into account the likely degree of intrusion into the privacy of those potentially effected, and for the privacy of persons other than those who are directly the subjects of the operation or investigation.

Measures should be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those not directly connected with the operation.

8.4 Particular care is required where people would expect a high degree of privacy, or where, as a consequence of the authorisation, 'confidential material' is likely to be obtained.

- 8.5 Consideration is also required to be given to any adverse impact on community confidence that may result from the use or conduct of a source or information, obtained from that source.
- 8.6 Additionally, the Authorising Officer should make an assessment of any risk to a source, in carrying out the conduct in the proposed authorisation.
- 8.7 Authorisation for the use of a CHIS must be given in writing.

Only the Chief Executive (or in his/her absence the person who is formally nominated to act as the Chief Executive) may authorise the use of a juvenile or vulnerable CHIS.

- 8.8 Ideally, the Authorising Officers should not be responsible for authorising their own activities e.g. those in which they themselves are to act as a source, or in tasking a source. However, it is recognised that this will not always be possible, especially in the case of small departments. Authorisations must be approved by a Magistrate (see paragraph 7.5).

The Solicitor employed by the Council will arrange the appointment before the Magistrate(s) and explain the procedure to the Authorising Officer. The Solicitor employed by the Council and the Authorising Officer will be required to attend before the Magistrate(s) to seek the Magistrate's approval to the authorisation.

- 8.9 An application for authorisation for the use or conduct of a CHIS will be made on the appropriate form, as set out at **Appendix CHIS/1** and must record:

- Details of the purpose for which the source will be tasked, or deployed.
- The reasons why the authorisation is necessary in the particular case and the grounds on which authorisation is sought (e.g. for the purpose of preventing or detecting crime or disorder).
- Where a specific investigation or operation is involved, details of that investigation or operation.
- Details of what the source would be tasked to do.
- Details of potential collateral intrusion and why the intrusion is justified.
- Details of any confidential material that might be obtained as a consequence of the authorisation.
- The reasons why the authorisation is considered proportionate to what it seeks to achieve.
- The level of authorisation required.
- A subsequent record of whether authorisation was given or refused by whom and the time and date.

8.10 **Duration of Authorisations**

A written authorisation, unless renewed, will cease to have effect at the end of a period of twelve months beginning with the day on which it took effect except in the case of a juvenile CHIS which has a duration of 4 months . Oral authorisations will, unless renewed, last 72 hours.

8.11 Renewals

As with authorisations for directed surveillance, authorisations for the conduct and use of CHIS can be renewed, the same criteria applying. However before an Authorising Officer renews an authorisation, he must be satisfied that a review has been carried out of the use of a CHIS and that the results of the review have been considered.

Applications for renewal must be made on the appropriate form as set out at **Appendix CHIS/3** and submitted to the Authorising Officer. However, an application for renewal should not be made until shortly before the authorisation period is coming to an end.

8.12 An authorisation may be renewed more than once – provided it continues to meet the criteria for authorisation.

8.13 When CHIS authorisation requires renewal, the renewal must be approved by a magistrates' court in the same manner as an initial authorisation

8.13 Reviews

Regular reviews of authorisations should be undertaken. The results of the review should be recorded on **Appendix CHIS/2** and a copy filed on the central record of authorisations.

If the surveillance provides access to confidential information, or involves collateral intrusion, frequent reviews will be required. The Authorising Officer should determine how often a review should take place.

8.14 Before an Authorising Officer renews an authorisation he must be satisfied that a review has been carried out of:

- The use made of the source during the period authorised
- The tasks given to the source
- The information obtained from the use or conduct of the source

8.15 If the Authorising Officer is satisfied that the criteria necessary for the initial authorisation continue to be met, he may renew it in writing as required.

When CHIS authorisation requires renewal, the renewal must be approved by a magistrates' court in the same manner as an initial authorisation

8.16 Cancellations

The officer who granted or renewed the authorisation **MUST** cancel it if he/she is satisfied that

- the use or conduct of the source no longer satisfies the criteria for authorisation, or

- that the arrangements for the source's case no longer exist

8.17 Requests for cancellation will be made on the appropriate form, as set out at **Appendix CHIS/4** and submitted to the Authorising Officer for authorisation of the cancellation.

All CHIS cancellations must include directions for the management and storage of any surveillance product.

8.18 **Management Responsibility**

The day to day contact between the Council and the source is to be conducted by the handler, who will usually be an officer below the rank of the Authorising Officer.

No vulnerable person or young person under the age of 18 should be used as a source.

8.19 **Security and Welfare**

Account must be taken of the security and welfare of the source. The Authorising Officer, prior to granting authorisation, should ensure that an assessment is carried out to determine the risk to the source of any task and the likely consequences should the target know the role of the CHIS.

8.20 **Confidential Material**

Where the likely consequence of the directed surveillance or conduct of a source would be for any person to acquire knowledge of confidential material, the deployment of a source should be subject to special authorisation. In these cases, the proposed course of conduct must be referred to the Head of Paid Service or (in his absence) a Director for a decision as to whether authorisation may be granted.

8.21 **Monitoring of personal information online**

The study of an individual's on-line presence may engage privacy considerations requiring RIPA authorisation. The attached annex gives guidance on the monitoring of information online, such as social media.

9.0 **MAINTENANCE OF RECORDS**

9.1 Each Service shall keep in a dedicated place

- a record of all authorisations sought
- a record of authorisations granted and refused
- applications for the granting, renewal and cancellation of authorisations

9.2 The records will be confidential and will be retained for a period of 3 years from the ending of the authorisation.

9.3 Each Authorising Officer shall send original copies of all applications/authorisations, reviews, renewals and cancellations to the RIPA Co-ordinating Officer, who will maintain a central record of all authorisations. The report will include details of the level of compliance with the requirements for authorisation.

9.4 Authorising Officers will ensure compliance with the appropriate data protection requirements and any relevant codes of practice produced by individual authorities in the handling and storage of material.

9.5 Where material is obtained by surveillance which is:

- wholly unrelated to a criminal or other investigation, or
- to the person subject of the surveillance, and
- there is no reason to believe it will be relevant to future civil or criminal proceeding

it should be destroyed immediately. The decision to retain or destroy material will be taken by the relevant Authorising Officer.

10.0 **AWARENESS OF THE CONTENTS OF THE ACT AND TRAINING**

It shall be the responsibility of each Service Manager, or an Authorised Officer for that service, to ensure that all staff involved or likely to be involved in investigations, are adequately trained so as to be aware of the requirements and implications of the Act.

It shall be the responsibility of the Senior Responsible Officer with the assistance of the RIPA Co-ordinating Officer to ensure that all relevant officers have received appropriate training and are aware of the requirements and implications of the Act.

11.0 **SENIOR RESPONSIBLE OFFICER AND RIPA CO-ORDINATING OFFICER**

The Monitoring Officer is the Senior Responsible Officer for the Council whose role is:

- (i) to be responsible for RIPA training throughout the Council;
- (ii) to ensure that all Authorising Officers are of an appropriate standard; and
- (iii) to be responsible for raising RIPA awareness throughout the Council.

The Senior Responsible Officer will nominate a suitable officer employed by the Council as the RIPA Co-ordinating Officer, whose role is:

- (i) to collate all original applications and authorisations, reviews, renewals and cancellations;
- (ii) to keep the Central Record of Authorisations; and
- (iii) to notify the Leader of the Council of the receipt of authorisations from Authorising Officers.

12.0 **MEMBER INVOLVEMENT**

Cabinet will consider reports from the IPCO. The Cabinet should also consider reports on the use of the powers under the Act on a regular basis, which shall be at least every year, to ensure that it is being used consistently with this policy. Members of the Council will not however be involved in making decisions on specific authorisations.

Inventory of Surveillance Equipment held by MDCC

None as at 1 December 2020

Standard Operating Procedure for use of Surveillance Equipment

The Equipment should be stored, when not in use, in a locked cabinet under the control of the Senior Responsible Officer.

Any Officer of the Council considering using the Equipment for covert surveillance in a public place must make a written request to the Senior Responsible Officer or the RIPA Co-Ordinating Officer, who will consider and decide whether the proposed use of the Equipment is appropriate, bearing in mind the provisions of RIPA and the associated codes of practice.

Any Officer who uses the Equipment to record digital images may only view such images once captured, and shall not download them on to a computer or other electronic storage facility unless this is first agreed by the Senior Responsible Officer and/or the RIPA Co-ordinating Officer.

Mid Devon District Council

Annex 1 to the Council's RIPA Policy

Open Source Internet Research (OSIR) and RIPA

Background

The internet enables access to a vast amount of information which can be useful to the Council in carrying out its statutory functions as well as engaging with the public.

Open Source Internet Research (OSIR) is the name given to viewing, collecting processing, and analysing publicly available personal information stored on the internet, including on Social Media. Social Media in this Annex means social networking websites such as Twitter, Facebook, YouTube, online communities, and blogs.

This Annex to the Council's RIPA Policy covers the use of OSIR in investigations. Advice should be taken from HR should an investigation involve a member of staff. Where officers are carrying out OSIR they must be aware of the Council's RIPA Policy and the information contained in this annex.

Using OSIR raises the issue of whether RIPA authorisation must be obtained. This policy indicates when RIPA authorisation should be obtained.

If RIPA authorisation is required the Council's RIPA policy must be complied with.

1.0. Open Source Internet Research (OSIR)

- 1.1 OSIR is the collection, evaluation and analysis of materials from sources available to the public, whether on payment or otherwise, to use as intelligence or evidence, within investigations.
- 1.2. OSIR is a powerful tool against crime. MDDC needs to ensure that any collection of information from the internet for an enforcement purpose is conducted in such a way that the integrity of any evidence gained is maintained.
- 1.3. MDDC staff must consider whether their evidence or intelligence gathering is likely to interfere with a person's right to respect for their family life (Human Rights Act 1998 - Article 8) and, if so obtain appropriate authorisation under the RIPA for their research. Where RIPA does not apply, a privacy impact statement may still be required.

2. General principles

- 2.1. Online communication via the internet has become the preferred method of communication between individuals, within social groups or indeed with anyone in the world with internet access.
- 2.2. Such communication may involve web sites, social networks (e.g. Facebook), chat rooms, information networks (e.g. twitter) and/or web based electronic mail.
- 2.3. Just because other people may also be able to see it, does not necessarily mean that a person has no expectation of privacy in relation to information posted on the

internet. Think of it as similar to a private conversation between diners in a restaurant – you would not expect other diners to listen too closely or to make recordings.

- 2.4. Online research and investigative techniques capable of interfering with a person's Article 8 rights should be used only when necessary and proportionate.

3.0 Categories of OSIR

This Annex focuses on four broad categories of OSIR, to give an indication when RIPA authorisation is required.

Category 1

Category 1 is viewing publicly available postings, or websites where the person viewing does not have to

- register a profile,
- answer a question, or
- enter correspondence

in order to view the posts, e.g. a trader's website.

There must be a low expectation of privacy and no RIPA authorisation would normally be required to view or record these pages. However, repeated visits over time, which amount to monitoring an individual's on-line presence, will require RIPA authorisation.

How a person runs his/her business can be private information even if they do so in the public domain.

No monitoring of a person's online presence can take place without RIPA authorisation. The exception to this is where prior notification is given to the person that the Council is monitoring that person's online presence; this would then be overt monitoring and would not require RIPA authorisation.

All visits to such websites for the purposes of any investigations must be recorded and be available for inspection by the Senior Responsible Officer and/or the Co-ordinating Officer - see Part 12 of the RIPA Policy for more details about these roles.

Guidance approved by the Senior Responsible Officer on record keeping of viewings will be distributed by the Co-ordinating Officer and must be adhered to.

Using test purchases in an investigation does not necessarily trigger the need for RIPA authorisation but in each case advice must be sought beforehand from the Co-ordinating Officer

Category 2

Category 2 is viewing postings on social networks where the viewer has to register a profile, but there is not otherwise a restriction on access. This would include Facebook where there is no need to be accepted as a “friend” to view. E.g. a trader has a “shop window” on Facebook advertising business and products

There are differences between this and Category 1.

The person who posts information or runs such a website may reasonably expect viewers to work within the terms and conditions of the website. Viewings using a fictitious identity, or a “covert account” require RIPA authorisation. No such viewings may take place without RIPA authorisation. Viewing conducted in an overt manner do not require RIPA authorisation.

Viewings can be conducted in an overt manner via an account profile which uses the officer’s correct name and email address (which should be a middevon.gov.uk).

All viewings for investigations, regardless of whether RIPA authorised or not, will need to be recorded and available for inspection by the Senior Responsible Officer and/or the Co-ordinating Officer.

Guidance approved by the Senior Responsible Officer on record keeping of viewings will be distributed by the Co-ordinating Officer and must be adhered to.

Category 3

Category 3 is viewing postings on social networks which require a “friend” or similar status to view.

Viewings using a covert account or fictitious identity will require RIPA authorisation. No such viewings may take place without RIPA authorisation.

Viewing conducted by using the officer’s correct name and email address (which should be a middevon.gov.uk) to acquire “friend status” may still require a RIPA authorisation.

Officers will need to be sure that their access is being granted as a representative of the Council.

If officers are not sure that access is being granted to the officer as a representative of the Council, then RIPA authorisation **must** be obtained before such viewings take place.

All viewings for investigations, regardless of whether RIPA authorised or not, will need to be recorded and available for inspection by the Senior Responsible Officer and/or the Co-ordinating Officer.

Guidance approved by the Senior Responsible Officer on record keeping of viewings will be distributed by the Co-ordinating Officer and must be adhered to.

Category 4

Category 4 is the use of sophisticated OSIR tools and techniques including active search, reverse engineering and/or tools or filters, etc., to obtain information on an individual on the wider web. The use of such tools is likely to involve monitoring an individual and RIPA authorisation **must** be obtained before use

Covert Facebook accounts and similar covert social media accounts

Use of such covert accounts requires RIPA authorisation. Even with RIPA authorisation, use of such covert accounts may be judged to be unlawful because the companies' terms and conditions do not allow such covert accounts.

RIPA authorisation is not in itself sufficient to legally permit breaching a company's terms and conditions. Advice must be sought from the Co-ordinating Officer.

Procedures/instructions

Senior managers may issue instructions and procedure notes to provide further safeguards in using OSIR

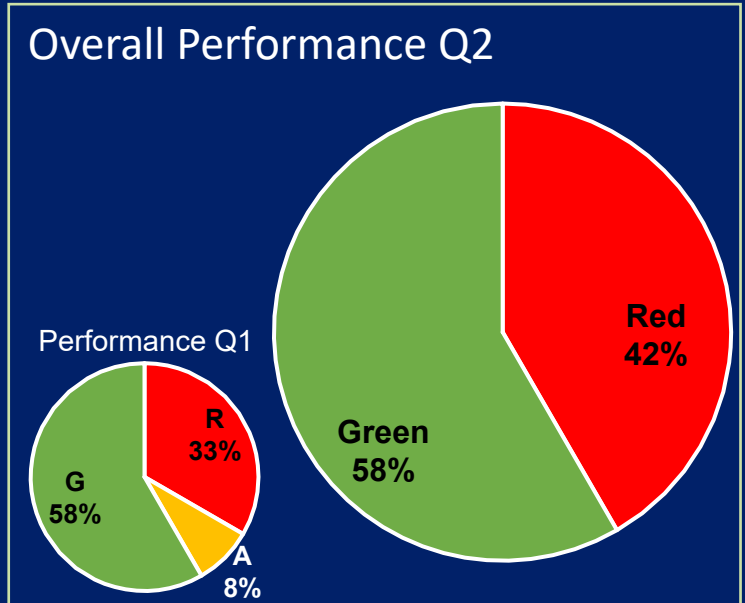
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Community, People & Equalities PDG Performance Dashboard – Quarter 2 2024/25

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.

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**Report for: Community, People and Equalities
Policy Development Group (PDG)**

Date of Meeting:	03 December 2024
Subject:	Medium Term Financial Plan – General Fund (GF)
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)

Section 1 – Summary and Recommendation(s)

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

Recommendation(s):

That Members of the Policy Development Group consider the contents of this report and make any proposals it feels appropriate to Cabinet for approval.

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 The first element of this meeting will cover a refresh of the service areas relevant to each PDG updating members of the movements during the process to date in setting the 2025/26 Budget (**see Appendix 1**). This can include a

brief Q&A session to ensure members are clear of their responsibilities and potential additional budget options. This report considers the development of budget options, proposes further options to continue towards balancing the 2025/26 Budget.

- 1.3 This report also introduces an indicative Capital Programme for the General Fund for consideration (**see Appendix 2**). The indicative HRA development programme is still being evaluated and will be brought to the December Cabinet for consideration.
- 1.4 Finally, this report provides an update on the 2024 Autumn Budget including potential implications for MDDC. Note, these will only be fully known once greater information is received from Government, some of which is expected within November through the Local Government Finance Policy Statement and the full Financial Settlement closer to Christmas.
- 1.5 The Council has a legal requirement to set a balance budget and needs to ensure its overall costs are affordable i.e. they can be funded through income and planned short-term use of reserves. Members therefore need to take the necessary decisions and actions to manage net spending within affordable limits.

2.0 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

2.3 During the October Cabinet, the above budget options outside of the proposed Green and Amber options were recommended to be developed. The following is an update on these options:

Pressures – Appendix 1 (October Cabinet)

Both of the investments into Climate Change and Planning Enforcement are welcomed.

Savings – Appendix 2 (October Cabinet)

- **Row 8 “Let’s Talk MidDevon” – (£11k);**

This platform is being successfully used by Mid Devon Housing in particular who are increasing visits to the hub where it is an important part of its wider tenant engagement strategy.

The annual residents’ survey is currently live, with a requirement for those responding on line to sign up to the community engagement hub.

This saving option was rejected by Cabinet on 15 October 2024.

- **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 26 Refresh out of date leases – (£10k);**

Work is ongoing to ensure leases are kept up to date and particularly rent charges reflect the latest valuations. Recommended inclusion in the 2025/26 budget.

- **Row 35 Additional Pre-App Planning Income – (£40k);**
Demand for this service continues to grow. Recommended inclusion in the 2025/26 budget.
- **Row 37 Additional income generated from Planning Engagement in EUE proposals – (£10k);**
The project continues to progress. Recommended inclusion in the 2025/26 budget.
- **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.
- **Row 54 Leisure Potential income from advertising on Apps – (£10k).**
The use of Apps continues to grow within the service. Recommended inclusion in the 2025/26 budget.

2.4 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

3.0 Ideas that need more consideration to identify possible financial benefit

3.1 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.

Savings – Appendix 2

- **Row 55 Review planned maintenance spend**
The maintenance requirement for 2025/26 is currently being assessed with external assessors used to inform the maintenance programme. The financial implication of this will be considered later in the budget setting process.
- **Row 56 Reduce Contact Centre hours to match opening hours**

A reduction in contact centre hours could be considered which could potentially save up to £50k. This would act as a lever for those who can transact with us digitally moving to that mechanism. Savings would not be achievable until 2026/27 due to the lead-in time and off-setting costs for realigning resources.

- **Row 57 Invest in GovTech / CRM to migrate from NEC portal for self-serve solution.**

Revenues & Benefits already offers a customer portal in which they can 'self-serve'. Technically has moved on as such further investment in more automated processes is required to allow customers to 'self-serve', with potentially up to 80% of transactions to be automated. Changes such as these also help support Mid Devon's digital ambitions.

The cost of the change will be supported by 'EMR' and not replacing staff, changes in the ways customers communicate with use via phones and email will also help with channel shift.

Customers who cannot self-serve will be assisted as they are already.

This option will take time to implement and therefore the financial implications are not being considered for the 2025/26 Budget.

- **Row 58 Inclusion of new Extended Produce Responsibility grant payment**

The government confirmed that this is expected to be implemented in 2025/26. As yet, there is no indication of associated funding or service expectations. The government announcement suggested that EPR will be treated as 'new money' for 2025-26 but it may be netted off in the finance settlement in future years. Therefore, it is currently envisaged that this additional funding will not form part of the 2025/26 Budget but will replace the Shared Saving Agreement with DCC due to end in 2026/27. The financial implication of this will be considered later in the budget setting process.

- **Row 59 Maximise the use of S106 funding**

Mid Devon Housing now have new legal flexibilities to use affordable housing monies alongside other funding. As result it will be modelling the use of this funding within its updated MTFP to support its pipeline of development schemes. This may offset a limited amount of other borrowing within the Housing Revenue Account. The benefits to the General Fund are also being considered. The financial implications of this will be considered later in the budget setting process.

- **Row 60 Potentially sell services, or provide training to other organisations**

This is a longer term option that cannot be implemented in time for the 2025/26 budget. Members to consider which service areas they feel are most suitable for this proposal for potential inclusion in future year's budgets.

- **Row 61 Cease Printing committee papers and fully utilise ModGov.**
The Council uses ModGov to facilitate public meetings, however it also offers a printed set of papers. If the printed ceased, the saving would be c£4k. Currently this is not seen as a viable proposition.
- **Row 62 Improve procurement to potentially achieve savings**
With the introduction of the new (delayed) procurement regulations, and a more proactive approach to procurement could potentially achieve lower cost increases, or even deliver savings on goods and services. This is a longer term option that cannot be implemented in time for the 2025/26 budget, but will be considered in future year's budgets.
- **Row 63 Possible reduction in Pension Contributions from 2026/27.**
The change in Pension Contributions are updated every three years following an actuary's valuation of the fund. There is little/no influence the council can have on the contribution rate. However, since the last valuation, the fund has increased which potentially could lead to frozen or reduce contributions from 2026/27. This will be considered in future year's budgets.
- **Row 64 Reduce general printing**
Work is ongoing to ensure general printing is minimised and any saving is negligible, but will be considered in future year's budgets.

3.2 In summary, the above options are being considered / developed, but are not expected to have a significant impact on the 2025/26 Budget, although some could lead to savings in future years.

4.0 2025/26 Budget Options – Further Development

4.1 The remainder of the 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 £50k.
- **Row 15 Possible adjustment to estimated Utilities saving – (£150k)**

The latest prices from October 2024 have recently been received from Laser. The financial implications are currently being forecast and will be brought forward once complete.

- **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 potential referendum limit of 3% as has been the case for the previous 3 years, the forecast income will be £77k lower than previously forecast. This is due to previous over optimistic assumptions.

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.

- **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.
- **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 38 Forward Planning Review service costs/delivery – (£29k)**
 Following further review this has been identified as a duplicate saving, and therefore needs to be removed.
- **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: Appendix 1 (October Cabinet)	

Possible Adjustment to Row 10 Reduction in Planning Income	(£50k)
<u>Appendix 2 (October Cabinet)</u>	
Possible Adjustment to Row 14 Estimated Fuel saving	(£50k)
Possible Adjustment to Row 43 Recycling Income	(£100k)
Possible Adjustment to Row 52 Leisure Income	(£100k)
Plus:	
<u>Appendix 2 (October Cabinet)</u>	
Adjustment to Row 20 Council Tax income	£77k
Possible Adjustment to Row 25 – Contribution from Town Councils	£60k
Remove Row 38 Forward Planning Review service costs/delivery	£29k
Revised forecast Shortfall	£397k

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:

- Revisiting income assumptions / demand
- Business Rates and Council Tax
- Conclusion of discussions with Town Councils
- Staff vacancy target
- Detailed follow up of announcements made in the Autumn Budget
- Government Funding Settlement (Mid-December)
- Finalisation of the Capital Programme and the financing implications

6.0 Capital Programme – General Fund

6.1 The Overall Capital Programme will include new bids for capital funding to support new programmes as well as ‘rolling’ approvals from current and prior year’s Capital Programmes.

6.2 The draft Capital Programme will be reviewed/challenged by the Capital Strategy Asset Group (CSAG) prior to the proposed final programme being brought forward for approval in February.

6.3 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.

6.4 At this time, only the General Fund Capital Programme is available. The HRA Capital Programme is being considered and will be brought forward to the December Cabinet.

6.5 **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 services areas 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

6.6 The table below, shows the forecast capital expenditure position during the life of the MTFP. This is based upon limited information on the sources of potential funding, particularly in late 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.

	2025/26 £k	2026/27 £k	2027/28 £k	2028/29 £k	2029/30 £k	Total £k
Existing Programme	10,968	15,373	14,452	1,834	1,382	44,009
New Bids	926	1,249	868	1,043	708	4,744
Overall Capital Requirement	11,894	16,622	15,320	2,877	2,090	48,803

6.7 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.

6.8 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.

6.9 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 **Autumn Budget Announcements and their potential impact**

7.1 On the 30 October 2024, the first ever female 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.

7.2 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.
We have currently modelled a 2% increase in the grants included within the Core Spending Power. Note the CSP includes a notional increase in Council and Business Rates, which could well more than offset the remaining 1.2% uplift to match the above inflation 3.2% sector increase. It is understood that this funding will be allocated through a new approach, therefore, we cannot currently assess whether there is any benefit in this announcement.
- The Budget was silent on Council Tax referendum limits but the sector continues to lobby hard for the referendum principles to stay at 2.99% for Districts.
The implications of this are set out above.
- £233m new funding for homelessness prevention. This will be in addition to the £1.3bn grant funding.
The headline announcement is welcomed, however greater detail is required to understand if this will be added to existing grants, or will be allocated through a bidding process, or whether this funding might be one-off or come with additional requirements. It is hoped that this clarity is announced within the Local Government Finance Settlement. This could be beneficial for the 2025/26 budget. There is still a clear need for a longer-term plan to tackle the root causes of homelessness, especially by increasing the supply of genuinely affordable housing.
- £1bn to extend the Household Support Fund and Discretionary Housing Payments into 2025-26.
Again, this headline announcement is welcomed and will be of benefit to residents of the district.
- £1.1bn new funding through implementation of the Extended Producer Responsibility scheme for recycling.

The headline announcement is welcomed, however greater detail is required to understand how this funding will be allocated and whether this funding might come with additional requirements. It is expected that this clarity will be provided within November.

7.3 In addition, there were other announcements which will also benefit local government, including:

- There were positive measures to support councils with affordable housing:
 - £500m increase to the Affordable Homes Programme in 2025-26. *This could be beneficial for the HRA development programme that has previously benefitted from this funding source. It is a bid based grant, so there is no guarantee that our bid(s) would be successful.*
 - Right-To-Buy: councils will be permanently allowed to retain 100% of receipts locally and discount levels will revert to pre-2012 levels from 21st November. *The maximum discount on RTB sales would reduce from £102,400 to £30,000 (applicable in South West region). This is good news for retaining stock, but means that RTB receipts income will also be reduced. We would like the Government to go further and expect it to announce further reform to Right-To-Buy in the coming months, including on eligibility criteria and better protection for newly built council homes.*
 - Five-year rent settlement for social housing landlords: rents will rise by Consumer Price Index +1% each year during the period. Following the consultation, it is possible this timeframe could be expanded to 10 years. *The certainty is welcomed.*
 - Preferential Public Works Loan Board borrowing rates for local authorities to build social housing will be extended to March 2026. *This could potentially be beneficial for the HRA development programme, although the rates will still be more expensive than borrowing internally, so a longer term view is being considered.*
- 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. *For MDDC, the additional cost is modelled at c£400k (c£300k GF, c£100k HRA). However, an allowance has also been included within the Chancellor's estimates to protect the public sector from*

this additional cost. There are not yet any details available on how the government intends to do this, but it is therefore assumed that this will be cost neutral for the Council.

- 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. *Our lowest SCP has moved to just above NMW and our apprentices are paid above the government rate. However, this will have a knock-on impact on our grading structure to ensure the lowest grades “keep up” with these increases.*
- There were also other generic announcements:
 - Delivering hundreds of local energy schemes to help decarbonise the public estate through the Public Sector Decarbonisation Scheme, with over £1 billion of funding over three years. *Note the Council did not qualify for the latest PSDS scheme as we do not have buildings within older heating systems.*
 - Taking the first step towards a Warm Homes Plan, committing an initial £3.4 billion towards heat decarbonisation and household energy efficiency over the next three years. *Similarly, there is limited benefit from the most recent wave of social housing decarbonisation funding to our housing stock as the vast majority of our homes have an EPC rating of C or above, meaning we are on track to meet the 2030 requirement.*
 - UK Shared Prosperity Fund has been extended for 2025-26 at a reduced level of £900m, a 40% decrease on the current year. It is not yet clear whether this funding will continue to be allocated directly to district councils in two-tier areas. *We will need to assess any likely grant allocation and how to maximise the benefits from it.*
- Reforms to Business Rates continue to be considered.
 - The small business multiplier in England will be frozen for a fifth consecutive year at 49.9p, while the standard multiplier will be updated by CPI in March 2025. There could be more, new, categories of multiplier in future years. *This continues to make a complex system even more complex. However, potentially it could yield additional income.*
 - A lower 40% relief for Retail, Hospitality and Leisure properties will be in place in 2025-26. Permanently lower multipliers will be implemented for these properties from 2026/27. *Although the relief is reduced and we will collect more tax directly from these companies, the offsetting compensation through S31*

Grant will reduce. Therefore, this is not expected to impact our bottom-line.

- Government is silent on a business rate reset, and when this would implemented.

This was originally due in 2020 so is long overdue. However, the implication of a reset may not be advantageous.

- A consultation has been launched on
 - Changes to the system to support investment, including assessing efficacy of Improvement Relief and the impact of loss of Small Business Rates Relief on expanding to a second property.
 - Adopting a 'General Anti-Avoidance Rule' for business rates in England and review recent measures to discourage avoidance.
 - Digitalising Business Rates changes will be implemented by place by March 2028.

- On wider funding reform:

- The Government signalled it will reform the local government funding system after 2025/26 and will carry out a broader redistribution of funding to better reflect local need (previously known as Fair Funding) through a multi-year settlement from 2026/27.

The fair funding reforms were originally announced in 2016 and are long overdue. However, there is no clarity on what these reforms might be and their impact on MDDC. Whilst a multi-year settlement is welcomed as it provides a greater degree of certainty, the funding within them needs to be sufficient to enable good quality services to be delivered.

- The Government has signalled its intention to embark on local government reorganisation to deliver “efficiency savings”. It will set out more detail in the English Devolution White Paper, likely to be published in late 2024.

We await the white paper to understand any implications.

- 7.4 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.

7.5 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.

8.0 Conclusion

8.1 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.

8.2 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.

8.3 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: 8 November 2024

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 8 November 2024

Chief Officer: Stephen Walford

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

Date: 8 November 2024

Performance and risk: Dr Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 8 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 £	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	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	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 £	Provisional 2025/26 Budget £	Increase / (Decrease) £	Increase / (Decrease) %
Economy & Assets PDG							
SCD02	Economic Development	70,413	5,100	-	75,513	5,100	7.2%
SCP01	Parking Services	(732,427)	17,940	(57,000)	(771,487)	(39,060)	-5.3%
SPS01	Asset Management	539,720	840	-	540,560	840	0.2%
SPS05	Administration Buildings	313,830	31,610	(75,630)	269,810	(44,020)	-14.0%
SPS06	MDDC Depots	511,478	13,140	49,440	574,058	62,580	12.2%
SPS09	Property Services Staff Unit	832,500	590	(30,000)	803,090	(29,410)	-3.5%
SPS11	Public Conveniences	19,920	1,670	(6,000)	15,590	(4,330)	-21.7%
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)	1,514,174	(116,670)	-7.2%
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	374,380	91,250	32.2%
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	987,663	(40,370)	-3.9%
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)	201,331	(59,000)	-22.7%
SES24	Environmental Enforcement	149,739	180	-	149,919	180	0.1%
SGM01	Grounds Maintenance	564,189	2,350	(7,500)	559,039	(5,150)	-0.9%
SRS01	Recreation And Sport	983,303	45,100	(271,810)	756,593	(226,710)	-23.1%
SWS01	Street Cleansing	576,632	2,370	-	579,002	2,370	0.4%
SWS02	Waste Collection	310,100	15,450	(148,000)	177,550	(132,550)	-42.7%
SWS03	Recycling	1,535,780	10,730	(247,500)	1,299,010	(236,770)	-15.4%
SWS04	Waste Management	378,010	580	-	378,590	580	0.2%
TOTAL SERVICE IMPROVEMENT & CONTINUOUS IMPROVEMENT PDG		5,446,656	79,490	(734,810)	4,791,336	(655,320)	-12.0%
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)	331,120	(70,640)	-17.6%
Net Direct Services Costs		15,814,835	662,565	(550,000)	15,656,760	(158,075)	-1.0%

Service Unit	Direct Costs Detail	2024/25 Annual Budget £	Net MTFP Adjustment £	Round 1 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)	14,783,759	113,304	0.8%
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)	14,248,230	1,125,658	8.6%
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)	(13,817,066)	(694,494)	-5.3%
	Annual Shortfall	0	1,196,164	(765,000)	431,164	431,164	

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Area	Sub Area	Project Title	Existing Budgeted	2024/25 Outturn	Forecast 2024/25	Adjustment to	New Budget	REVISED Capital	Spend Profile for Remaining Indicative Capital Programme						
			Capital Programme	Forecast as at Qtr 2	Slippage into future	Previous Capital	Required	Programme 2025/26 -	2025/26	2026/27	2027/28	2028/29	2029/30	Total	
			2024/25 - 2028/29		years	Programme	£000's	2029/30	£000's	£000's	£000's	£000's	£000's	£000's	
General Fund															
Leisure	Lords Meadow Leisure Centre	Reception infrastructure	160	160	-			-	-	-	-	-	-	-	-
Leisure	Culm Valley Sports Centre	CVSC - Remodelling of Ground Floor	204	-	-			204	30	174	-	-	-	-	204
Leisure	Culm Valley Sports Centre	Leisure - Improved Disabled Toilet facilities - CPT	75	43	-	32		-	-	-	-	-	-	-	-
Leisure	Exe Valley Leisure Centre	Leisure - Improved Disabled Toilet facilities - CPT	16	16	-			-	-	-	-	-	-	-	-
Leisure	Leisure - Other	All leisure sites replacement management/site access system (Hardware Element)	200	200	-			-	-	-	-	-	-	-	-
Other MDDC Buildings	Phoenix House	Building Mgmt System for Heating Control	103	60	43			43	43	-	-	-	-	-	43
Other MDDC Buildings	MDDC Depots	Land acquisition for operational needs	2,000	-	-	2,000		-	-	-	-	-	-	-	-
Other MDDC Buildings	MDDC Depots	Depot Design & Build - Waste & Recycling	3,750	250	-			3,500	3,500	-	-	-	-	-	3,500
Other MDDC Buildings	MDDC Shops/Industrial Units	36 & 38 Fore Street including Flat above structure & cosmetic works	197	-	-	197		-	-	-	-	-	-	-	-
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	Server hardware/software Citrix Replacement	270	-	-	50		220	-	-	-	220	-	-	220
Other	ICT Projects	VM/Storage Area Network	260	-	-	120		140	-	-	-	140	-	-	140
Other	ICT Projects	Server farm expansion/upgrades	67	248	-	181		-	-	-	-	-	-	-	-
Other	ICT Projects	UPS Replacements	85	-	-	55		30	-	-	30	-	-	-	30
Other	Other Projects	Land drainage flood defence schemes - St Marys	50	-	-			50	50	-	-	-	-	-	50
Other	Other Projects	Cemetery Lodge - Structural solution for damp	62	-	-	62		-	-	-	-	-	-	-	-
Other	Other Projects	Land drainage flood defence schemes - Ashleigh Park Bampton	87	-	-			87	87	-	-	-	-	-	87
Leisure	Exe Valley Leisure Centre	ATP replacement (50% share with DCC)	220	-	-			220	220	-	-	-	-	-	220
Leisure	Exe Valley Leisure Centre	CHP - Replacement future energy saving project	180	350	-	170		-	-	-	-	-	-	-	-
Leisure	Exe Valley Leisure Centre	Wetside resin floor replacement	90	-	90			90	90	-	-	-	-	-	90
Leisure	Exe Valley Leisure Centre	Learner pool floor replacement	100	-	-	100		-	-	-	-	-	-	-	-
Leisure	Exe Valley Leisure Centre	Chemical/Salt Storage at back of building - Associated plant to go with this	60	45	-	15		-	-	-	-	-	-	-	-
Leisure	Lords Meadow Leisure Centre	Wetside resin floor replacement	90	-	90			90	90	-	-	-	-	-	90
Leisure	Lords Meadow Leisure Centre	Chemical/Salt Storage at back of building - Associated plant to go with this	60	41	-	19		-	-	-	-	-	-	-	-
Leisure	Culm Valley Sports Centre	ATP replacement (50% share with DCC)	210	-	-			210	210	-	-	-	-	-	210
Leisure	Culm Valley Sports Centre	Fitness Studio renewal of equipment	150	145	-	5		-	-	-	-	-	-	-	-
Leisure	Culm Valley Sports Centre	Replacement skate park (poss relocation)	350	-	-			350	200	150	-	-	-	-	350
Other MDDC Buildings	Other - Climate Change/Net Zero	All Fleet - Vehicle live monitoring for CO2 emissions	115	115	-			-	-	-	-	-	-	-	-
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	Additional electric car charging points	80	80	-			-	-	-	-	-	-	-	-
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
Other MDDC Buildings	MDDC Depots	Diesel Tank	65	65	-			-	-	-	-	-	-	-	-
Other	Other Projects	EUE Community Centre	-	-	-			-	-	-	-	-	-	-	-
Other MDDC Buildings	MDDC Depots	Property Leasing - Carlu Close	1,330	1,330	-			-	-	-	-	-	-	-	-
Other MDDC Buildings	Public Conveniences	Westexe Rec Toilets - Replacement	160	-	-	160		-	-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	DFG and other private sector grants	3,000	871	-	321	550	3,000	600	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	Baler	500	500	-			-	-	-	-	-	-	-	-
Other	Other Projects	PDA's for cabs - Recycling, Trade and Ground	150	150	-		60	60	60	-	-	-	-	-	60
Other	Other Projects	Fire Safety Measures	200	200	-			-	-	-	-	-	-	-	-
Other	Other Projects	Shared Prosperity Fund - Year 3	232	232	-			-	-	-	-	-	-	-	-
Other	Other Projects	Rural England Prosperity Fund - Year 2	672	672	-			-	-	-	-	-	-	-	-
Other	GF Vehicles	Vehicle leasing - Caretaking Services	30	29	-	1		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	Lords Meadow Leisure Centre	ATP replacement (no dual use)	200	-	-			200	-	-	200	-	-	-	200
Leisure	Leisure - Climate Change/Net Zero	MLMC - 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	Hybrid Screen replacements	70	-	-		70	-	-	-	-	-	-	-	-
Other	ICT Projects	Audio/Video replacement for Phoenix House	140	10	-		10	170	-	-	-	170	-	-	170
Other MDDC Buildings	Phoenix House	Etarmis - Security Swipe - (linked to security project)	40	11	29			29	29	-	-	-	-	-	29
Other	Other Projects	Fire Dampeners - Corporate sites	37	37	-			-	-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HMO Scheme 1	26	-	-			-	-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU Scheme 3 - 15 Temple Crescent	14	41	-		27	-	-	-	-	-	-	-	-

Area	Sub Area	Project Title	Existing Budgeted	2024/25 Outturn	Forecast 2024/25	Adjustment to	New Budget	REVISED Capital	Spend Profile for Remaining Indicative Capital Programme						
			Capital Programme	Forecast as at Qtr 2	Slippage into future	Previous Capital	Required	Programme 2025/26 -	2025/26	2026/27	2027/28	2028/29	2029/30	Total	
			2024/25 - 2028/29		years	Programme		2029/30	£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	£000's	£000's	£000's	£000's	
Private Sector Housing	Private Sector Housing	HFU 4 Coldridge Rd	33	41	-	8	-	-	-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU 30 Temple Crescent	34	24	-	10	-	-	-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU - 9 Hammett Road	4	13	-	9	-	-	-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU - 68 Belmont Road	4	10	-	6	-	-	-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU - 67 Knightswood	9	57	-	48	-	-	-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU - 8 Hillcrest	3	16	-	13	-	-	-	-	-	-	-	-	-
Other	GF Vehicles	Vehicle leasing - Grounds Maintenance	100	-	-	-	54	154	-	-	-	90	64	154	-
General Fund Subtotals			52,522	10,738	10,368	-	2,103	4,329	44,009	10,968	15,373	14,452	1,834	1,382	44,009

Area	Sub Area	Project Title	Comments	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	Beyond 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	£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. Work to include relocation of staff room and office to existing office adjacent to studio. '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	Lords meadow 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 surveilance 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 pig-pens 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	4,794

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Report for: **Community, People and Equalities Policy Development Group**

Date of Meeting: 3rd December 2024

Subject: **CCTV Policy and Code of Practice**

Cabinet Member: Cllr David Wulff – Cabinet Member for Quality of Living, Equalities and Public Health

Responsible Officer: Paul Deal , Head of Finance, Property and Climate Resilience

Exempt: N/A

Wards Affected: All

Enclosures:

- Annex A – Surveillance and CCTV Policy
- Annex B –Code of Practice for Surveillance Camera Systems operated by Mid Devon District Council
- Annex C – Code of Practice for operation and management of Body Worn Video Cameras
- Annex D - Code of Practice for management and operation of CCTV on Street Scene Vehicles

Section 1 – Summary and Recommendation(s)

To present the updated Policy and Codes of Practice to Members for approval.

For Members to note the report and recommend to Cabinet:

1. The approval of the Surveillance and CCTV Policy (Annex A), Code of Practice for Surveillance Camera Systems operated by Mid Devon District Council (Annex B), Code of Practice for operation and management of Body Worn Video Cameras (Annex C) and Code of Practice for management and operation of CCTV on Street Scene Vehicles (Annex D).
2. That delegated authority is granted to the Head of Finance, Property and Climate Resilience to make minor amendments to the Surveillance and CCTV

Policy and Codes of Practice as required by changes to legislation, formal guidance or local operational considerations.

Section 2 – Report

1. Background

- 1.1. Mid Devon District Council (MDDC) has a role to play in community safety. Therefore public space Surveillance Camera Systems (SCS) are in place across the district.
- 1.2. There are a host of purposes for these SCS, including these key elements:
 - To provide a deterrent to crime and anti-social behaviour;
 - To assist the prevention and detection of crime and apprehending criminals;
 - To improve public safety by reducing the perceived fear of crime; and
 - Occasionally SCS may be required to assist with ‘covert’ directed operations (e.g. by police, Competent Authorities, HMRC etc.) through the Regulation of Investigatory Powers Act 2000 (RIPA).
- 1.3. MDDC operates a number of SCS for its security purposes, including at these locations: Phoenix House, our leisure centres and depots, and for our staff particularly when lone working. Other systems, including Automatic Number Plate Recognition (ANPR), Body Worn Video (BWV) and Audio Recording are also covered by this policy.
- 1.4. In addition, there are SCS covering town centres across the District. The largest system covering Tiverton Town Centre, including the Multi-Storey Car Park (MSCP), is run in conjunction with the Exeter City Council who operate and monitor the system. Other smaller town centre operations are solely managed by the relevant Town or Parish Councils. MDDC has no involvement in any of the town centre systems, other than to maintain the Tiverton system. The footage from these systems is used by the Police as MDDC has no need for such data.
- 1.5. The use of SCS is covered by a raft of legislation, including the Data Protection Act 2018 (DPA), UK General Data Protection Regulation (GDPR), Freedom of Information Act 2000 (FOIA) and Human Rights considerations. Therefore the use of such systems is heavily controlled and any output is only shared on a formal request basis with the appropriate relevant authorities.
- 1.6. The Codes of Practice capture the consideration of the legislation in relation to SCS and adopts protocols for their use within MDDC. The Policy and Codes of Practice are reviewed and updated as necessary ensuring ongoing compliance. This is the latest update for approval.

- 1.7. Since the previous Policy and Codes were presented, MDDC has replaced the CCTV system(s) for the MSCP, Tiverton Town Centre Public Surveillance System (TTC PSS) (TTC PSS was co-funded with the Town Council and the Police) Lords Meadow Leisure Centre and Culm Valley Sports Centre. However, MDDC has limited budgets for ensuring the delivery of the discretionary surveillance monitoring service, or the on-going maintenance and compliance for our SCS. Although there is currently no additional budget for the replacement of any further surveillance systems, consideration is being given to replace the system at Phoenix House. Additional costs, including future upgrades may need to be spread over a few financial years.

2. Policy and Codes of Practice

- 2.1. The Surveillance and CCTV Policy is an operational document for the operation of MDDC's SCS - to ensure the tasks and documentation required by legislation, including the Surveillance Commissioner's Surveillance Camera Code of Practice, are applied across all MDDC's sites with SCS on a consistent basis, with identified roles and responsibilities.
- 2.2. The Codes of Practice fall under the umbrella of the Surveillance and CCTV Policy and provide specific guidance for the operation and management of CCTV, BWV and CCTV on Recycling, Waste and Road Sweeper Vehicles.
- 2.3. Both the Surveillance and CCTV Policy and the Codes of Practice draw on the legislation and Government guidance for the appointment of a Single Point of Contact (SPOC – the government guidance is in a link in the footer¹). The establishment of the role of a SPOC within a local authority is the first step in demonstrating to the public that the local authority is committed to operating all surveillance camera equipment in compliance with the Surveillance Commissioner's Surveillance Camera Code of Practice and key legislation, thereby building transparency, trust and confidence in its use.
- 2.4. The Council has appointed a SPOC, the Operations Manager for Corporate Property and Commercial Assets, who will have responsibility for the installation and operation of MDDC's SCS.

3. Conclusion

- 3.1. Members to note the report and recommend to Cabinet the approval of the Surveillance and CCTV Policy and the various Codes of Practice.

Financial Implications

¹ [Introducing a single point of contact \(SPOC\): guidance for local authorities - GOV.UK](#)

Tiverton Town Council agreed to contribute 50% towards the running cost of the TTC PSS for 2023/24 and 2024/25. Discussions are ongoing about the future operation of the system from July 2025 onwards. All other Council SCS are funded by operational revenue maintenance budgets.

Legal Implications

There are various pieces of legislation that must be adhered to when considering the continued use of SCS, including the Data Protection Act 2018, UK General Data Protection Regulation (GDPR), the Regulation of Investigatory Powers Act 2000 (RIPA), and the Surveillance Commissioner's Surveillance Camera Code of Practice and Human Rights considerations.

Risk Assessment

If MDDC SCS are not fit for purpose their use cannot be justified in accordance with the Surveillance Code of Conduct and provisions of the Data Protection Act 2018. To do nothing will expose MDDC to the risk of operating non-compliant SCS.

Impact on Climate Change

None identified

Equalities Impact Assessment

None identified

Relationship to Corporate Plan

None directly but there are implications for community safety.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer:

Agreed by or on behalf of the Section 151

Date: Andrew Jarrett 12/11/2024 via Leadership Team

Statutory Officer:

Agreed on behalf of the Monitoring Officer

Date: Maria De Leiburne 12/11/2024 via Leadership Team

Chief Officer:

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

Date: Stephen Walford 12/11/2024 via Leadership Team

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance and Improvement Manager

Date: 25 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Paul Deal, Corporate Manager for Head of Finance, Property and Climate Resilience:

Email: Pdeal@middevon.gov.uk

Telephone: 01884 234254

Background papers: N/A

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Mid Devon District Council

Surveillance and CCTV Policy

Policy Number: HSG

November 2024

Version Control Sheet

Title: **Surveillance and CCTV Policy**

Purpose: **To ensure the principles, purposes, operation and management adopted by the main public-space CCTV system are mirrored across the whole of MDDC's service delivery operational areas.**

Owner: **Head of Finance, Property & Climate Resilience**

Pdeal@middevon.gov.uk

Telephone number: 01884 234254

Date: **November 2024**

Version Number: **2.0**

Status: **Draft**

Review Frequency: **Every 3 years or sooner if required and in accordance with legislation**

Next review date: **November 2027**

Consultation **This document was sent out for consultation to the following:**

- Group Managers:
- Cabinet Member
- Property Services
- Legal Services
- Information Management

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Corporate Management Team	15 November 2024	2.0
Leadership Team	19 November 2024	2.0
Community PDG	3 December 2024	2.0
Cabinet	10 December 2024	2.0
Council		

1. Definitions and Abbreviations

Body Worn Video cameras (BWV): small, visible camera devices worn attached to an MDDC officer's clothing (usually on the chest). They are used to capture both video and audio evidence when officers are attending incidents and/or carrying out MDDC business.

CCTV Control Room (CR): A secure space located within Tiverton where connected CCTV and surveillance equipment systems are managed and operated in the day to day management of public areas.

Data Protection Act 2018: The legislation that enacts and amends Regulation (EU) 2016/679 (GDPR) and Directive (EU) 2016/680 (Law Enforcement Directive) respectively.

ECHR: European Convention on Human Rights

UK General Data Protection Regulation (UK GDPR): A Regulation establishing data protection principles and privacy rights for people whose data is processed in the European Union.

Information Governance: The discipline of applying controls to how information or data is created, how it is stored and where it moves.

Monitoring Officer: A statutory role under section 5 of the Local Government and Housing Act 1989 whose role is to ensure that the Council, its officers and elected members maintain the highest standards of conduct which includes ensuring the lawfulness and fairness of decision making.

Responsible Officer (RO): A Responsible Officer (RO) is appointed at all sites or business areas using surveillance systems. They are responsible for the day-to-day management of the CCTV system. The RO should support the SPOC in understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.

RIPA: The Regulation of Investigatory Powers Act 2000. This Act sets out the conditions under which investigations and covert surveillance can be lawfully conducted.

Senior Information Officer (SIO) (as acting Data Protection Officer (DPO)): A statutory role set out under the Data Protection Act with responsibility for ensuring that organisations are compliant with personal privacy rights. Any resident can report a personal privacy concern about the Council to the SIO.

Senior Responsible Officer (SRO): The SRO is the Director of Legal, People & Governance (Monitoring Officer) and has strategic responsibility for compliance with the Protection of Freedoms Act 2012 (PoFA) in support of the Chief Executive in respect of all relevant surveillance camera systems operated by MDDC.

Single Point of Contact (SPOC): The role is operational in support of the SRO and DPO for all matters relating to surveillance systems. The SPOC will act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level.

Surveillance Camera Systems (SCS):

SCS has the meaning given by Section 29(6) of Protection of Freedoms Act 2012 and includes:

1. closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems
2. any other systems for recording or viewing visual images for surveillance purposes
3. any systems for storing, receiving, transmitting, processing or checking the images or information obtained by 1 or 2
4. any other systems associated with, or otherwise connected with 1, 2 or 3

This excludes any camera system used for the enforcement of speeding offences.

2 Introduction

2.1 This policy governs the operation of SCS operated by Mid Devon District Council (MDDC) as data controller to assist in its carrying out its enforcement, public safety and other functions.

2.2 The policy sets out the principles to be observed by MDDC, Members, officers, contractors, and any other parties or organisations involved in the operation, management and administration of relevant SCS, as well as the hierarchy of responsibilities which exist to ensure that these systems are operated in a compliant manner.

2.3 It is also intended to inform members of the public of the purposes for which SCS are operated, and of the standards which will be met in relation to it. In this way, MDDC can be held accountable for its compliance with the policy.

2.4 The policy is supplemental to any safe operating procedures for Council departments to follow when procuring and installing SCS.

2.5 This policy does not govern MDDC's use of the surveillance powers available to it, which are conducted under the auspices of the RIPA. Covert surveillance is governed by a separate document, the Policy on the use of Covert Investigation Techniques.

3 Purpose

3.1 The purpose of this policy is to set out how MDDC manages, uses and operates SCS. MDDC uses SCS for one or more of the following purposes:

- To provide a deterrent to crime and anti-social behaviour
- To assist the prevention and detection of crime and apprehending criminals
- To improve public safety by reducing the perceived fear of crime
- To provide public reassurance and help improve quality of life in Tiverton
- To help secure safer areas and environments for those who live, visit, work, trade in or enjoy leisure pursuits in Tiverton
- To provide building security and a safe working environment for MDDC staff and visitors
- To provide MDDC vehicle fleet management information including the safety of staff and users of MDDC vehicles and assist in managing reported incidents and complaints
- To assist the police, other emergency services and MDDC with efficient management of resources

- To monitor traffic flow and assist in traffic management
- To assist with the MDDC's regulatory and statutory responsibilities, including revenues and benefits enforcement, civil parking enforcement
- To assist with the gathering and provision of evidence to support criminal and civil proceedings
- Support the management of public and commercial areas which are essential to commercial wellbeing of the community, including identifying bylaw contraventions
- To assist in civil emergencies and countering terrorism
- In appropriate circumstances, assisting the investigation of damage only accidents in MDDC owned car parks

3.2 The use of SCS must be a necessary and proportionate way of helping with a range of issues that affect people in public places, buildings and vehicles for which MDDC has a responsibility. MDDC also values the use of SCS to protect its staff where appropriate. MDDC must consider the nature of the problems to be addressed and that SCS are justified as an effective solution where it is used. MDDC will regularly evaluate whether it is necessary and proportionate to continue using SCS.

3.3 The Information Commissioner's Office ("the ICO") has enforcement powers which include the power to issue directives to remove or modify SCS installations. The ICO is supported by the Surveillance Camera Commissioner, which has issued a code of practice for the use of these cameras and which includes the guiding principles set out below.

3.4 This policy is approved by MDDC's Senior Management Team and Members.

4 Related MDDC Documents

- a. Body Worn Video Procedure of Use
- b. CCTV Code of Practice
- c. Data Protection Policy
- d. Freedom of Information Policy
- e. Information Security Incident Policy
- f. Code of Practice for management and operation of CCTV on Street Scene Vehicles
- g. Code of Practice for operation and management of Body Worn Video Cameras
- h. Records Management Policy
- i. Removable Media Policy

5 Legal Framework

5.1 This policy provides guidance on the appropriate and effective use of SCS and in particular how it meets the requirements of:

- a. The Human Rights Act 1998
- b. Data Protection Act 2018
- c. GDPR
- d. RIPA
- e. The Protection of Freedoms Act 2012 (PoFA)
- f. Information Commissioners' CCTV Code of Practice
- g. Surveillance Commissioner's Surveillance Camera Code of Practice
- h. Criminal Procedure and Investigations Act 1996
- i. Criminal and Disorder Act 1998

5.2 This policy applies to MDDC employees and any third party organisations shared services or individuals who are contracted to work on behalf of MDDC and in doing so have access to information or footage captured by SCS.

6 Surveillance Camera Code of Practice

6.1 MDDC will operate all SCS in line with the principles set out in the Surveillance Commissioner's Surveillance Camera Code of Practice:

- a. Use of SCS must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
- b. The use of SCS must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
- c. There must be as much transparency in the use of SCS as possible, including a published contact point for access to information and complaints.
- d. There must be clear responsibility and accountability for all SCS activities including images and information collected, held and used.
- e. Clear rules, policies and procedures must be in place before SCS are used, and these must be communicated to all who need to comply with them.
- f. No more images and information should be stored than that which is strictly required for the stated purpose of any SCS, and such images and information should be deleted once their purposes have been discharged.

- g. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
- h. SCS operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
- i. SCS images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
- j. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
- k. When the use of SCS is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
- l. Any information used to support SCS which compares against a reference database for matching purposes should be accurate and kept up to date.

7 CCTV and surveillance within the scope of this policy

7.1 MDDC acts as data controller for the SCS it operates for the purposes set out in section 3 above.

7.2 The cameras/systems within the scope of this policy include -

- a) Tiverton Town Centre CCTV System (currently 40 cameras installed at various strategic locations throughout the town centre) *
- b) Tiverton Multi-Storey Car Park, Phoenix Lane*
- c) Phoenix House
- d) Old Road Housing Depot
- e) Carlu Waste Depot (Hitchcocks Business Park)
- f) Exe Valley Leisure Centre
- g) Lords Meadow Leisure Centre
- h) Culm Valley Sports Centre
- i) Body Worn Video
- j) Street Scene Vehicles

7.3 Images from the cameras at (a) and (b)* above are sent to the CCTV CR in Tiverton, which accommodates the central switching recording and ancillary equipment for these systems along with the facility to monitor the system, if required. The images are transmitted over BT Fibre Optic cable to the Exeter City Council Public Spaces Surveillance CCTV Control Room at St Stephens House, Exeter where they are monitored both live and proactively and recorded in response to reported incidents or events. There is a formal agreement in place for Exeter City Council to undertake the monitoring of these cameras.

All material (data) controlled and managed at Exeter City Council remains the property of MDDC and is processed (data processing), under separate agreement, by competent, qualified Exeter City Council staff.

7.4 This policy does not apply to SCS where MDDC is not the data controller; for example, InPost lockers at the Leisure Centres and MDDC tenants' camera doorbells.

8 General Principles/Guidelines

8.1 MDDC's use of SCS accords with the requirements and the principles of the Human Rights Act 1998, the UK GDPR, the Data Protection Act 2018 and the PoFA. This policy recognises the need for formal authorisation of any covert 'directed' surveillance as required by the RIPA, and provides that SCS shall be operated fairly, within the law and only for the purposes for which it was established, or which are subsequently agreed in accordance with the Surveillance Commissioner's Surveillance Camera Code of Practice. The SCS shall be operated with due regard to the principle that everyone has the right to respect for his or her private and family life and home. Public interest in the operation of SCS will be recognised by ensuring the security and integrity of operational procedures which sit underneath it, and which balance the objectives of the SCS usage with the need to safeguard the individual's rights.

8.2 In accordance with the ECHR, the use of SCS must be necessary, in pursuit of a legitimate aim and in accordance with the law. It is therefore necessary to at all times consider the ECHR and a subject's human rights in the operation of this policy.

8.3 This policy ensures that the SCS used, managed or operated by or on behalf of MDDC meet the Surveillance Commissioner's Surveillance Camera Code of Practice by being:

8.4 Transparent

Wherever possible, the presence of SCS, the purpose for them and contact details for the controller of it should be clearly displayed to the public.

There are strict laws around the use of covert surveillance cameras, and these should only be implemented where necessary for a criminal enforcement purpose where MDDC has the necessary statutory authority and under the oversight of the SRO.

8.5 For a Legitimate and Specified Purpose

Prior to establishing any SCS installations, it is necessary to establish a legitimate purpose for it. The appropriate balance between the necessity of the SCS and the privacy rights of individuals can only be assessed in light of this intended purpose.

8.6 Proportionate to that purpose

The usage of SCS cameras, including field of vision and whether they can be remotely controlled, has to be proportionate to the identified need. For example, installation of a camera for the purpose of public safety would be unlikely to be proportionate in any area of no particular history of incidents.

SCS with audio/voice recording will not be installed unless found to be proportionate following a Data Protection Impact Assessment (DPIA). Where it is necessary to make voice recordings, signage will reflect that, save for in the case of BWV where in the interests of safety of MDDC officers and enforcement purposes, voice recording is usually present without such warning.

8.7 Privacy Risk Assessed

All existing and proposed SCS installations should be subject to a DPIA to identify what risks to privacy they pose and what controls can be applied to minimise these.

8.8 Subject to Senior Management Approval and Oversight

Proposals to install any new SCS will be discussed with the SPOC in the first instance. Thereafter, it shall be approved by a member of the senior management team, which may include the relevant manager for the service area. Where the DPIA indicates a high risk to privacy, then the approval of the SIO is required prior to the procurement of SCS equipment.

8.9 Secure from inappropriate access and interference

As SCS recordings contain personal (and sometimes special category) data, there is a legal obligation to ensure that access is limited to those with a genuine need and that any data held meets technical standards for information security. In the event of a data breach, then prompt steps will be taken, without undue delay, in accordance with MDDC's Information Security Incident Policy.

8.10 Subject to clear operational procedures which are binding on staff and contractors

All MDDC departments operating SCS are required to ensure that there are procedures in place which regulate where cameras can be installed, where they should point, under what circumstances data can be accessed or removed from the devices and under what circumstances it can be disclosed to other parties.

8.11 Auditable

All staff actions which effect the operation of SCS equipment should be captured in audit logs held on the devices or controlling applications. This includes any actions which change the field of vision, any downloads of footage and any deletion of footage. All SCS equipment must be specified so as to provide accurate time and date stamping.

All CCTV installations will be recorded on MDDC's CCTV Register.

8.12 Data Retention

SCS operated by MDDC shall normally retain footage for no longer than 31 days. Where footage is required for the purposes of prosecution of an offence or to defend legal claims, a copy should be made and stored securely. Footage will be saved to an encrypted external Hard Disc Drive/USB or equivalent or other secure remote storage medium in accordance with the Removable Disc strategy.

MDDC may be required by law to disclose SCS footage, without notification to the subject, in the interests of public security and in order to disclose information that is material to a legal case. All images that are relevant to a criminal investigation must be retained in accordance with the Criminal Procedure and Investigations Act 1996.

MDDC will ensure that appropriate security measures are in place to prevent the unlawful or inadvertent disclosure of any recorded images. The measures in place include:

- a. The SCS system being encrypted/password protected
- b. Only authorised officers have access and are able to make copies of SCS footage in accordance with this policy and any relevant Code of Practice(s)
- c. A log of any access to the SCS images, including time and dates of access, and a record of the individual accessing the images, will be maintained by relevant service RO. The log will be retained for six years.

8.13 Data Sharing requests

Where MDDC, as the data controller, has not delegated processing of SCS data to a data processor all requests for surveillance footage or images must complete the appropriate request form (available from the Information Management Team) and submit the form to the service area responsible for recording the footage and/or the Information Management Team and logged accordingly on the central log.

All data subject requests will be reviewed by MDDC's Information Management Team and determined according to a process which ensures compliance with legislation. For more details of how MDDC handles data subject requests, please see the Data Protection Policy, and information provided at [Access to Information - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/access-to-information).

9 Roles and Responsibilities

9.1 All officers with operational access to SCS equipment are responsible for following the specific operational procedures established for its use. This includes checking the equipment and reporting to the SPOC where it is found to deviate from the agreed specification or appears to have been interfered with.

9.2 Officers, contractors and other relevant persons shall only be permitted access to images obtained via SCS in accordance with this policy. Only officers with the appropriate authority shall have access to SCS systems. The viewing of live SCS images will be restricted to authorised officers in a controlled environment or such other live camera footage used by MDDC in public areas of their own buildings and as approved by the SIO or Monitoring Officer (or such person to whom delegates such approval to).

9.3 Recorded images which are stored by the SCS will be restricted to access by authorised members of staff with explicit powers to view images where viewed in accordance with the relevant Code of Practice. No other individual will have the right to view or access any SCS images unless in accordance with the terms of this policy as to disclosure of images.

9.4 All individuals with a need for operational access to SCS or for access to images captured via SCS shall be trained to a proficient level which meets appropriate safeguards before they are permitted access.

9.5 All relevant individuals are furthermore required to have read the Commissioner's Surveillance Camera Code of Practice and to have had sufficient training in the specific equipment they operate.

9.6 Officers are not permitted at any time to edit or alter SCS footage. The misuse of SCS could constitute a criminal offence.

9.7 Every individual with any responsibility for SCS under the terms of this policy or the relevant Code of Practice will be subject to MDDC's disciplinary procedures. Any breach of confidentiality may also be dealt with in accordance with those disciplinary rules.

9.8 The SRO is accountable for identifying a legitimate need for SCS installations where one exists (and for reviewing the same), for ensuring that DPIA are conducted and reviewed by the Corporate Management Team and an action plan generated and progressed and for making sure that risk controls are established where needed to protect personal privacy.

9.9 Members of the Corporate Management Team are responsible for approving proposed new SCS installations and any significant changes to existing ones. Where proposed installations are assessed as posing a high risk to personal privacy, they are responsible for referring the matter to the SIO for approval.

9.10 In cases of a serious breach involving SCS data, the SIO is responsible for reporting the matter to the ICO.

9.11 The SPOC is responsible for maintaining the SCS Register and participating in the investigation of breaches.

10 Review of this policy

10.1 This policy shall be reviewed every three years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Finance, Property and Climate Resilience 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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Code of Practice
for Surveillance Camera Systems operated by
Mid Devon District Council

November 2024

REVISION / REVIEW HISTORY				
Date	Summary of changes	Revision Number	Authored / Revised by	Approved by
09/09/20	Compilation of new Code	V 1.1	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
14/09/20	Accept changes to document	V 1.2	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
29/09/20	Changes to document	V 1.3	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
02/10/20	Changes to document	V 1.4	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
07/10/20	Changes to document	V 1.5	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
19/08/2024	Document Refresh	V2.0	Andrew Williams – Global MSC Security	Keith Ashton (SPOC)
03/09/2024	Changes to document	V2.1	Deborah Sharpley (Legal Services Manager) & Ewan Girling (Senior Information Officer)	Keith Ashton (SPOC)
06/11/2024	Changes to document	V2.2	Deborah Sharpley (Legal Services Manager), Ewan Girling (Senior Information Officer) & Keith Ashton (SPOC)	Keith Ashton (SPOC)

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Certificate of Agreement

The content of this Code is approved in respect of CCTV and surveillance systems owned and operated by Mid Devon District Council (MDDC) and as far as possible, will be complied with at all times by all who are involved in the management, operation and use of any MDDC CCTV systems.

Signed for and on behalf of Mid Devon District Council

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2020

Signed for and on behalf of Devon and Cornwall Police

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2020

Signed for and on behalf of _____

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2024

Certificate of Agreement

The content of this Code is approved in respect of CCTV and surveillance systems owned and operated by Mid Devon District Council (MDDC) and as far as possible, will be complied with at all times by all who are involved in the management, operation and use of any MDDC CCTV systems.

Signed for and on behalf of Mid Devon District Council

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2020

Signed for and on behalf of Exeter City Council

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2020

Signed for and on behalf of _____

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2024

Definitions and Abbreviations

CCTV Control Room (CR).

A secure facility located within Tiverton where connected CCTV and surveillance equipment systems are managed and operated in the day to day management of public areas. Which accommodates the central switching recording and ancillary equipment for the Tiverton Town Centre CCTV system along with the facility to monitor the system if required. The images are transmitted over BT Fibre Optic cable to the Exeter City Council Public Spaces Surveillance CCTV Control Room at St Stephens House, Exeter where they are monitored both live and proactively and recorded in response to reported incidents or events. There is a formal agreement in place for Exeter City Council to undertake the monitoring of these cameras.

CCTV Operators.

The people responsible for watching, controlling equipment and recording the images produced by Mid Devon District Council (MDDC) SCS.

Responsible Officer (RO)

A Responsible Officer (RO) is appointed at all sites or business areas using surveillance systems. They are responsible for the day-to-day management of the SCS system. The RO should support the SPOC in understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.

Senior Information Officer (SIO) (as acting Data Protection Officer (DPO)):

A statutory role set out under the Data Protection Act with responsibility for ensuring that organisations are compliant with personal privacy rights. Any resident can report a personal privacy concern about the Council to the SIO.

Senior Responsible Officer (SRO)

The SRO is the Director of Legal, People & Governance and Monitoring Officer and has strategic responsibility for compliance with the Protection of Freedoms Act 2012 (PoFA) in support of the Chief Executive in respect of all relevant surveillance camera systems operated by MDDC. The SRO will ensure that the interests of the council are upheld in accordance with this Code of Practice.

Single Point of Contact (SPOC)

MDDC has appointed an Operations Manager for Corporate Property and Commercial Assets. The role is operational in support of the SRO and DPO for all matters relating to surveillance systems. The SPOC will act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level.

Surveillance Camera Systems (SCS)

'SCS' has the meaning given by Section 29(6) of Protection of Freedoms Act 2012 and includes:

1. closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems
2. any other systems for recording or viewing visual images for surveillance purposes
3. any systems for storing, receiving, transmitting, processing or checking the images or information obtained by 1 or 2
4. any other systems associated with, or otherwise connected with 1, 2 or 3

This excludes any camera system used for the enforcement of speeding offences.

Systems Owner

MDDC owns public space SCS and a wide range of other smaller surveillance systems (PSS) operated across council business areas. The MDDC Head of Finance, Property and Climate Resilience undertakes the responsibilities of ownership on behalf of MDDC.

1. Introduction

1.1 Explaining this Code of Practice (Referred to as ‘the LA Code’)

MDDC is required to establish and maintain a Code of Practice which sets out the governance arrangements that all surveillance schemes operated by MDDC must comply with. This ensures the principles, purposes, operation, and management adopted by the main public-space SCS system are mirrored across the whole local authority service delivery operational areas. This MDDC Code of Practice (LA Code) must set out the regulatory framework that each scheme must comply with, the internal assessment process that each scheme must undertake, and the processes required to establish a new surveillance camera scheme or upgrade an existing scheme.

The LA Code explains the surveillance systems used by the Council. It seeks to provide accountability and reassurance to everyone affected using SCS across the MDDC area. It demonstrates that MDDC will comply with the law and ensure peoples’ rights are respected. The LA Code will also outline how the public may access recorded information, make enquiries or complaints.

The SPOC will be responsible for maintaining the LA Code, and providing regular guidance and updates to Responsible Officers to ensure that all SCS continue to be operated in full compliance with the regulatory framework governing its use.

1.2 MDDC use of Surveillance Camera Systems (SCS)

MDDC believes the use of SCS is a necessary and proportionate way of helping with a wide range of issues that affect people in public places, buildings and vehicles for which MDDC has a responsibility. MDDC also values the use of SCS to protect its staff where appropriate. We have considered the nature of the problems to be addressed and that SCS is justified as an effective solution where it is used. We will annually evaluate whether it is necessary and proportionate to continue using it.

1.3 Regulatory Framework

All our SCS will be operated on a lawful basis and fully compliant with the requirements of the UK General Data Protection Regulations (GDPR) and the Data Protection Act (DPA) 2018; known as the ‘data protection laws’. It will also fully regard all laws that impact on surveillance operations:

- The Human Rights Act (HRA) 1998
- The Crime and Disorder Act (CDA) 1998
- Freedom of Information Act (FoIA) 2000
- Regulation of Investigatory Powers Act 2000
- Protection of Freedoms Act (PoFA) 2012
- Information Commissioners' CCTV Code of Practice
- Surveillance Commissioner's Surveillance Camera Code of Practice

MDDC SCS includes CCTV cameras and body worn video (BWV), video surveillance cameras fitted to MDDC waste, recycling and road sweeper vehicles, and may in the future include automatic number plate recognition (ANPR). These will all comply with the Surveillance Camera Code of Practice issued by the Home Office (Section 29 PoFA) and other relevant legislation listed above.

MDDC recognises surveillance technologies have significant capabilities to intrude upon the right to privacy. If not lawfully, responsibly, and ethically operated, this technology may adversely impact upon the public confidence which MDDC seeks to provide by using it in the first place. People must be satisfied there is robust and accountable management of surveillance in all MDDC operational areas of service delivery.

1.4 The Tiverton Town Centre CCTV System

The **Tiverton Town Centre CCTV System** comprises of 40 cameras (this number may change) installed at various strategic locations throughout the town centre, including streets, parks, public places and car parks.

The cameras offer full colour, pan, tilt and zoom (PTZ) capability, some of which may be automatically switched to compensate for low light conditions.

Images from these cameras are sent to the CCTV CR, which accommodate the central switching recording and ancillary equipment for the PSS CCTV system along with the facility to monitor the system if required. The images are transmitted over BT Fibre Optic cable to the Exeter City Council Control Room at St Stephens House, Exeter where they are monitored both live / proactively and recorded / respectively in response to reported incidents or events.

The cameras / systems included for transmission and monitoring at Exeter City Council include;-

- a) Tiverton Town Centre CCTV System
- b) Tiverton Multi-Storey Car Park, Phoenix Lane

There is a formal agreement in place for Exeter City Council to undertake the monitoring of the **Tiverton Town Centre CCTV System** cameras alongside the Exeter City Council public space surveillance cameras. The Control Room is staffed by competent, qualified and experienced CCTV operators employed by the Exeter City Council.

All material (data) controlled and managed at the Control Room remains the property of MDDC and is processed (data processing) by competent, qualified Exeter City Council staff.

1.5 Other Surveillance Camera Systems operated by the Council

As well as the Tiverton Town Centre CCTV System and Tiverton Multi-Storey Car Park, MDDC is also responsible for SCS installed and operated at other locations or by staff engaged in operational duties throughout the District; these include:

- a) Phoenix House
- b) Old Road Housing Depot
- c) Carlu Waste Depot (Hitchcocks Business Park)
- d) Exe Valley Leisure Centre
- e) Lords Meadow Leisure Centre
- f) Culm Valley Sports Centre

1.6 Stakeholders

MDDC works closely with stakeholders to deliver SCS services. Typically, but not limited to:

- Devon and Cornwall Police
- The Safer Tiverton Partnership
- Exeter City Council

From time-to-time other local stakeholders may be involved in the use of SCS. Details of roles and responsibilities for key personnel responsible for MDDC SCS are shown in **Appendix A** to this Code.

1.7 Applying the LA Code of Practice

The LA Code will underpin oversight and day-to-day practice by all those managing and operating SCS. It will be supported by specific procedures in each operational area. Everyone connected with SCS operated by MDDC will ensure that the principles and purposes outlined in this LA Code are always upheld. A formal agreement is in place with Exeter City Council to undertake the proactive and reactive monitoring of **Tiverton Town Centre CCTV System** in line with this LA Code. A copy of this LA Code will be available at Phoenix House and on our website. If you would like a copy, please contact the SPOC.

2. Purposes of MDDC Surveillance Camera Systems

The main specific and explicit purposes of MDDC SCS across all operational areas are one or more of the following:

- To provide a deterrent to crime and anti-social behaviour
- To assist the prevention and detection of crime and apprehending criminals
- To improve public safety by reducing the perceived fear of crime
- To provide public reassurance and help improve quality of life in Tiverton
- To help secure safer areas and environments for those who live, visit, work, trade in or enjoy leisure pursuits in Tiverton
- To provide building security and a safe working environment for MDDC staff and visitors
- To provide MDDC vehicle fleet management information including the safety of staff and users of MDDC vehicles and assist in managing reported incidents and complaints
- To assist the police, other emergency services and MDDC with efficient management of resources
- To monitor traffic flow and assist in traffic management
- To assist with MDDC regulatory and statutory responsibilities, including revenues and benefits enforcement, civil parking enforcement
- To assist with the gathering and provision of evidence to support criminal and civil proceedings
- Support the management of public and commercial areas which are essential to commercial wellbeing of the community, including identifying bylaw contraventions
- To assist in civil emergencies and countering terrorism
- In appropriate circumstances, assisting the investigation of damage only accidents in MDDC owned car parks

The SRO and SPOC, after consultation with the SIO/DPO, may draw up other explicit purposes for specific deployments based on local concerns. These will be documented in operational and data protection impact assessments to justify deployment, made available as necessary and reviewed periodically.

The use of other surveillance technologies such as ANPR; BWV covert deployments may also have specific purposes applied to each. Where appropriate, these will be highlighted in the respective content in Section 5 of this LA Code.

The use of audio recording with surveillance technologies such as BWV, vehicle management SCS and cameras inside the CR requires greater justification with clear and explicit purpose. Where appropriate, the purposes will be highlighted in the respective content in in this LA Code.

3. Principles for implementing and operating MDDC SCS

Throughout this LA Code it is intended, as far as possible; to balance the need for surveillance as a safety and security measure with the need to safeguard the individual's right to privacy. MDDC expects this to be a paramount consideration for all persons involved with any of its surveillance camera systems.

3.1 All MDDC surveillance operations will always comply with the data protection laws and follow the Information Commissioner's current CCTV Code of Practice for surveillance systems and subsequent updates (ICO Code). Systems will be operated fairly, transparently, within the law, and only for the stated purposes in this LA Code. The ICO Code is published on the Commissioner's website www.ico.org.uk.

3.2 Local authorities and Police in England and Wales are 'relevant authorities' who must pay due regard to the 12 Principles of the Surveillance Camera Code of Practice (SCC Code) when operating surveillance camera systems, overtly, in public places and can be held accountable for failing to do so. In addition to the Tiverton **Town Centre CCTV System**, MDDC operates smaller schemes which are defined as public space schemes and listed at 1.5 of this Code. MDDC will apply the Surveillance Commissioner's Code to all it use of surveillance systems. [Amended Surveillance Camera Code of Practice \(accessible version\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

3.3 A Surveillance Camera Commissioner is appointed to oversee and promote compliance with the Surveillance Commissioner's Code. A 'toolkit' of documents has been produced to assist authorities meet compliance requirements. In general, the Surveillance Commissioner's Code covers the role of surveillance from the beginning to the end; 'cradle to judgement' (courts or disposal). MDDC applies the use of these documents in all operational areas. Every use of SCS will always be reasonable, necessary, and proportionate.

3.4 The decision to install new or updated SCS will be supported by operational needs-assessment documentation and a surveillance-specific Data Protection Impact Assessment (DPIA) to risk assess surveillance data processing and privacy issues. These documents will be completed before deciding to install. All installations must be justified to meet a 'pressing need' where it is being considered. When considering the use of SCS MDDC will, where possible, consult with relevant parties as appropriate.

3.5 Operating procedures relevant to individual operational areas will compliment this LA Code and ensure responsible and accountable supervision of all types of MDDC surveillance operations. Evidence will be kept securely and made available to ensure everyone's right to a fair trial in the event of any court or tribunal proceedings.

3.6 Occasionally SCS may be required to assist with 'covert' directed operations (e.g. by Police, Competent Authorities, HMRC etc.). Proper authority will be obtained and comply with the Regulation of Investigatory Powers Act 2000 (RIPA). The Surveillance Commissioner (SSC) and subsequently the Investigatory Powers Commissioner (IPC) regulate and oversee how public authorities use their investigatory powers. When

undertaken solely by MDDC, any covert directed surveillance authorised will meet the required 'crime threshold' and be further authorised by a Magistrates' Court.

3.7 All processes related to use of SCS will be regularly reviewed, at least annually, to ensure continued use of surveillance remains justified. Managers in operational areas will be required to maintain documentation in a Code Assessment Pack (CAP) which will demonstrate that each scheme continues to operate in compliance with the LA Code, and present this to the SPOC at the annual desktop assessment.

3.8 Any major changes to the LA Code will only take place after consultation with key stakeholders in the operation of any specific SCS system. Minor changes may be agreed between the persons nominated in Appendix A.

4. Data Protection Information

The UK GDPR were introduced in May 2018. The DPA 2018 implements UK GDPR standards across all general data processing and provides clarity on the definitions used in the UK context. It is important the UK GDPR and the DPA 2018 are read in conjunction with each other. They are known collectively as the 'data protection laws'.

For processing to be lawful under Article 6 UK GDPR, organisations need to identify a lawful basis before processing personal data. MDDC consider their lawful basis to be 6(1)(e) 'Public task': the processing is necessary to perform a task in the public interest or for official functions, and either has a clear basis in law and when used away from official public tasks-

The Data Controller is MDDC and the SRO for MDDC surveillance systems is the Director of Legal, People & Governance and Monitoring Officer. Data Control has been further delegated to a SIO/DPO. The Data Controller and SIO are responsible for:

- All copyright and ownership of all material recorded by virtue of the systems
- Full compliance with UK GDPR and DPA 2018
- Ensuring the rights of access to personal data by individuals (Subject Access) is managed
- Ensuring all other requests for disclosure of data held on the systems is managed
- Ensuring auditable accountability through a range of policy and procedures
- Receive and deal with all complaints from the public relating to the systems

Please read Section 7 of this LA Code for more information on requests to view and disclosure of surveillance data. The SPOC is responsible for the day-to-day oversight of operational management of the surveillance systems.

5. Management and Operation of Surveillance Camera Systems

5.1 General

All equipment associated with either the MDDC public space CCTV system or the SCS operated in other service delivery operational areas, (regardless of whether it is connected to the CR), will only be operated by personnel who have been properly trained in its use and relevant operating procedures.

All RO or sub-contractors responsible for any MDDC SCS will be careful about exercising personal prejudices which may lead to complaints about SCS being used for purposes for which it is not intended.

Officers may be required to justify their monitoring, recording, or disclosing of images of any persons, activity, or property at any time.

5.2 Deciding to use SCS and Camera Locations

Having considered Section 3 of this LA Code, if using surveillance is the most appropriate means of addressing a pressing need, cameras will be sited in positions to meet that need after preparing the documents/DPIA mentioned in 3.4 above. SCS must be justified, meet the purpose for which it was installed, and recordings must be of an appropriate quality.

Cameras will be prominently placed in positions within public view. As far as possible cameras will not be hidden or obscured and be sited in positions that minimise risk to tampering, damage or destruction.

As far as is reasonable, all SCS must meet the purposes agreed for their use and recordings must be of an appropriate quality.

Cameras will be restricted to ensure they do not view areas that are not of interest and are not intended to be seen, e.g. an individuals' private property. Electronic 'privacy zones' may be used to ensure that the interior of any private property cannot be viewed. Individuals who have concerns over any potential intrusion of their privacy may request a review of camera locations by writing to the SPOC at the details given in **Appendix A** of this Code. MDDC does not use any 'dummy' cameras.

5.3 Signs

Signs will be placed in the areas covered by cameras to make people aware of SCS surveillance.

Appropriate signs will be deployed on the main access routes into Tiverton in suitable positions to inform both vehicle drivers and pedestrians that SCS operates in the area. Signs will be used at strategic locations around the town centre areas covered by cameras as reminders of SCS in operation. Signs will also be positioned on and in buildings and vehicles owned and managed by MDDC where surveillance systems are used.

The signs will indicate:

- The presence of SCS monitoring (typically using a graphic of a SCS camera)
- The 'ownership' of the system (unless its plainly obvious)
- The intended purpose of the system (i.e. crime prevention; public safety and security)
- An up-to-date contact telephone number for further information and access to recordings

5.4 Transmission, Recording and Storing SCS Images

CCTV cameras send images to the CR or direct to a local on-site recording device using a variety of methods. These include cables, wireless signals, and computer networks. Security of transmission remains paramount. Transmission will either be owned by MDDC or provided under contract by an industry supplier.

MDDC uses Network Video Recorders (NVRs) to record the images from all cameras throughout every 24-hour period. The NVR's are either housed securely in the CR or in secure locations at specific MDDC sites. Recorded images are retained on the NVR's for no longer than 31 days. Retention periods may vary dependant on site specific issues. Future storage requirements may include cloud-based solutions. If so, data security measures will be employed to ensure MDDC is compliant with the data protection laws.

All recordings stored at the CR at Tiverton or at the Exeter City Council Control Room in Exeter can be replayed on the dedicated computer workstations in these secure areas. Only authorised staff / sub-contractors can download copies of recorded images when required for approved purposes. These images will then be kept for longer in accordance with the rules of evidence.

After retention, the recorded images are erased using an automatic digital process called 'overwriting'. This meets the requirements of not keeping data for longer than necessary, a principle of data processing.

At any other MDDC site, any recording, viewing, and exporting of images will only be undertaken by trained and authorised staff. All MDDC staff acknowledge the public must have total confidence that information recorded about them will be treated with integrity and confidentiality.

5.5 Monitoring SCS images

The CR at the Multi Story Car Park in Tiverton accommodates the CCTV Server Recording equipment, single monitoring station (for fail-over/ disaster recovery purposes) with images (live and recorded) being available to a CR for the main public space and the MSCP CCTV system. The SCS monitoring services has been contracted to Exeter City Council who operate their own Control Room to monitor their own public space surveillance CCTV systems as well as those of several neighbouring local authorities on a sub-contract basis. The Exeter City Council Control Room is staffed by qualified, competent and trained operators in accordance with MDDC policy and operational procedures (to compliment the Exeter City Council policies). (See Section 6 for details re CR).

At some MDDC sites where SCS is installed and not linked to the CR, monitors are installed to provide authorised staff with the opportunity to watch 'live' or review recordings when necessary; for example the sports/leisure centres. Monitoring is not a prime function at these sites.

Staff at all sites (via the SPOC) will be fully conversant with this LA Code and their specific operational procedures which they will be expected to comply with as far as reasonably practicable at all times.

5.6 ANPR

MDDC does not use ANPR cameras at this time.

5.7 Body Worn Video (BWV)

Where used by MDDC employees, BWV are cameras worn by a person and usually attached to their clothing or uniform. BWV units can record both video and audio information. This technology is in regular use by law enforcement agencies. BWV systems are more intrusive than the more 'normal' SCS systems because of its mobility and use in 'close-up' situations with people.

This LA Code does not apply to BWV, which has a specific Code of Practice for its operation and which should be referred to for this purpose.

Before MDDC decided to use BWV, it followed all the general principles set out in Section 3 of this LA Code. Its use is justified, proportionate, necessary and addresses a pressing operational need.

MDDC deploy BWV equipment on staff engaged in enforcement to support the purposes of surveillance stated in Section 2 of this Code. The user or the BWV unit is clearly labelled. BWV will be specifically used in 'incident-specific' circumstances to gather evidence and to protect MDDC officers in hostile situations, or when there is reason to think that a situation may result in a complaint against MDDC.

BWV recordings are managed via evidence management software. Individual users cannot access data on the BWV device. Use of BWV will be compliant with the ICO Code for Surveillance Systems and the College of Policing BWV Code of Practice. All MDDC BWV users will be suitably trained before being used.

5.8 Audio Recording

MDDC considers the use of audio recording, particularly where it is continuous, to be more privacy intrusive than purely video recording. Its use will therefore require much greater justification.

MDDC will not use sound recording facilities with its main public space SCS system. Audio recording may be used in other circumstances, for example, BWV as above, for safeguarding or complaints.

MDDC will only use audio recording where:

- A pressing operational need is identified, and other less intrusive methods have been explored
- The need cannot be appropriately addressed, and the only way is the use of audio recording
- Appropriate 'data protection by design' methods have been incorporated into the system

Where MDDC decides to use audio recordings in specific circumstances they will ensure:

- A thorough camera-specific DPIA will be carried out.
- The system provides a high enough quality of recording to achieve the stated aim.
- The most privacy friendly approach is used; where video and audio recording can be controlled and turned on and off independently of each other. These two types of data processing should be considered as separate data streams and should be controlled separately to ensure irrelevant or excessive data is not obtained and held.
- It must be proportionate.
- Where considering the use of audio with SCS MDDC will, where possible, consult with relevant parties as appropriate. It is made clear to data subjects that audio recording is taking place, over and above any visual recording which is already occurring

Recording of two-way audio feeds from 'help points' covered by SCS cameras is deemed acceptable where it meets an operational need and are activated by the person requiring assistance.

Signs will be prominently displayed indicating audio recording is used.

5.9 Redeployable SCS

Re-deployable SCS (mobile) cameras can be moved from one location to another and be fully operational within a short time. They are used to follow incident or crime hotspots whenever and wherever they appear. MDDC may use this technology when necessary; for example, environmental enforcement for fly-tipping.

Deciding to use and deploy this technology will require the same standards as set out in Sections 3 and 5.2 of this LA Code, albeit in a suitable format to provide for speedy deployment when necessary. Use of re-deployable (mobile) cameras will always be in accordance with the law, national and local guidance and accountable through specific operating procedures.

5.10 Access to Recordings and Audit Trail (Record keeping)

Access to any monitoring or recording equipment in any MDDC service delivery operational area is restricted to ensure security and confidentiality of the information processed. Only nominated key staff/sub-contractors will be allowed to access equipment and recordings for proper reasons and must only be for the stated purposes of SCS.

Access control measures will be used to ensure security and confidentiality where necessary. There will not be any public access to equipment or recordings at these sites. Individual subject access to 'personal data' is not affected by this clause.

There will be records kept, either paper-based or electronically on a computer, of all relevant activity associated with the operation and management of any such SCS. This will typically include but not be limited to:

- Actions taken by operational staff and incidents reported to or seen by them
- Request, Review, Download and Release of any recorded images
- Fault reporting and rectification and the regular maintenance programme

Every recording or operational audit record has the potential of being required as evidence at some point.

All record keeping will be carried out in accordance with user-specific operating procedures overseen by individual RO in each operational area.

5.11 Maintenance of SCS

MDDC will ensure all the SCS are properly maintained in accordance with operational procedures and maintenance agreements. Maintenance agreements will make provision for regular/periodic service checks on the equipment which will include cleaning of all-weather domes or housings, checks on the functioning of the equipment and any minor adjustments that need to be made to the equipment settings to maintain picture quality. Agreements will also include regular periodic overhaul of all the equipment and replacement of equipment, which is reaching the end of its serviceable life.

Maintenance agreements should also provide for 'emergency' attendance by a specialist SCS engineer to rectify any loss or severe degradation of image or camera control. Appropriate records will be kept by MDDC RO and the maintenance contractor.

Exeter City Council Control Room Staff will be issued with contact details for the MDDC CCTV maintenance contractor for the purposes of engaging emergency callout facilities and services where required. Maintenance records left at the Exeter City Council Control Room will be forwarded to MDDC to retain.

5.12 Discipline

Every individual (directly employed staff or sub-contract staff) with any responsibility for SCS under the terms of this LA Code or related user-specific procedures will be subject to agreed disciplinary procedures. Any breach of this LA Code or of any aspect of confidentiality may be dealt with in accordance with those disciplinary rules. A breach of the LA Code may result in criminal proceedings.

6. MDDC CCTV Control Room

6.1 General principles

The CCTV CR is a secure facility located within Tiverton where connected CCTV and surveillance equipment systems are managed and operated in the day to day management of public areas. It accommodates the central switching recording and ancillary equipment for the Tiverton Town Centre CCTV system along with the facility to monitor the system if required. The images are transmitted over BT Fibre Optic cable to the Exeter City Council Control Room at St Stephens House, Exeter where they are monitored both live and proactively and recorded in response to reported incidents or events. There is a formal agreement in place for Exeter City Council to undertake the monitoring of these cameras.

6.2 Control Room

The Exeter City Council Control Room is the central facility for monitoring Tiverton public space CCTV for recording and monitoring purposes. MDDC 'contracts out' its SCS monitoring to Exeter City Council and also 'contracts out' its preventative and corrective maintenance services to a specialist contractor. The Exeter City Council Control Room is fully staffed by trained and accredited staff to provide fully specified MDDC services in accordance with MDDC CCTV and SCS policy and specific operational procedures as agreed under a formal agreement with Exeter City Council.

All staff will be fully conversant with this LA Code and their operational procedures which they will be expected to comply with as far as reasonably practicable at all times.

The Control Room operator's main role is to continuously monitor, identify and respond to incidents. Operators using any MDDC cameras will always act with utmost integrity. The cameras and recordings will only be used for the purposes listed at Section 2 of this LA Code. All staff responsible for SCS, will be careful about exercising prejudices which may lead to complaints about SCS being used for purposes for which it is not intended.

Cameras will not be used to look into private residential property. Operators can be required to justify their interest in, or recording of, any individual, group of individuals or property at any time.

6.3 Private Security Industry Act 2001 and the Security Industry Authority (SIA)

Under the provisions of the Private Security Industry Act 2001 it is a criminal offence for staff to be 'contracted' as public space surveillance (CCTV) operators in England, Wales, and Scotland without a Security Industry Authority (SIA) licence. The SIA is responsible for regulating the private security industry. For more information visit: www.sia.homeoffice.gov.uk

Staff carrying out monitoring tasks for MDDC will be competent, experienced and qualified SIA CCTV Licence Holders in compliance with this legislation.

6.4 Staff Vetting

It is a condition of employment that all staff being selected for a role in the CR are successful through locally agreed vetting procedures and those defined by the SIA for an SCS Licence. As an 'Airwave' Police Digital Radio is installed, staff will be vetted to Non-Police Personnel standard as required by the National Police Chiefs Council (NPCC; previously ACPO) and Devon and Cornwall Police.

6.5 Staff Training

Every member of staff directly connected to the operation of SCS or with responsibility for the CR will be trained appropriately for their role. As a minimum the SIA CCTV Licence demands a structured training programme that results in a recognised qualification. The Information Commissioners Surveillance Code requires all staff to be trained in their responsibilities for data management.

6.6 Access to and Security of CR

Access is restricted to ensure security and confidentiality of the information inside the CR. Robust access control measures will be used to restrict access to authorised Exeter City Council Control Room or MDDC staff ensuring security, integrity, and confidentiality. If the CR is left unattended for any reason it will be secured. In the event of evacuation for safety or security reasons, standard operating procedures will be complied with.

General entry will not be allowed without sufficient reason and must only be for the stated purposes of CCTV. Any formal requests that are received from members of the public requesting entry to the control room will be dealt with by the MDDC Responsible Officer.

Except where used for training or demonstration purposes there shall be no public viewing of the monitors. Images of areas in which individuals would have an expectation of privacy will not be made available for these purposes nor will they be viewed by non-authorized persons.

Regardless of anyone's status, all access to the CR will be recorded in a Visitors Log. All visitors will be reminded of the need for confidentiality by displayed notices and a clause in the Visitors Log. Operational staff will ensure only authorised access and an accurate visitors log is maintained and enforced.

ROs, who frequently go into the CR as part of their daily duties are exempt from signing the Visitor Log providing, as they would have signed a Declaration of Confidentiality.

6.6 Use by Law Enforcement Agencies

From time-to-time arrangements may be made for law enforcement staff to be in the CR to support their operations with CCTV. If this involves 'covert' operations by specific law enforcement agencies, then on every occasion the SPOC must be satisfied that proper authority has been obtained under the Regulation of Investigatory Powers Act 2000 (RIPA). Only trained and authorised staff with responsibility for using the

CCTV equipment will have access to the controls and operate the equipment. The presence of law enforcement agencies will always be supervised by an authorised user from within the CR and in accordance with this Code and agreed operational procedures. CR operations will always have primacy. Security, safety, and protection of the public will remain paramount.

6.7 Declaration of Confidentiality

Every individual with responsibilities connected to the CR or any surveillance system linked to it under this Code or related procedures will sign a declaration of confidentiality. The signed copy will be held by the ECC or MDDC Responsible Officer for the PSS SCS.

7. Viewing and Disclosure of CCTV Recordings

7.1 General Principles

Requests for access to, viewing and disclosure of recorded images from any MDDC CCTV or other SCS will be controlled in accordance with defined procedures and consistent with one or more of the purposes listed in Section 2 of this Code.

Safeguarding an individual's rights to privacy will always remain a priority.

SCS information will not be copied, sold, disclosed, or used for commercial or entertainment purposes. Occasionally recordings may be used by MDDC for:

- Training and demonstration purposes but the material will be selected by the MDDC RO and its use will be strictly controlled
- to assist in the general planning and management of the areas of SCS coverage
- to assist in identification and compiling of information relating to public safety
- to assist in the efficient management of service delivery in the areas of SCS coverage

Written authorisation from the relevant RO will be required before access for research purposes. The copying of material or its removal from any MDDC surveillance system for research purposes will only be permitted under exceptional circumstances and shall be fully documented.

Where necessary, final judgements about content of any third-party disclosure will be made by the MDDC Data Controller in consultation with the DPO/SIO.

Author's Note: 'Detailed MDDC Guidance on Viewing and Disclosure to Third-Parties' should be prepared and read in conjunction with this LA Code. Only key aspects are covered in this section.

Copyright and ownership of all information relating to recordings from MDDC surveillance systems will remain with the Data Controller. Once SCS images have been disclosed to another body (such as the police), then they become the Data Controller for their copy of the images. It is their responsibility to comply with the data protection laws in relation to any further disclosures.

7.2 Requests for Viewing of CCTV Recordings

Under Article 30 of the GDPR, larger organisations are required to maintain a record of their processing activities. Any request for viewing or access to any MDDC SCS data must be documented for accountability; a key principle of data processing and compliance with the DPA 2018. It allows MDDC (or Exeter City Council on behalf of MDDC) to request information or details from individuals requesting information relating to recordings from surveillance systems.

All requests for viewing (and disclosure) of any MDDC CCTV data will be in accordance with service delivery operational procedures. For SCS recordings held at the CR, the management of requests will be the responsibility of the Operations Manager for Property and Commercial Assets. In other service delivery operational areas, requests for viewing (and disclosure) of SCS images will be the responsibility of the RO or nominated individual based and if necessary, in consultation with the SPOC.

All requesters will be encouraged to submit or complete documented requests. Requests from the police service will be 'in writing' but may be a specific document used by police forces and emailed to MDDC. An MDDC form is to be used for this purpose.

7.3 Disclosure to Members of the Public - Subject Access Requests

The Data Protection Act 2018 gives individuals rights of access to their personal information held by MDDC. Subject access is a fundamental right for individuals, but it is also an opportunity for MDDC to provide excellent customer service by responding to Subject Access Requests (SARs) efficiently, transparently and by maximising the quality of the personal information held. Requests by members of the public for CSC images are limited to 'personal information' as required by DPA 2018. Third-party information (e.g. another's identity or vehicle registration number) will not be disclosed through SARs. If other third-party information is shown with the images of the applicant, images will be suitably obscured.

A valid SAR must always be made in writing. This can be by letter, online form or via email to the Information Management Team: DPO@middevon.gov.uk. The applicant will be asked to complete a form with sufficient information to validate their identity and enable the data to be located. MDDC has a maximum of a month starting from the day the request and identification (if required) is received. This is a statutory requirement which must be adhered to. In exceptional circumstances an extension can be agreed with the Information Management Team.

Generally, information will be provided free of charge. There are exceptions.

SAR's will not be granted in circumstances that may prejudice the prevention or detection of crime and the apprehension or prosecution of offenders. Other disclosure rules may apply.

Further advice on SARs is given in the ICO CCTV Code of Practice and a Your Right of Access which are published on the Commissioner's website www.ico.org.uk

7.4 Disclosure to Members of the Public – Freedom of Information Act 2000

The Freedom of Information Act 2000 (FOIA) gives the public a general right of access to official information held by most public authorities (police or councils, etc.). It also applies to companies which are wholly owned by public authorities. Typically, it applies to information around decisions, statistics, spending money and effectiveness. Requests may be by letter or email. The public authority must state whether it holds the information and normally supply it within 20 working days in the format requested.

When responding to requests, there are procedural requirements set out in the FOIA which an authority must follow. There are also valid reasons for withholding information, which are known as exemptions. FOIA exemptions apply to disclosure of SCS images.

If the images are those of the FOIA applicant - the information will be treated as a SAR as explained at 7.3 above. If the images are of other people/vehicles etc., these can only be provided if disclosing the information does not breach the data protection principles.

In practical terms, if individuals are capable of being identified from the relevant SCS images, then it is personal information about the individual concerned. It is unlikely that this information can be disclosed in response to an FOIA request. The applicant could potentially use the images for any purpose and the individual concerned is unlikely to expect this and so it likely to be unfair processing breaching the DPA 2018.

NOTE: No matter how a request is received there is no requirement for the requester to mention either the DPA 2018 or Subject Access for it to be a valid request. In some cases, the requester may even state the wrong legislation e.g. Freedom of Information Act, but the request will still be valid.

It is the responsibility of the officer dealing with it to appropriately recognise a request as one for personal data and refer it to the Information Management Team if they are not sure they should check before disclosing any information.

This guidance is not exhaustive. Full details on FOIA issues are found at the ICO website; www.ico.org.uk

7.5 Disclosure to Other Third Parties

Requests to view and disclosure of recorded images from any MDDC CCTV or other surveillance camera system will normally be granted to organisations or specific individuals (other Third Parties) that show they are a bona-fide applicants with a legitimate interest in the SCS recordings and show valid reasons which must meet the purposes listed in Section 2 of this LA Code.

Where this is not an SAR or FOI, a charge may be applied on a case-by-case basis.

These are mainly (but not limited to) the following organisations:

- All UK police staff, (including Ministry of Defence and Military Police)
- Statutory authorities with powers to prosecute, (e.g. H.M. Revenue and Customs, Local Authorities, Trading Standards, Environmental Health, and any other 'competent authority'.)
- Solicitors or their legal representatives in criminal or civil proceedings
- Individuals representing themselves in judicial proceedings. Please be advised data will only be released in accordance with DPA guidelines
- Other agencies (e.g. Insurance companies) according to purpose and legal status. A fee may be charged to cover costs of searching, copying and disclosure. Some requests may be treated as a DPA Subject Access Request if an individual has authorised an SAR submission on their behalf

A third-party request (TPR) applicant should provide sufficient information to enable an assessment of type of request; [i.e.: is it a data subject access request for 'personal data' or a general access request from a bona-fide entity?] and the relevant data to be located. Information that is too broad or covers extensive time periods making it difficult to locate the data will need to be revised and more specific. All requests for information will be scrutinised in detail. Viewing and disclosure of information will not be unduly obstructed, but MDDC may refuse requests due to insufficient information or invalid reasons.

The correct disclosure form should be completed in every case.

If validated, the request will proceed. Access to and disclosure of SCS data held on MDDC surveillance systems (data export) will come from a range of users.

7.6 Disclosure to the Media

Requests for SCS images from the media will always be considered if it meets the stated purposes or is in the public interest to be disclosed. Judgements about disclosure to the media will be made by the SPOC in consultation with MDDC communications staff and Information Management Team where necessary. The disclosure will include a signed release document that clearly sets out what the data will be used for, the limits on its use and retention of editorial control by MDDC.

Devon and Cornwall Police or other police force will be permitted to release recorded material to the media in connection with an investigation or detection of a crime without prior approval of MDDC. SCS recordings subject to approved release should relate to specific incidents and only be released in accordance with the

NPCC media guidance and Devon and Cornwall Police procedures. Strict copyright conditions that do not allow it to be used for entertainment or any other purposes will apply.

The SPOC and communications staff should be advised of the release of the recorded material to the media. Every effort should be made to give the notification prior to its release.

8. Reviews and Audits of MDDC Surveillance Camera Systems

8.1 General principles

- i. To ensure compliance with Data Protection and Protection of Freedoms laws and their Codes of Practice, the continued use SCS cameras requires periodic reviews. The Surveillance Camera Code of Practice requires effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published. This will be coordinated by the SPOC who will set minimum expectations on who and how a SCS system will be reviewed to assess system effectiveness and justify its continued use. This is recommended to be at least an annual desktop assessment.
- ii. In advance of the annual desktop assessment the SPOC will send a questionnaire to each site's RO for completion as part of the review process.
- iii. Regular checks and audits should be conducted more frequently by the RO in each service delivery operational area to ensure that policy and site procedures are always being complied with.
- iv. The process of using documented surveillance operational assessments and DPIA's will make the annual review more straightforward. Where evidence shows a SCS camera location continues to be justified the camera will remain. Where evidence, gathered over a 12-month period, cannot be found to show that a SCS camera location continues to be justified the camera use should be reconsidered by MDDC in consultation with SCS operational stakeholders.

8.2 Maintaining a Code Assessment Pack (CAP)

ROs in each operational area are required to maintain documentation in a Code Assessment Pack (CAP) which will demonstrate that their systems continue to be operated in compliance with this LA Code, and present their evidence to the SPOC at the annual desktop assessment. Typical CAP contents will be (but not limited to):

- Evidence of compliance with the principles of the SC Code and other relevant legislation such as UK GDPR, DPA 2018, and Human Rights considerations including completing the Self-Assessment Tool
- DPIA - This should be reviewed when changes are made to the system

- A list of all the documents that the RO must maintain
- An asset list
- Declaration of compliance
- Records of the people authorised to access recordings
- Training records;
- Records of access requests received
- Signage review
- Any cyber considerations

Full details of the CAP can be found at: <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact>

8.3 Annual Report

Using the above review information, the SPOC will prepare and publish an annual report of MDDC surveillance camera systems. Within the main annual report there should be a subheading for the SPOC to set out the number of operational areas under their remit and to give a brief overview of any inspections, contracts associated with the schemes, number of compliments and complaints in relation to the schemes and details of the scheme's performance and priorities. This approach includes the wider issues for justifying continued of SCS.

From time-to-time one or more systems will be independently audited to assess its overall performance.

9. Making Enquiries or Complaints about SCS

A member of the public wishing to make enquires, compliments or a complaint about any aspect of an MDDC surveillance camera system may do so by contacting the SPOC. See **Appendix A** of this Code.

All complaints will be treated seriously. They will be dealt with in the same way as the discipline and complaints procedures which apply to all staff or sub-contractors employed by MDDC.

The SPOC will ensure that every complaint is acknowledged and include advice about the procedure to be undertaken. Details of all complaints and the outcome will be included in the SCS annual report.

If the outcome from a complaint about how the SCS system operates or how images (data) were handled is thought to be unsatisfactory this should be reported to the DPO/SIO as soon as possible, the Office of the Information Commissioner may investigate independently. Individuals have additional rights under DPA 2018 to prevent processing likely to cause substantial and unwarranted damage or distress and to prevent automated decision-taking in relation to the individual.

Visit; www.ico.org.uk ; telephone 0303 123 1113 or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Appendix A

Key Roles and Responsibilities

1. Ownership

The Owner of all MDDC surveillance camera systems is:

Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel. 01884 255255

<https://www.middevon.gov.uk>

Through the office of the Chief Executive, MDDC will:

- Determine the purposes, and the way, any surveillance camera system is established and be the data controller of any personal data is processed by them. MDDC is the data controller of all personal data used and held within each individual department.
- Appoint key roles to support the management of surveillance camera systems across its area of responsibility to ensure that all such equipment, it's siting, deployment, and management is compliant with a complex framework of legislation, regulation, and guidance.

2. Management

2.1 Senior Information Officer (SIO as defined above)

The Council's DPO/SIO will:

- i. Ensure compliance with the GDPR and DPA 2018 and is responsible for upholding data subject's rights in relation to various aspects of the Act on behalf of the Owner
- ii. Review completed surveillance camera specific data protection impact assessments (DPIA as set out in Article 35 of the GDPR and Section 64 DPA 2018) from each MDDC operational area and should advise on compliance and whether processing can proceed
- iii. Ensure that each Service Delivery Privacy Notice includes references to data processed by surveillance cameras to meet the principles of transparency and accountability

2.2 Senior Responsible Officer (SRO as defined above)

- i. Take strategic responsibility for compliance with the PoFA in support of the Chief Executive in respect of all relevant MDDC surveillance camera systems

- ii. Ensure that the interests of the Council are upheld in accordance with the 12 principles of the Surveillance Camera Code of Practice under Section 33(5) of the PoFA. MDDC is an organisation in England and Wales that must have regard to the Surveillance Camera Code of Practice
- iii. Be supported by a SPOC to ensure day-to-day compliance with the Surveillance Camera Code of Practice and all related matters
- iv. If you have any concerns or questions about how we look after your personal information or compliance with the Surveillance Camera Code of Practice, please contact us at [Contact Customer Services - MIDDEVON.GOV.UK](#) or call 01884 255255.

2.3 Single Point of Contact (SPOC)

The SPOC is the MDDC Operations Manager for Corporate Property and Commercial Assets and will:

- i. Be the day-to-day management and operational support to the SRO and DPO/SIO for all matters relating to any MDDC surveillance systems
- ii. Act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level
- iii. Establish and maintain an MDDC Code of Practice (this LA Code) which sets out the governance arrangements that all schemes must comply with and provide regular guidance and updates to ROs
- iv. Carry out an audit of MDDC surveillance camera systems to find out exactly what type of systems are being used by the council across all operational areas; where all its cameras are located and who has responsibility for them
- v. Ensure that any MDDC staff operating SCS are properly trained, keep them up to date on changes to legislation and help them to develop
- vi. Standardise signage, set out clear roles and responsibilities, improve competence across the council and set up a governance board to scrutinise the use of SCS across MDDC
- vii. Appoint Responsible Officers for service delivery operational areas and advise on changes to schemes including adding or removing cameras, and where they are best located

The SPOC should read and understand their role as set out in 'Guidance: Introducing a Single Point of Contact (SPOC) <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact> This document is primarily aimed at local authorities but can be utilised by any organisation operating video surveillance systems

If you have any concerns or questions about day-to-day MDDC CCTV operations or compliance with the Surveillance Camera Code of Practice, please contact us at [Contact Customer Services - MIDDEVON.GOV.UK](mailto:Contact.Customer.Services@MIDDEVON.GOV.UK) or call 01884 255255.

2.4 Responsible Officers (RO)

A Responsible Officer (RO) will be appointed at all MDDC service delivery operational areas using surveillance systems. They will:

- i. Fully comply with relevant laws, regulations, and the contents of this LA Code of Practice
- ii. Be responsible for the day-to-day management of their operational area use of SCS
- iii. Support the SPOC understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system
- iv. Ensure audit trail documentation is maintained for image management activity
- v. Undertake regular reviews of operational procedures to ensure compliance
- vi. Maintain a Code Assessment Pack (see at 9.2 of this Code), complete an annual questionnaire supplied by the SPOC and present their evidence to the SPOC at the annual desktop assessment

Full details of the CAP can be found at: <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact>

Appendix B **Mid Devon District Council Surveillance Camera Systems**

1.0 MDDC SCS

The Council owns and operates a number of Surveillance Camera Systems in its towns, buildings and offices as part of its function to provide safe environments for all.

1.1 The Council has the following camera numbers at the following sites:

a) Tiverton Town Centre SCS System	40
b) Tiverton Multi-Storey Car Park, Phoenix Lane	24
c) Phoenix House	32
d) Old Road Housing Depot	8
e) Carlu Waste Depot (Hitchcocks Business Park)	24
f) Exe Valley Leisure Centre	16
g) Lords Meadow Leisure Centre	14
h) Culm Valley Sports Centre	12

The Council owns a total of 170 surveillance cameras across 9 sites.

A list of all cameras for each of the above locations is retained by MDDC Property Services.

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**Code of Practice for operation and
management of Body Worn Video
Cameras
November 2024**

Contents

- 1) Introduction and Purpose**
- 2) User Guidance**
- 3) Data**
- 4) Security and Governance**
- 5) Relevant Legislation**
- 6) MDDC Related Policies/Documents**

1. Introduction and Purpose

- 1.1. This Code of Practice will underpin oversight and day-to-day practice by all those managing and operating Body Worn Video (BWV). Everyone connected with BWV operated by Mid Devon and District Council (MDDC) will ensure that the principles and purposes outlined in this Code of Practice are always upheld. This Code of Practice should be read in conjunction with MDDC's CCTV and Surveillance Policy.
- 1.2. BWV involves the use of cameras that are worn by a person, and are often attached onto the front of clothing or a uniform. These devices are capable of recording both visual and audio information. It has been identified that the District Officers at MDDC within Environment and Enforcement are at a greater risk of confrontation due to the nature of their role. In order to ensure the health, safety, and wellbeing of the team, body worn video cameras are deployed on their persons.
- 1.3. The purpose of this document is to provide guidance on the use of BWV by officers within MDDC and ensuring compliance with relevant legislative requirements. For example: the deployment of BWV, retention of data and the security of data.
- 1.4. MDDC has opted to procure the D5 body camera (the device) provided by Reveal Media Ltd. This device is widely used by other authorities and Police forces throughout the country. The device is user operated and therefore, will only record when the user switches it on. This enables MDDC to ensure there is minimal intrusion on every day activities, its use is only ever activated when an officer believes themselves to be in a confrontational situation.
- 1.5. All users of the devices will be provided with the appropriate training for its use. This training will be conducted in-house utilising the knowledge and experience within MDDC. The Information Commissioner's Surveillance Code requires all staff to be trained in their responsibilities for data management.

2. User Guidance

- 2.1. The device is operated by the user and is not recording unless switched on using the switch located on the right hand side of the device. The device has a 30 second prerecord function, this will buffer 30 second recordings which enables the user to capture 30 seconds of footage prior to activation.

- 2.2. The user has to consider whether activation of the device is necessary, proportionate and addressing a need such as those listed in MDDC's CCTV and Surveillance Policy in section 3. Ultimately, it is for the user to determine when activation occurs based on the circumstance presented to them, however, consideration of these points should be used to justify the use. The user must ensure the device is functioning correctly and has the correct date and time prior to any duty commencing.
- 2.3. When activating the device users **MUST** inform those being captured that they are being recorded for visual and audio purposes. This ensures the user and MDDC are in compliance with the Data Protection Act 2018. This verbal announcement negates the need to have visible signage on the user's person. If it is not immediately possible to provide this announcement, recorded parties must be made aware at the earliest opportunity.
- 2.4. Once the device has been activated, users must ensure that recording is continuous throughout the interaction until it has reached a close. It is not acceptable for a user to switch the device on and off intermittently during an interaction.
- 2.5. Recording will always be of an overt nature and in a public place. No recordings are to be captured in what could be considered private dwellings, schools or care homes. The device has a front facing screen which any recorded party is able to see once the device is activated. Stealth/cloak mode is disabled on all devices.
- 2.6. Users should be acutely aware of their surroundings, careful consideration should be given to activating the device in areas surrounding schools or where vulnerable people may be present. Activation in circumstances such as this may require additional justification for use.
- 2.7. Where physical contact is made to a user, the device must be activated.
- 2.8. Playback directly from the device will not be available to the user. However, a passcode known to management and the Information Management team can provide playback from the device, should a Police Constable require it at the scene.
- 2.9. Direct recording of children and/or vulnerable people should be avoided. In extreme circumstance there may be a justifiable use of BWV in these circumstances, such as the user is being attacked by a person in either of these categories.
- 2.10. Device users are required to dock the devices upon their return to the office at the end of their shift.
- 2.11. The user is responsible for saving the captured footage directly to the encrypted cloud storage at the end of their shift.
- 2.12. Users will need to identify what footage is classed as evidential (and therefore retained) from a user footage sheet located within the office.

3. Data

- 3.1. Data captured from the device will be encrypted and only accessible via the use of DEMS 360 software. Within the authority there will be 1 devices which have the functionality to use DEMS 360. However, I.T are able to upload the software to further devices where required.
- 3.2. Any captured data will be deleted automatically unless marked evidential by the user.
- 3.3. Data marked as evidential will be retained for a period of 30 days. Once 30 days has elapsed the data will be automatically deleted from the system.
- 3.4. Where data has been identified for use in an ongoing Police investigation, this will be retained for a period of 2 years or until the case has reached a conclusion.
- 3.5. The device is self-contained and access cannot be obtained to the memory function. The device has built in memory storage and not a removable card to ensure security of data.
- 3.6. Storage of data will be via cloud provided by Reveal Media Ltd. This storage platform is an encrypted storage capacity which can only be accessed with the correct user credentials through DEMS 360 software.
- 3.7. In the unlikely event of a device becoming lost or stolen, users need to immediately report this in accordance with the Information Security Incident Policy to the . Access to any recorded data on the device is very unlikely, however, it is still considered a data breach and the relevant MDDC policies need to be followed in relation to this.

4. Security and Governance

- 4.1. Use of BWV described in this Code of Practice refers only to 'overt use' as there is no 'covert option.' MDDC should ensure that the use of the cameras is widely advertised prior to commencement, and that their use is reiterated by staff wearing a sign/symbol and/or making a verbal announcement where possible to those persons who may be recorded.

5. Relevant Legislation

- 5.1. This policy provides guidance on the appropriate and effective use of SCS and in particular how it meets the requirements of:
 - The Human Rights Act 1998
 - Data Protection Act 2018
 - UK General Data Protection Regulation
 - Regulation of Investigatory Powers Act 2000
 - The Protection of Freedoms Act 2012
 - Information Commissioners' CCTV Code of Practice

- Surveillance Commissioner's Surveillance Camera Code of Practice
- Criminal Procedure and Investigations Act 1996
- Criminal and Disorder Act 1998

6. MDDC Related Policies/Documents

- CCTV Code of Practice
- Data Protection Policy
- Freedom of Information Policy
- Information Security Incident Policy
- Records Management Policy

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CODE OF PRACTICE FOR MANAGEMENT AND OPERATION OF CCTV ON STREET SCENE VEHICLES

1. Introduction and Purpose:

This Code of Practice will underpin oversight and day-to-day practice by all those managing and operating. Everyone connected with Vehicle Surveillance Cameras (VSC) operated by Mid Devon and District Council (MDDC) will ensure that the principles and purposes outlined in this Code of Practice are always upheld. This Code of Practice should be read in conjunction with MDDC's CCTV and Surveillance Policy.

The purpose of this document is to provide guidance on the use of the VSC by officers within MDDC and ensuring compliance with relevant legislative requirements. For example: the deployment of VSC, retention of data and the security of data.

All users of the devices will be provided with the appropriate training for its use. This training will be conducted in-house utilising the knowledge and experience within MDDC. The Information Commissioner's Surveillance Code requires all staff to be trained in their responsibilities for data management.

The use of the VSC must be necessary, proportionate and addressing a need such as those listed in MDDC's CCTV and Surveillance Policy in section 3. The VSC are fitted to waste, recycling and road sweeper (Street Scene) vehicles for the purposes of health and safety of employees (including identifying any potential misconduct) and members of the public and for the investigation of accidents, incidents and near misses.

2. System Specification

The system fitted to each vehicle comprises the following components:

- 4 x external mounted cameras
- 1 x Vision Technologies (VT) Record 5 Hard Disk 4-Channel Recorder C/W 1TB HDD & 16GB SD Back-Up
- 1 x internal mounted monitor

The system records live footage to the Hard Disc Drive (HDD) when the vehicle is switched on; audio recording with this system will not take place.

The rear camera is reverse wired to enable the monitor to be used as a dedicated reversing aid.

The HDD is secured in a tamper-proof cabinet in the cab of the vehicle. Access to the HDD itself is restricted to authorised external personnel for maintenance and replacement purposes only (e.g. VT engineers and/or Specialist Fleet Services (SFS) engineers). Footage captured cannot be viewed from the HDD.

3. System Checks

The Waste and Transport Manager will act as the System Manager.

Checks are carried out on a regular basis to ensure the recording system is operating correctly. This will involve downloading or observing brief video footage of random days and will be carried out by Authorised Personnel only. [Authorised Personnel are Managers and Supervisors/Team Leaders tasked with investigations in relation to accidents and incidents].

4. Camera Positioning

The system comprises four high resolution/definition cameras that will be positioned to give the greatest coverage around each vehicle as possible; the positions of the cameras are as follows: -

1. Front on dashboard in central position (facing out)
2. Nearside Mirror Arm (facing rear)
3. Offside Mirror Arm (facing rear)
4. Rear underneath number plate (indicated in image – facing rear)

The VSC are positioned to record images of the immediate area surrounding the vehicles and do not show a broad view of the location.

The VSC will not be intentionally or deliberately intrusive of private premises.

The cameras are fixed in position during the installation of the system by the commissioning engineers and must remain in these positions. In the event that the cameras have become out of alignment this must be reported as soon as possible by driver to their Supervisor

Each vehicle has A5 stickers placed on the vehicle cab informing members of the public that CCTV images are being recorded. The stickers are complete with the correct MDDC contact telephone number and the purposes for which the system is being used.

5. Procedure for use

Accessing images

Captured footage is recorded to VT's cloud storage and stored securely by them to ensure it is only accessible to Authorised Personnel.

The footage required is then downloaded by Authorised Personnel from the VT cloud storage when there is a legitimate need. The required footage is then saved into a secure location on the MDDC server.

The footage may only be viewed or retrieved for specific purposes, such as:

- Accident / Incident investigation
- Health & Safety monitoring
- Assisting in the investigation of complaints
- Complying with legal or regulatory requirements

System monitoring

The systems are robust but it will be necessary to physically check that the units are operating correctly. This will be carried out by the Waste and Transport Manager on a regular basis where a number of units will be selected at random.

The system checks will be recorded in a register and will detail the:

- Vehicle registration
- Period viewed
- Time and date viewed, time and any
- Comments or actions that are required
- Name and position of viewer

A logbook is maintained by the System Manager to record all viewings of images whether these are for systems checks or as a result of a request for information. Details are kept of the date and time the viewing took place, the HDD viewed, the vehicle that contained the HDD, the period viewed, the name of the individual(s) viewing the file, and the action to be taken as a result.

Health and Safety or Disciplinary Incident arising from system checks

If a health and safety issue or a potential breach of the rules that could lead to a disciplinary investigation arises from the system checks, the incident will be viewed by the Authorised Personnel and appropriate action taken.

Health and Safety Concerns or Misconduct

Any breach (actual or suspected) of health and safety practice or acts of misconduct will be investigated under the statutory duty of care set out in the Health and Safety at Work Etc. Act 1974, which will include the viewing of recorded images by the Authorised Personnel who may require the individual who has reported the breach to verify the image.

Authorised Personnel may be required to extract still images from the footage. Images may also be extracted as a result of any of the instances above.

The images from the HDD can only be accessed using the appropriate VT software. This software is only loaded onto Authorised Personnel laptops. The software is not be loaded onto the MDDC computer network.

Saving & Viewing Images

In order to make specific images available for viewing as needed from time to time, it is necessary for the image to be exported to a readily available format. The image will be saved to a secure area of the MDDC network.

6. Data Security

Access to the live camera images is restricted to Authorised Personnel only.

Access to the HDD on the vehicle is password protected accessible only by a VT or SFS engineer.

Video footage exported to a readily available format is stored on a dedicated secure area of the MDDC computer network, access to this secure area is restricted to the System Manager and the Health & Safety officer only.

Records are kept for 180 days before being deleted. This is due to the way that VT systems are set up to store footage and for accident investigations officers have had to go back further than 90 days.

If footage is downloaded, and or stills taken, these will be deleted by the System Manager as soon as the footage/stills are no longer required for the legitimate purpose identified.

The system automatically watermarks the images. The watermark is embedded in the system and is always on. The watermark is fragile and will be destroyed if any modifications are attempted to be made to the image.

The watermark provides the following data on the recorded images:

- a) Vehicle registration number
- b) Date
- c) Time
- d) Camera ID

7. Data Sharing requests

All requests for footage or images must complete the appropriate request form (available from the Information Management Team) and submit the form to the Waste and Transport Manager and/or the Information Management Team. These requests are logged accordingly on the central register.

All data subject requests will be reviewed by MDDC's Information Management Team and determined according to a process which ensures compliance with legislation. For more details of how MDDC handles data subject requests, please see the Data Protection Policy, and information provided at <https://www.middevon.gov.uk/your-council/access-to-information/> .

Images may be viewed if there is an urgent request from the Police. These requests should be logged in the register. If the Police wish to view the image or obtain a copy of an image, they will need to provide the Information Management Team with an appropriate MDDC DPA form.

Where third parties other than the Police make a request to view the files, then if this is due to a criminal incident this should be reported to the Police.

8. Relevant Legislation

This policy provides guidance on the appropriate and effective use of VSC and in particular how it meets the requirements of:

- The Human Rights Act 1998
- Data Protection Act 2018
- UK General Data Protection Regulation
- Regulation of Investigatory Powers Act 2000
- The Protection of Freedoms Act 2012
- Information Commissioners' CCTV Code of Practice
- Surveillance Commissioner's Surveillance Camera Code of Practice
- Criminal Procedure and Investigations Act 1996
- Criminal and Disorder Act 1998

9. MDDC Related Policies/Documents

- CCTV Code of Practice
- Data Protection Policy
- Freedom of Information Policy
- Information Security Incident Policy
- Records Management Policy

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**Report for: Community, People and Equalities
PDG**

Date of Meeting:	03 December 2024
Subject:	Motion 606
Cabinet Member:	Councillor Jane Lock Cabinet Member for People and Development And Deputy Leader
Responsible Officer:	Dean Emery, Head of Revenue and Benefits
Exempt:	N/A
Wards Affected:	All wards
Enclosures:	N/A

Section 1 – Summary and Recommendation(s)

This report is set before the PDG to facilitate a discussion between PDG members in relation to Motion 606, previously set before full Council on 30th October 2024, to allow the PDG to recommend a refined Motion to Full Council.

Recommendation(s):

That Members:

1. Consider and discuss the further development or refinement of Motion 606;
and
2. Agree and recommend any updated wording of the Motion to Full Council.

Section 2 – Report

1.0 Motion Wording

In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.

The change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six year increase in their anticipated retirement age, c11,800 of the affected women live in our own authority area.

The Parliamentary and Health Service Ombudsman (PHSO) has found the Department for Work and Pensions (DWP) to have committed maladministration through its failure to adequately communicate State Pension age increases to women born in the 1950s.

The PHSO has concluded the DWP should apologise to women affected and pay compensation as a result.

The DWP has refused to accept the findings of the PHSO, which has now led the independent watchdog to lay its findings before Parliament, encouraging MPs to intervene to deliver a remedy to affected women.

The All Party Parliamentary Group on State Pension Inequality for Women has concluded that “the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice (£10,000) is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice.”

As of April 2024, more than c275,000 have died waiting for justice since the WASPI campaign began in 2015. Within Mid Devon it is estimated that c800 have since died.

Council is asked to consider that this injustice has not only had a profound effect on the individuals involved, but on the wider community in Mid Devon and on local government, not least because:

- a) Women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care.
- b) Women who would have retired and engaged in caring responsibilities for grandchildren are having to continue working, increasing the childcare burden on the state locally.
- c) Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock.

- d) There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned.
- e) Our local economy is negatively affected by the reduced spending power and disposable income that the uncommunicated State Pension Age changes have brought about among women born in the 1950s.
- f) Local tourism has suffered as a result, with affected women unable to travel to the area for holidays.

Council is asked to support:

- a) A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- b) The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- c) The WASPI campaign and All Party Parliamentary Group's calls for an immediate one-off compensation payment at category 6 injustice on the PHSO's financial remedy scale (£10,000) to those affected.
- d) The PHSO's recommendation for the DWP to issue a formal apology to those affected and provide an opportunity for MPs to urgently debate the APPG's recommendations, and any others, in Parliament.

We therefore ask:

The Leader of the Council to write to the 3 local Members of Parliament, the Secretary of State for Work and Pensions and the Leader of the House of Commons to outline the effects of the injustice on a significant number of women born in the 1950s in Mid Devon and to seek the following:

Urgent delivery of proposals from the DWP, outlining how they will deliver compensation for affected women, to include the value of compensation and a timeline for the delivery of said compensation.

For all MPs to be given an opportunity to debate and vote on these proposals.

1.1 During debate, consideration was given to:

- a) Acknowledged the challenges of the changes for women and families.
- b) Concern that the motion as presented was not in the interest of Mid Devon residents.
- c) There were errors in the motion, and the contained facts and figures were misleading at best, and without careful consideration, it risked being generic and serving little purpose to our residents.

- d) It was the Council's duty to ensure that any motion passed genuinely represented the Council's residents, improved their lives and was factually accurate. To achieve this, and rather than rejecting it outright, it was proposed to refer the motion to the Community, People & Equalities Policy Development Group for refinement, allowing them to make the necessary adjustments so that it could truly be bespoke to our community. This would be in accordance with procedure rules.
- e) This was a national issue and not one that the Council could control here and it was important to remember that the pension reforms were introduced to ensure fairness and sustainability.
- f) The equalisation of the state pension age was essential, not only for balancing public finances and to protect the viability of the state pension system, but also to reflect equality—a principle the Council was committed to.
- g) Additionally, there was the matter of the potential financial cost of compensation demanded, which could exceed a staggering £36 billion, this would have a substantial impact on the public purse, which may ultimately detract from local essential services that benefit all residents.
- h) A similar motion had previously come to a Council meeting and was currently still an issue.
- i) Department for Works and Pensions (DWP) had been found guilty of maladministration over 3 years ago.
- j) The motion was important and would support the notice of motion to ensure the Council had this correct.

1.2 A notice without motion was put that the Motion be brought to the Community, People and Equalities Policy Development Group, for review before the Motion will be re-presented to Council for consideration. This Motion was subsequently voted on and was carried.

1.3 This PDG is therefore now invited to discuss the wording of the Motion and to consider any refinements or developments to it in order to ensure that it meets the expectation and requirements of Councillors. Any updated wording can then be recommended by this PDG to Full Council.

1.4 To support discussions, it is suggested that Members reflect on the following relevant points in relation to the Motion:

- a) It is believed that around 11,800 woman were affected by this change within the District, of which c800 have since died.
- b) The cut to the Winter Fuel Allowance will only amplify problems for many of these women.
- c) The Council Leader to write to the Local Members of Parliament to raise awareness also referring to the 'PHSO' investigation and recommendations
- d) The local effect on this legal change

Financial Implications

Financial implications associated with this report and the Motion are very limited given the level of potential spend involved. The Council will need to abide by any procurement requirements in future procurement of any suppliers.

Legal Implications

There are not considered to be any significant legal implications arising from this report.

Risk Assessment

There are no major risks associated with this report.

Impact on Climate Change

The Motion has the potential to create small positive impacts upon climate change in terms of minimising food miles and enhancing requirements about produce from sustainable/organic sources.

Equalities Impact Assessment

No negative equalities impacts are expected.

Relationship to Corporate Plan

The work of this PDG will supports a wide range of corporate objectives and the corporate plan as a whole.

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 DeLeiburne

Agreed on behalf of the Monitoring Officer

Date: 19 November 2024

Chief Officer: Stephen Walford

Agreed by Chief Executive

Date: 19 November 2024

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 20 November 2024

Cabinet member notified: yes

Section 4 - Contact Details and Background Papers

Contact: Dean Emery, Head of Revenues and Benefits
Email: demery@middevon.gov.uk
Telephone:

Background information:

[Working State Pension Age- Our findings on the Department for Work and Pensions communication of Change](#)

[Researchbriefings.files.parliament.uk](#)

[Home - WASPI - Women Against State Pension Inequality](#)

[State Pension age review 2017: final report - GOV.UK](#)

[Independent Review of the State Pension Age, Smoothing the Transition, Final Report](#)

[State Pension age timetables](#)

<https://www.legislation.gov.uk/ukpga>

WASPI Draft Motion

In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.

It is believed that c11,800 woman were affected by this change within the area of Mid Devon of which c800 have since died.

Council believes:

This injustice has not only had a profound effect on the individuals involved but on the wider community in Mid Devon and on local government, not least because:

- Some women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care.
- Some women who would have retired and chosen to engage in caring responsibilities for grandchildren, are having to continue working, increasing the childcare burden on the state locally.
- Some women have been left in poverty, are struggling to meet their housing costs, with a knock-on impact on local housing stock.
- The cut to the Winter Fuel Allowance will only amplify problems for many of these women.
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned.
- Our local economy is negatively affected by the reduced spending power and disposable income the uncommunicated State Pension Age changes have brought about among women born in the 1950s.

Council supports:

- A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- The conclusion of the All-Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- The PHSO's recommendation for the DWP to issue a formal apology to those affected and provide an opportunity for MPs to urgently debate the APPG's recommendations, and any others, in Parliament.

Council asks the Leader of the Council to write to:

1. local Members of Parliament to raise awareness also referring to the 'PHSO' investigation and recommendations
2. the Secretary of State for Work and Pensions to request urgent proposals from the DWP outlining how they will deliver compensation for affected women
3. the Leader of the House of Commons to outline the effects of the injustice on 1950s women in Mid Devon and to request that MPs be given an opportunity to debate and vote on these proposals."

25 March 2025				
	Performance Dashboard - Quarter 3		Deputy Chief Executive (S151) Dr Stephen Carr	
	Air Quality Action Plan To consider the report		Director of Place and Economy Simon Newcombe Tanya Wenham	
Page 131	Presentation from the Police on their efforts to tackle Anti-Social Behaviour Latest Developments in addressing Anti-Social Behaviour		Sergeant Simon Andrews	
	Corporate Anti-Social Behaviour Policy		Head of Housing & Health	
	Single Equalities Policy and Equality Objective		Maria De Leiburne Matthew Page Dr Stephen Carr	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
	Community Safety Partnership Policy To consider the report		Director of Place and Economy Simon Newcombe	
	Annual report of the Chair of the Community, People and Equalities Policy Development Group			