

Council

Wednesday, 30 October 2024 at 6.00 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 18 December 2024 at 6.00 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 F W Letch
Cllr G Czapiewski
Cllr C Adcock
Cllr M D Binks
Cllr N Bradshaw
Cllr D Broom
Cllr E Buczkowski
Cllr J Buczkowski
Cllr J Cairney
Cllr S Chenore
Cllr S J Clist
Cllr L J Cruwys
Cllr G Cochran
Cllr C Connor
Cllr F J Colthorpe
Cllr A Cuddy
Cllr G Duchesne
Cllr J M Downes
Cllr M Farrell
Cllr B Fish
Cllr M Fletcher
Cllr R Gilmour
Cllr A Glover
Cllr C Harrower
Cllr B Holdman

Cllr M Jenkins
Cllr S Keable
Cllr L G J Kennedy
Cllr L Knight
Cllr N Letch
Cllr J Lock
Cllr J Poynton
Cllr R Roberts
Cllr S Robinson
Cllr A Stirling
Cllr L Taylor
Cllr H Tuffin
Cllr N Woollatt
Cllr G Westcott
Cllr A White
Cllr J Wright
Cllr D Wulff

A G E N D A

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

- 1 **Apologies**
To receive any apologies for absence.

- 2 **Public Question Time**
To receive any questions and or statements relating to any items of the Council powers/ duties or which otherwise affects the District and items on the agenda from members of the public.

- 3 **Declarations of Interest under the Code of Conduct**
To record any interests on agenda matters.

- 4 **Previous Minutes of the meeting held on 04 September 2024**
(Pages 13 - 24)
To consider whether to approve the minutes as a correct record of the meeting held on the 4th September 2024.

- 5 **Chair's Announcements**
To receive any announcements which the Chair of the Council may wish to make.

- 6 **Petitions**
To receive any petitions from members of the public.

- 7 **Notices of Motions**
 1. Motion 606 (Cllr S Robinson)

The Council had before it a **MOTION** submitted for the first time.

Motion: Women against State Pension Inequality (WASPI)

Council is asked to note that:

- 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. 14,350 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 275,000 have died waiting for justice since the WASPI campaign began in 2015.

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:

- 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.
- 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.
- Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock.
- 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 that the uncommunicated State Pension Age changes have brought about among women born in the 1950s.
- Local tourism has suffered as a result, with affected women unable to travel to the area for holidays.

Council is asked to support:

- 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 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.
- 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.

2. Motion 607 (Cllr C Harrower)

The Council had before it a **MOTION** submitted for the first time.

Motion: Changes to the Winter Fuel Allowance; Protecting and Relieving Pensioners from Fuel Poverty

This Council notes with great concern the recent decision by the Labour Government to restrict the Winter Fuel Payment (WFP) to pensioners who are in receipt of Pension Credit (PC). Age UK has estimated that this change will result in 2 million pensioners, who are in critical need of the payment (to stay warm this winter), losing this allowance.

WFPs have been an essential support for many older residents across the UK, including those in Mid Devon, to afford sufficient heating during the coldest months, to prevent 'heat or eat' dilemma and to safeguard health. Charities such as Age UK, The Countryside Alliance, CHAT and other stakeholders have voiced significant concerns regarding the social injustice and health risks associated with this sudden and unexpected change. This change came about without adequate notice of this Government's intent to deprive so many of our pensioners of a warm home this winter. This seemingly 'snap decision' to Means Test WFPs is unfair and deeply goes counter to the financial contribution that pensioners have made to our Economy throughout their long and

productive lives.

This Council believes that the Labour Government has set the threshold at which our pensioners do not qualify for WFPs as being set far too low. Only those currently receiving a pension of less than £218.15 per week (or £332.95 for couples) are eligible for Pension Credit (PC). This is significantly less than the Living Wage of £457.60. Moreover, our fuel and food costs continue to rise.

This Council is concerned by the low take-up of PC, with only 63% of those eligible, nationwide, receiving it, and over 880,000 not receiving it. Administrative barriers and stigma may prevent many eligible pensioners from claiming PC, leaving them without the financial support they desperately need.

This Council further notes that the Energy Price Gap has risen by 10% in October 2024, which, combined with the removal of WFPs, will push thousands more pensioners into fuel poverty this winter.

This Council recognises that:

- The WFP has been a crucial lifeline for many older people across the UK and restricting it only to those on PC risks leaving many pensioners in serious financial hardship.
- Whilst some pensioners in receipt of the payment may not be in financial need, many others, particularly those just above the threshold, will lose this essential support. This method of selection appears ill conceived and needs urgent reconsideration. Being just £10 over the PC limit will subject a pensioner to a loss of £290 and will make it likely that they will enter fuel poverty over this next winter, whilst, for someone whose income is £10 under the PC limit this winter will retain the £300. This seems morally wrong.
- Another consideration of great importance to this Council is that, without heat, warmth and/or good nutrition through the winter months, there will be a big increase in hospital admissions, most likely due to chest infections, pneumonia, etc. This will put even more strain on our NHS, in what is the busiest time of their year. This surely will adversely impact Government expenditure.

This Council is currently undertaking the following:

1. Launching a Council led awareness campaign to ensure that those eligible for Pension Credits are made aware of the benefit, including access to Winter Fuel Payments, and to encourage take-up of their entitlement. Strengthening local

efforts to promote Pension Credit uptake through Council services and partnerships with local Charities and community organisations, ensuring that all eligible pensioners in Mid Devon are supported in claiming their entitlement. We are proud of MDDCs efforts to date, which are already in process.

2. Promoting and supporting the NHS vaccination programme, taking due notice of the health and welfare of our elderly.

This Council resolves to:

1. Request that the Leader of the Council write to the Chancellor of the Exchequer, calling for the policy of linking Winter Fuel Payments to Pension Credit receipt to be immediately paused. This should enable time for the introduction of a new and honourable financial threshold, used to determine eligibility for Pension Credit.
2. Also request that the Leader writes to all MPs covering Mid Devon, asking them to give their formal support to halting the changes to the Winter Fuel Payment eligibility, certainly for this winter, whilst further solutions are explored ready for implementation next year (Winter 2025).
3. Investigate whether Mid Devon's public buildings can be used as part of the 'Warm Spaces' initiative for Winter 2024/5, ensuring that vulnerable residents have access to heated spaces during the colder months, and encourage Town and Parish Councils to participate.

8 **Cabinet- Reports of the Minutes of the meetings held between 28th August and 18th October** *(Pages 25 - 260)*

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

1. Cabinet

17th September 2024

15th October 2024
(Recommendation to Full Council)

Cabinet **RECOMMENDS TO FULL COUNCIL**

That the MDH Repairs and Maintenance Policy and Equality Impact Assessment be adopted as recommended by the Home PDG.

2. Scrutiny Committee

9th September 2024

3. Community, People and Equalities Policy Development Group

24th September 2024

4. Economy and Assets Policy Development Group

19th September 2024

5. Homes Policy Development Group

10th September 2024

6. Planning Environment and Sustainability Policy Development Group

3rd September 2024

7. Service Delivery and Continuous Improvements Policy Development Group

23rd September 2024

8. Planning Committee

28th August 2024

11th September 2024

9th October 2024

9. Licensing Committee

2nd October 2024
(Recommendation to Full Council)

The Licensing Committee **RECOMMENDS TO FULL COUNCIL**
That the Gambling Act Statement of Principles as attached in Annex A
be approved.

The Licensing Committee **RECOMMENDS TO FULL COUNCIL**
That the Statement of Licensing Policy as attached in Annexe B be
recommended to Full Council for approval.

10. Regulatory Committee

2nd October 2024
(Recommendation to Full Council)

The Regulatory Committee **RECOMMENDS TO FULL COUNCIL**

- The new proposed timeline for implementation of the Policy at section 2 of the report, and that the existing Policy (implemented 1 st January 2019) continues to have effect until such time as the new Policy is fully implemented.
- The changes proposed and detailed within section 3 and Annex A of this report.
- To delegate authority to make minor amendments to the Policy to the Head of Housing and Health.

9 **Appointments to Outside Bodies**

To consider the appointment to the outside bodies:

To seek one representative to the position available for the Police and Crime Panel Devon and Cornwall.

To appoint the Cabinet Member for Housing, Assets and Property to the Devon and Torbay Housing Advisory Group.

10 **Questions in accordance with Procedure Rule 11**

To deal with any questions raised pursuant to Procedure Rule 11 not already dealt with during the relevant Committee reports.

11 **Special Urgency Decisions**

To note any decisions taken under Rule 16 (of the Constitution) Special Urgency.

12 **Questions to Cabinet Members**

To receive answers from the Cabinet Members to questions on their portfolios from other Members.

13 **Members Business**

To receive any statements made and notice of future questions by

Members.

Note: the time allowed for this item is limited to 15 minutes.

Stephen Walford
Chief Executive
Tuesday, 22 October 2024

Guidance notes for meetings of Mid Devon District Council

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

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

1. Inspection of Papers

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

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

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

2. Members' Code of Conduct requirements

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

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

3. Minutes of the Meeting

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

4. Public Question Time

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

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

5. Meeting Etiquette for participants

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

For those joining the meeting virtually:

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

6. Exclusion of Press & Public

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

7. Recording of meetings

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

8. Fire Drill Procedure

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

9. WIFI

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

MINUTES of a **MEETING** of the **COUNCIL** held on 4 September 2024 at 6.00 pm

Present

Councillors

F W Letch (Chair)
G Czapiewski (Vice-Chair), C Adcock,
M D Binks, D Broom, E Buczkowski,
J Buczkowski, J Cairney, S Chenore,
S J Clist, L J Cruwys, G Cochran, C Connor,
A Cuddy, G Duchesne, J M Downes,
M Farrell, B Fish, M Fletcher, R Gilmour,
A Glover, C Harrower, B Holdman,
S Keable, L G J Kennedy, L Knight, N Letch,
J Lock, J Poynton, R Roberts, S Robinson,
A Stirling, L Taylor, G Westcott, J Wright
and D Wulff

Apologies

Councillor(s)

F J Colthorpe, M Jenkins, N Woollatt and A White

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Angie Howell (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

N Bradshaw and H Tuffin

Officers Online

206 APOLOGIES (00.08.43)

Apologies were received from Councillors: Mrs F J Colthorpe, M Jenkins, A White and N Woollatt.

207 PUBLIC QUESTION TIME (00.08:58)

Barry Warren

Mr Chairman

A Performance and Risk report has been circulating before various Committees and Policy Development Groups (PDG's) of the Council. At a recent meeting of the Audit

Committee a member commented on the low risk score under reference CR9a 3 Rivers – Reputational Damage - but regrettably his comments and the response from the Section 151 Officer are not minuted other than by a meaningless passing reference.

The Section 151 Officer concluded his response to the member with these words: *“I also do think, this is my own personal opinion, the council does need to move on and refocus its effort on delivering the services we should be proud of and that our residents want, rather than dwelling on something that has happened and has now been finished.”*

3 Rivers is being closed down, but how can it be said to be finished when the Council has admitted to a loss of millions of pounds and had millions more moved from reserves, or brought back from previous years, to try and reduce the visible loss figure.

There are still ongoing impairments; unsold properties at Bampton; land in Cullompton bought at an over-inflated price; St. George’s Court in Tiverton still requiring considerable additional expenditure to make it ready for HRA use; the selling of land bought to deliver 70 affordable houses in Tiverton, the Park Road Nursery site and more.

Some of these issues will be affecting the Council Tax Payers of Mid Devon for some years yet. It may be convenient to wish it was finished - but it is not.

Also, will this Council’s partnership commitment with Zed Pods be a new 3 Rivers?

Many questions are being asked about costs and construction. Detailed responses – not answers – have been put forward to public questions. One recent response, given by the relevant portfolio holder, was so very long and detailed that the words could only have come direct from Zed Pods. It is a pity that some of that information is different from what is being put forward in the planning applications that Zed Pods are making on behalf of MDDC.

Questions are also being asked about project delivery times being extended and costs increased.

Is ‘due diligence and value for money’ really being exercised on behalf of the Council Tax Payers?

Will the Scrutiny and Audit Committees take a good and forensic look at the public money spent on these projects?

The Chair stated that a written response would be provided within ten working days.

Paul Elstone

Question 1

Despite the land at Knowle Lane Cullompton having been valued at only £1.665 million, the Council, Cabinet and Committees have been told that the Council paid £3.662 million for this land.

But an examination of the Council 2023/24 accounts has revealed that on the 2nd February 2024 the Council paid 3 Rivers £4.394 million – a payment clearly shown as for the purchase of Knowle Lane. The difference between the £4.394 million actually paid to 3 Rivers for Knowle Lane and the £3.662 million that was said to have been paid is £732,000.

Please can this very substantial discrepancy of £732,000 be fully explained?

Question 2

When the very low Reputational Risk ranking for 3 Rivers was challenged by a member of the Audit Committee on 20 August, the S151 Officer said that he considered the risk ranking was correct and said he thought it was time to move on and not dwell on the past.

In his response, the S151 Officer admitted that 3 Rivers had been a mistake. Also saying that the problems at 3 Rivers were down to poor trading conditions in 2019.

But trading conditions in 2019 were good. The Bank of England interest rate was at 0.75 percent and falling. Building material prices had been flat for an extended time. Property prices were increasing. It was not the trading conditions that was the problem in 2019, this is just an attempt at an excuse.

The S151 Officer was the 3 Rivers Finance Director in 2019 and knew that 3 Rivers was already in financial distress at that time.

In November 2019, the Council had to make an impairment of £790,000 for 3 Rivers bad debts on the Working Capital and St George's Court loans.

The S151 Officer had advised the Cabinet, in 2017, that they should set up the 3 Rivers Company and let them build St George's Court because it would make a profit of £350,000 plus. But by November 2019 the S151 Officer fundamentally changed position and told the new Cabinet, in respect of St Georges Court, that, and I quote *'There was obviously no profit in it'*.

Will all members accept that until all relevant information is made available to the public, including Audit Reports and Business Cases and which have previously been suppressed and based on 3 Rivers supposed business damage and confidentiality, then the Reputational Risk to this Council from 3 Rivers will persist and may even escalate?

The Chair stated that a written response would be provided within ten working days.

208 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.16.20)

Members were reminded of the need to declare any interests when appropriate.

None were declared under this item.

209 PREVIOUS MINUTES OF THE MEETING HELD ON 17 JULY 2024 (00.16.29)

The minutes of the meeting held on 17 July 2024 were **AGREED** as a correct record and signed by the Chair.

210 CHAIR'S ANNOUNCEMENTS (00.16.46)

The Chair had the following announcements to make:

- On 15 August he had attended the VJ Day Commemoration event in the Burma Star Gardens in Tiverton.
- The Council had received the good news of the grant funding for the Cullompton Town Centre Relief Road and sent their thanks and congratulations to all those involved in securing the funding.

211 PETITIONS (00:17.29)

There were no petitions presented.

212 NOTICES OF MOTIONS (00.17.31)

1. Motion 605 (Cllr Martin Binks)

The Council had before it a **MOTION** submitted for the first time.

- a) Mid Devon District Council recognises and notes the huge contribution made by our farmers, growers and the drink industry to the local economy, environment, and rural economies.
- b) Mid Devon District Council commits to further enhancing our partnerships alongside our arable, livestock and dairy farmers to enhance our beautiful countryside.
- c) Mid Devon District Council also commits to supporting our local farmers and growers and the food and drink sector by, where possible, ensuring that all food and drinks provided at council organised events is sourced from local suppliers, to always include meat and dairy as well as plant-based produce.
- d) As part of tackling the environmental priorities for Mid Devon District Council; the Council will consider ways to encourage our residents, where possible, to shop locally, taking full advantage of home-grown, affordable and nutritious produce, including meat, dairy and plant-based options, thus reducing food miles to our tables and boosting the economy.

The **MOTION** was **MOVED** by Councillor M Binks seconded by Councillor R Roberts.

Consideration was given to:

- Concerns over paragraphs b & d that there was no detail of what the Council would try to achieve and how it would get there.
- Whether in paragraph c, the words "organic where possible" could be included within the Motion after the words "local suppliers".

Cllr B Fish proposed an **AMENDMENT** seconded by Cllr M Fletcher that the Motion be taken to the Planning, Environment and Sustainability Policy Development Group, for review before it came back to Full Council.

Upon a vote being taken the **AMENDMENT** was declared to have been **CARRIED**.

213 **CABINET-REPORTS OF THE MINUTES OF THE MEETINGS HELD ON 30 JULY AND 27 AUGUST 2024 (00.43.19)**

The Leader presented the report of the meeting of the Cabinet held on 30 July 2024.

1. Crediton Masterplan (Minute 39)

The Leader **MOVED** seconded by Cllr S Keable:

That the recommendations of the Cabinet as set out in minute 39 be **APPROVED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

The Leader presented the report of the meeting of the Cabinet held on 27 August 2024.

1. 2024/2025 Budget Monitoring Report Quarter 1 (Minute 47)

The Leader **MOVED** seconded by Cllr S Clist:

That the recommendations of the Cabinet as set out in minute 47 be **APPROVED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

214 **SCRUTINY COMMITTEE- REPORT OF MEETING HELD ON 15 JULY 2024 (00.45.26)**

The Chair of the Scrutiny Committee presented the report of the meeting held on 15 July 2024.

215 **AUDIT COMMITTEE - REPORT OF THE MEETING HELD ON 20 AUGUST 2024 (00.45:47)**

The Chair of the Audit Committee presented the report of the meeting held on 20 August 2024.

THE APPOINTMENT OF CO-OPTED INDEPENDENT MEMBER (Minute 20)

The Chair of Audit Committee **MOVED**, seconded by Cllr G Czapiewski.

That the recommendations of the Audit Committee as set out in minute 20 be **APPROVED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

216 PLANNING COMMITTEE- REPORT OF THE MEETINGS HELD ON 10 AND 31 OF JULY 2024 (00:47.01)

The Chair of the Planning Committee presented the report of the meetings held on 10 and 31 July 2024.

217 QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 11 (00.47.35)

To deal with any questions raised pursuant to Procedure Rule 11 not already dealt with during the relevant Committee reports.

There were no questions.

218 SPECIAL URGENCY DECISIONS (00.47.39)

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting. The Chair informed the meeting that no such decisions had been taken in that period.

219 QUESTIONS TO CABINET MEMBERS (00.47.43)

Cllr N Letch asked on behalf of a Parish Council whether an owner of a home could be forced by Mid Devon District Council to cut their hedge?

Consideration was given to:

- Advice could be sought from an officer in the Development Management Team.
- This would be a matter of common law and not normally dealt with by anyone else.

220 MEMBERS BUSINESS (00.50.32)

Cllr R Roberts offered his congratulations to officers on the achievement of funding for the Cullompton Town Centre Relief Road and said that the Council should not be pessimistic about the Cullompton Railway Station project, if the Cabinet backed their Members and Officers, he was sure that the Council would be able to deliver the project.

(The meeting ended at 6.53 pm)

CHAIRMAN

**Full Council
Wednesday 4th September 2024**

Barry Warren – local resident.

Mr Chairman

A Performance and Risk report has been circulating before various Committees and PDG's of the Council. At a recent meeting of the Audit Committee a member commented on the low risk score under reference CR9a 3 Rivers – Reputational Damage - but regrettably his comments and the response from the Section 151 Officer are not minuted other than by a meaningless passing reference.

Reply from the Chairman – as has been confirmed on numerous occasions the minutes are a summary of the discussion(s). Whereas, the taped recording includes a full account of the whole meeting.

The Section 151 Officer concluded his response to the member with these words: *“I also do think, this is my own personal opinion, the council does need to move on and refocus its effort on delivering the services we should be proud of and that our residents want, rather than dwelling on something that has happened **and has now been finished.**”*

3 Rivers is being closed down, but how can it be said to be finished when the Council has admitted to a loss of millions of pounds and had millions more moved from reserves, or brought back from previous years, to try and reduce the visible loss figure.

There are still ongoing impairments; unsold properties at Bampton; land in Cullompton bought at an over-inflated price; St. George's Court in Tiverton still requiring considerable additional expenditure to make it ready for HRA use; the selling of land bought to deliver 70 affordable houses in Tiverton, the Park Road Nursery site and more.

Some of these issues will be affecting the Council Tax Payers of Mid Devon for some years yet. It may be convenient to wish it was finished - but it is not.

Also, will this Council's partnership commitment with Zed Pods be a new 3 Rivers?

Reply from the Chairman – it may be worth reflecting that in the past 6 months Zpods have won a number of major construction awards (and were short-listed for 6 others), e.g. Construction News Awards 2024 winner for the category “Client of the Year” (national) and Constructing Excellence SW awards, winner in two categories for St Andrew's House “Climate Action” and “Building Project of the Year up to £5m” (SW regional). In addition the company has also achieved Construction News Specialist Awards winner for St Andrew's House for the category “Project of the Year by a Specialist Contractor (up to £2m)” (national) and been awarded the Kings Award for Enterprise, announced by the Construction Industry Council.

Many questions are being asked about costs and construction. Detailed responses – not answers – have been put forward to public questions. One recent response, given by the relevant portfolio holder, was so very long and detailed that the words could only have come direct from Zed Pods. It is a pity that some of that information is different from what is being put forward in the planning applications that Zed Pods are making on behalf of MDDC.

Questions are also being asked about project delivery times being extended and costs increased.

Reply from the Chairman – the Council is aware of a number of questions that have been asked over a number of months, which all appear to emanate from a very restricted source. All of the questions that have been submitted have been answered fully and promptly to my knowledge.

Is 'due diligence and value for money' really being exercised on behalf of the Council Tax Payers?

Reply from the Chairman – I'm sure our officers and auditors, both internal and external, are undertaking appropriate due diligence to ensure that value for money is achieved.

Will the Scrutiny and Audit Committees take a good and forensic look at the public money spent on these projects?

Reply from the Chairman - The Chairman and representatives of these two Committees were present at this meeting and will of course structure their forward plans as they see fit.

Paul Elstone – Questions.

Question 1

Despite the land at Knowle Lane Cullompton having been valued at only £1.665 million, the Council, Cabinet and Committees have been told that the Council paid £3.662 million for this land.

But an examination of the Council 2023/24 Accounts has revealed that on the 2nd February 2024 the Council paid 3 Rivers £4.394 million – a payment clearly shown as for the purchase of Knowle Lane. The difference between the £4.394 million actually paid to 3 Rivers for Knowle Lane and the £3.662 million that was said to have been paid is £732,000.

Please can this very substantial discrepancy of £732,000 be fully explained ?

Response from the Chairman – it is again unfortunate that you choose against tabling your questions in advance of the meeting or contact the relevant Cabinet Member or officer so you could receive an answer to your question(s). Especially, as you have asked a very straight forward question, but described it as a discrepancy. The £732,000 is the VAT on the transaction which is fully recoverable by the Council from the HMRC and therefore does not show as a cost in our accounts.

Question 2

When the very low Reputational Risk ranking for 3 Rivers was challenged by a member of the Audit Committee on 20 August, the S151 Officer said that he considered the risk ranking was correct and said he thought it was time to move on and not dwell on the past.

In his response, the S151 Officer admitted that 3 Rivers had been a mistake. Also saying that the problems at 3 Rivers were down to poor trading conditions in 2019.

Response from the Chairman – after returning to the recording from this meeting it is disappointing to reflect on how you have chosen to quote from our S151 Officer’s response. He gave significant context to his detailed response which included reference to “after significant years of hindsight it could be viewed as a bad decision”. In his response he then went on to reference the

deterioration in market conditions between 2019 and 2021. You again appear to have been rather selective in how you have chosen to quote from him.

But trading conditions in 2019 were good. The Bank of England interest rate was at 0.75 percent and falling. Building material prices had been flat for an extended time. Property prices were increasing. It was not the trading conditions that was the problem in 2019, this is just an attempt at an excuse.

The S151 Officer was the 3 Rivers Finance Director in 2019 and knew that 3 Rivers was already in financial distress at that time.

In November 2019, the Council had to make an impairment of £790,000 for 3 Rivers bad debts on the Working Capital and St George's Court loans.

The S151 Officer had advised the Cabinet, in 2017, that they should set up the 3 Rivers Company and let them build St George's because it would make a profit of £350,000 plus. But by November 2019 the S151 Officer fundamentally changed position and told the new Cabinet, in respect of St Georges Court, that, and I quote *'There was obviously no profit in it'*.

Response from the Chairman – I am surprised as to why you are drawing the Council's attention to a multi-million pound development changing in cost projection by circa £350k in a 2.5 year period. It is his formal role to provide the Council with financial updates/forecasts, as and when circumstances change.

Will all members accept that until all relevant information is made available to the public, including Audit Reports and Business Cases and which have previously been suppressed and based on 3 Rivers supposed business damage and confidentiality, then the Reputational Risk to this Council from 3 Rivers will persist and may even escalate?

Response from the Chairman – all information relating to 3Rivers has been made available, within the legal boundaries of commercial sensitivities and I note your further and ongoing comments regarding reputational risk. It may even be pertinent at this point to reflect on what or indeed who is potentially causing this reputational risk you refer to.

It is worth noting that the reputational risk as quoted, referred to the risk that council debate would impact negatively on the company. The risk clearly states *'This risk is expressed as damage to the company (and hence the council as shareholder)'*. At the time this was added to the risk register, the tone and

tenor of council debate was often fraught, argumentative, and disrespectful. The risk mitigations as identified highlight that challenging poor behaviour in the council chamber, and elected members managing debate in a respectful way, were key aspects of addressing the risk. Since the council has now made clear and unanimous decisions on this issue, and the company has been wound down, there is little risk of further damage to the company (or council as shareholder) at this point. The revised risk rating reflects this.

This administration has taken unanimous decisions to address the challenges left to us and to put the council back on the path of financial responsibility and robustness. The council does not consider any ongoing public questions on this topic a reputational risk in the way that seems to be implied by the questioners. Public questions are a valuable part of our openness, transparency, and commitment to good governance.

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MINUTES of a **MEETING** of the **CABINET** held on 17 September 2024 at 5.15 pm

**Present
Councillors**

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

**Apology
Councillor**

G Duchesne

**Also Present
Councillors**

C Harrower and L Knight

**Also Present
Officers:**

Stephen Walford (Chief Executive), Richard Marsh
(Director of Place & Economy), Paul Deal (Head of
Finance, Property & Climate Resilience), Tristan Peat
(Forward Planning Team Leader) and Laura Woon
(Democratic Services Manager)

**Councillors
Online**

E Buczkowski, G Czapiewski, A Glover, M Fletcher
R Roberts and S Robinson

58. **APOLOGIES**

Apologies were received from Cllr G DuChesne.

59. **PUBLIC QUESTION TIME**

Steve Rowe

Question 1:

Question 54 on the agenda item 6, could you please inform me what the Councillors are doing to assist SME builders?

Response:

The draft responses that that have been prepared and are before Members make two references to SME builders in relation to the delivery of new homes.

The response to question 54 refers to community land trusts as a way of helping local communities in getting housing to meet their specific local needs. These are

established interventions which the Council would wish to see continue through grant to replenish the community housing fund.

In question 58, a reference is included to SMEs in relation to a choice of sites coming through the planning process. The National Planning Policy Framework requires a minimum of 10% of housing requirement to be met on small sites. This would create an opportunity through the development process to have smaller sites coming through where SMEs had more opportunities to access land for development. On larger sites, SME's may typically be excluded as those are typically developed or land banked by volume house builders. The response suggests that this could be addressed, and opportunities for SME's facilitated, by requiring larger sites to include an element of deliver by SME's.

Question 2:

Is it your Cabinet that hold the executive team to account for their actions or is it the responsibility of another body or Committee? And to whom must I address.

Response from the Leader of the Council:

The usual procedure rules would be that the Council would ask for the questions in advance in order to prepare a response at the meeting and to ensure the correct information would be given. The executive would be the Cabinet and each Cabinet Member would have different responsibilities.

Supplementary Question:

If you have an executive team that then say they are going to do something and they do not do it, who holds them to account?

What Committee or is it Steering Committee? Or is it Cabinet?

Response from the Leader of the Council:

If you have a concern about a Cabinet Member portfolio you could directly go to the relevant Cabinet Member. If it was an operational issue you may also go through the complaints procedure of the Council.

60. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

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

Cllr S Clist declared his involvement in the Planning Policy Advisory Group with regard to the National Planning Policy Framework.

61. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 27 August 2024 were **APPROVED** as a correct record and **SIGNED** by the Leader.

(Proposed by Cllr S Clist and seconded by Cllr N Bradshaw)

62. MEDIUM TERM FINANCIAL PLAN (MTFP)

The Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer presenting the Medium Term Financial Plan (MTFP).

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

- The Medium Term Financial Plan (MTFP) for the General Fund covering the years 2025/26 to 2028/29.
- The MTFP would normally cover a 5 year horizon, the change in Government and the importance of the Autumn Budget for the future of public services, adding a new year 5 had been delayed until the Council was better informed.
- The report only covered the General Fund, whereas normally the report would also include the Housing Revenue Account and the Capital Programme. These would be developed and would come through the governance process in due course.
- The latest forecast position was based upon the most up to date information. It was important to agree the underlying principles set out in Section 2.6 of the report.
- The underlying assumptions were included within Appendix 1, along with some sensitivity analysis that gave some scale to the variability of the MTFP and would be refined as the Council progressed through the budget process.
- The headline position for the General Fund was that there was a projected shortfall in 2025/26 of £1.2 million, increasing to £4 million by 2028/29.
- Senior officers have identified a range of budget options to address the budget shortfall using the red, amber and green assessment, which would be presented to the relevant Policy Development Groups for discussion, with the recommendation to support the green and amber options.
- Newly identified budget pressures in Appendix 3 and savings options in Appendix 4A which were relevant to Cabinet only, or Appendix 4B for all saving options.

Discussion took place regarding:

- The figures and comparator data on staff turnover and sickness.
- The annual shortfall decreases in 2027 from £1.6 million to £655k was there a reason for the large decrease?
- The uncertainty of the future Local Government Funding.
- The positive approach to the Homes for Ukraine Scheme.
- The percentage increase in gas and electricity, would there be a decrease when the alternative green energy sources are used?
- The emerging budget pressure in relation to planning enforcement and criticism the Council had received and why it was considered a high risk.
- The engagement figures of the residents that had been involved with Let's Talk Devon or the reduction in the engagement.

RESOLVED that:

1. The updated MTFP's for the General Fund covering the years 2025/26 to 2028/29 be noted.
2. Cabinet agreed the principles and endorsed the approach to balancing the General Fund Revenue Budget outlined in paragraph 6.2.

3. Cabinet seek recommendations from the Policy Development Groups on the Round 1 Budget Proposals and their views on where savings could be sought and to what level.

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

Note: * Report previously circulated.

63. **NATIONAL PLANNING POLICY FRAMEWORK**

The Cabinet had before it and **NOTED** a report * from the Director of Place and Economy on the National Planning Policy Framework.

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

- The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how those would be applied.
- It provides a framework within which locally-prepared plans would provide sufficient housing and other development in a sustainable manner.
- The NPPF was first introduced in 2012, it had replaced previous National Planning Policy guidance and statements and had been subject to updates made in July 2018, February 2019, July 2021 and in December 2023.
- The current version of the NPPF included revisions made in response to the Levelling-up and Regeneration Bill: reforms to National Planning Policy consultation at that same time.
- In particular, the December 2023 NPPF update removed the requirement for Local Authorities with an adopted Local Plan less than 5 years old to continually demonstrate a 5 year housing land supply.
- The Government published its consultation "proposed reforms to the National Planning Policy Framework and other changes to the planning system", and had made clear that reform was necessary to reverse the December 2023 changes to the NPPF that it considered "were damaging to housing supply, disrupted plan-making and undermined investor confidence."
- The consultation document included 106 questions and comments were invited by Local Authorities and other interested parties by 24th September 2024. There was now an opportunity for the Council to consider the implications of the proposed reforms in relation to plan making and also the determination of planning applications in Mid Devon and submit its own response to consultation. The draft consultation responses, informed through discussions with PPAG, were presented for review and discussion.

Discussion took place regarding:

- The housing issues and the concerns for implications to our environment.
- The gain of land for housing would be a loss to other uses, biodiversity and agriculture.
- Net Zero Advisory Group (NZAG) recommended that the Council sought clarification from the Government on whether the Council's targets could be met through repurposing.
- A decision about housing targets and the ability to balance the new land release with biodiversity and carbon storage opportunities.

- To strategically work on nature recovery with local nature recovery partnerships. When allocating new developments to go beyond the minimum ten percent biodiversity net gain. Including on site and per development application to ensure a more strategic balance was found between development and biodiversity.
- To consider including the following: reference to the renewal of railway infrastructure and renewal of sustainable transport opportunities such as cycle ways on old railway lines. Public transport to reduce additional traffic impacts from meeting new housing targets. River based management plans. The erosion of the open countryside with scattered housing development.
- To seek further clarification on whether Neighbourhood Plans could incorporate renewable energy preferences and plans.
- The references to Areas of Outstanding Natural Beauty should be national landscapes.
- In the response could the diversity needs of the community be more widely reflected? (I.e. neuro-diversity/dementia friendly etc.)
- Scope for the response to include reference to how Local Authorities could take on more initiatives to deliver the additional housing needed – i.e. through expanded HRA developments where sufficient funding was made available and legislative regimes proactively supported and encouraged such development and retention of stock

(Proposed by Cllr S Keable and seconded by Cllr N Bradshaw)

Note: *Report previously circulated.

64. **NOTIFICATION OF KEY DECISIONS**

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

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

- The S106 Governance Framework report had moved from 15th October to 12th November.
- The Tiverton Eastern Urban Extension, Area B Masterplan had been added to 15th October
- Draft Policies and site options for the new Local Plan had moved from 15th October to 4th March 2025.
- The Local Development had been added to April 2025.

Note: * Key Decision report previously circulated.

(The meeting ended at Time 18.32pm)

LEADER

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MINUTES of a **MEETING** of the **CABINET** held on 15 October 2024 at 5.15 pm

**Present
Councillors**

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

**Apology
Councillor**

N Bradshaw

**Also Present
Councillor(s)**

D Broom, E Buczkowski, L Knight and S Robinson

**Also Present
Officer(s):**

Laura Woon (Democratic Services Manager), Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Matthew Page (Head of People, Performance & Waste), Simon Newcombe (Head of Housing & Health), Paul Deal (Head of Finance, Property & Climate Resilience), Dean Emery (Head of Revenues, Benefits & Leisure), Andy Mackie (Leisure Services Manager), Tristan Peat (Forward Planning Team Leader), Darren Beer (Operations Manager for Street Scene) and Lisa Turner and Laura Woon (Democratic Services Manager)

Lisa Turner (Planning Officer, Blackdown Hills Landscape Devon County Council)

**Councillors
Online**

Officers Online

G Czapiewski and A Glover

Kelly Lee (Leisure Business Manager)

65. APOLOGIES

Apologies were received from Cllr N Bradshaw.

66. PUBLIC QUESTION TIME

None received.

67. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT 03:37:00**

Cllr S Clist referred to item 6, the Blackdown Hills National Landscape Management Plan, and declared that he resided in the area.

Cllr L Taylor referred to item 11 and confirmed that he had a membership for Mid Devon Leisure Centre.

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

68. **MINUTES OF THE PREVIOUS MEETING 04:10:00**

The minutes of the previous meeting held on 17th September 2024 were **APPROVED** as a correct record and **SIGNED** by the Leader.

69. **MEDIUM TERM FINANCIAL PLAN- 04:30:00**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the Medium Term Financial Plan (MTFP).

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

- The Policy Development Groups (PDGs) had been presented with the budget options for the first round.
- The report sought approval of the green and amber budget options within appendices 1 and 2.
- The Cabinet Member for Governance, Finance and Risk proposed that the red cost pressures in Appendix 1 and agreed red saving options 23, 24, 26, 35, 37, 44, 54 in Appendix 2 be progressed within the 2025/26 Budget.

Discussion took place regarding:

- The disappointment in the uptake of the 'Let's Talk Mid Devon'
- The impact and the potential strains with regards to appendix 2, savings options 35 and 37.

RESOLVED that:

1. The Green and Amber pressures within Appendix 1 be approved.
2. The Green and Amber savings options within Appendix 2, with the exception of number 8, (Let's Talk Mid Devon) that would be held at this time as requested by the Community, People and Equalities PDG be approved.
3. The red cost pressures in Appendix 1 be agreed and red saving options 23, 24, 26, 35, 37, 44, 54 in Appendix 2 be progressed within the 2025/26 Budget.

4. That officers take forward options 55-64 on appendix 2 for further work and consideration to identify possible future benefits and report back to Cabinet with some tangible numbers, and that Cabinet request that the Policy Development Groups identify further savings options and recommend back to Cabinet for approval.
5. That officers hold an 'all Member' budget briefing, followed by an open discussion where Members are encouraged to come forward with ideas.

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

Note: * Report previously circulated.

70. **BLACKDOWN HILLS NATIONAL LANDSCAPE MANAGEMENT PLAN- 17:30:00**

The Cabinet had before it a report * from the Director of Place and Economy on the Blackdown Hills Landscape Management Plan.

The Cabinet Member for Planning and Economic Regeneration introduced Lisa Turner the Planning Officer from the Blackdown Hills Landscape (DCC) before he outlined the contents of the report with particular reference to the following:

- The wards affected within the report were incorrect and would be corrected to Upper Culm and Lower Culm wards.
- The Blackdown Hills National Landscape Management Plan, part of Mid Devon District, was situated within the area covered by the Blackdown Hills National Landscape, formerly known as an Area of Outstanding Natural Beauty.
- Countryside and Rights of Way (CROW) requires the Council together with other relevant local authorities to produce a management plan.
- The Blackdown Hills National Landscape Partnership had performed the duty on behalf of the Council and the other relevant local authorities, which included Somerset Council and East Devon District Council.

Discussion took place regarding:

- How to promote consultation and engagement with the public.
- The communication team to include the upcoming consultation in press releases.
- The length of time as suggested in the report and the possible extension beyond the 6 weeks to ensure parishes had the opportunity to engage.
- The Blackdown Hills National Landscape website was out of date.
- Would like to see more openness about how the project was funded.
- The carbon capture and if the Council could contribute further.

RESOLVED that:

The Blackdown Hills National Landscape Partnership undertakes a public consultation on the reviewed Blackdown Hills National Landscape Management Plan for 2025 – 2030 (Appendix 2 to this report).

(Proposed by Cllr S Keable and seconded by Cllr S Clist)

Note: * Report previously circulated.

71. **MID DEVON HOUSING- REVIEW OF THE ASBESTOS MANAGEMENT PLAN- 41:12:00**

The Cabinet had before it a report * from the Head of Housing and Health on the Mid Devon Housing review of the Asbestos Management Plan.

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

- Mid Devon Housing (MDH) had a legal requirement to maintain health and safety and had an up to date Asbestos Management Plan.
- The recent changes to statutory consumer regulation standards produced by the Regulator of Social Housing (RSH), imposed reporting and other changes which required the plan to be updated.

RESOLVED that:

That the updated Mid Devon Housing (MDH) Asbestos Management Plan be **ADOPTED** as recommended by Homes Policy Development Group (PDG).

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

Note: * Report previously circulated.

72. **MID DEVON HOUSING- REVIEW OF THE HOARDING POLICY- 43:10:00**

The Cabinet had before it a report * from the Head of Housing and Health on the Mid Devon Housing review of the Hoarding Policy.

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

- A hoarding disorder was where someone acquired an excessive number of items and stored them in a chaotic manner, usually resulting in unmanageable amounts of clutter.
- The Care Act 2014 required local authorities to protect individuals from self-neglect, it also required housing providers to ensure the health and safety of tenants, their neighbours and staff.
- The additional requirements set out in several statutory consumer standards published by the Regulator of Social Housing (RSH) to address hoarding/tenant wellbeing, alongside ensuring safe and well-maintained houses, those requirements must be met.

Discussion took place regarding:

- Reference to Children's Social Care to be added to 6.8 of the Policy.

RESOLVED that:

The updated Mid Devon Housing Hoarding Policy and Equality Impact Assessment contained in Annexes A and B respectively as recommended by the Homes PDG, with the addition of the amendment to paragraph 6.8 to include Children's Social Care be **ADOPTED**.

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

Note: * Report previously circulated.

73. MID DEVON HOUSING- REPAIRS AND MAINTENANCE POLICY- 47:40:00

The Cabinet had before it a report * from the Head of Housing and Health on the Mid Devon Housing review of the Repairs and Maintenance Policy.

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

- The Regulator of Social Housing's (RSH) statutory Safety and Quality Standard required that providers must provide an effective, efficient and timely repairs, maintenance and planned improvement service for the homes and communal areas for which they were responsible.
- Registered providers were expected to have in place and comply with, effective policies, procedures and processes in relation to repairs, maintenance and planned improvements that would take into account tenants' views and diverse needs.

RESOLVED that:

The Mid Devon Housing Repairs and Maintenance Policy and Equality Impact Assessment as recommended by the Home Policy Development Group (PDG) be **ADOPTED**.

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

Note: * Report previously circulated.

74. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS & PUBLIC- 50:15:00

The Leader stated that discussion with regard to the next two items, required Cabinet to pass the following resolution to exclude the press and public having reflected on Article 12 12.02 (d) (a presumption in favour of openness) of the Constitution. This decision was required because consideration of this matter in public would disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet decided, in all circumstances of the case, the public interest in maintaining the exemption, outweighed the public interest in disclosing the information.

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

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

(Proposed by the Leader).

75. LEISURE PRICING STRATEGY 2025- 51:02:00

The Cabinet had before it a report * from the Head of Revenues, Benefits and Leisure on the change to the Leisure Pricing Strategy 2025.

The Cabinet Member for Service Delivery and Continuous Improvement outlined the contents of the report. Following discussion and having returned to open session, the Cabinet:

RESOLVED that:

The charges proposed in section 1.22 of the report as recommended by the Service Delivery and Continuous Improvements Policy Development Group (PDG) be approved.

(Proposed by Cllr J Wright and seconded by Cllr J Buczkowski)

Note: * Report previously circulated.

76. STREETSCENE DEPOT - ADDITIONAL LEASE- 52:00:00

The Cabinet had before it a report * from the Deputy Chief Executive (S151 Officer), Head of Finance, Property and Climate Resilience and Head of People, Performance and Waste on the additional lease.

The Cabinet Member for Service Delivery and Continuous Improvement outlined the contents of the report. Following discussion and having returned to open session, the Cabinet:

RESOLVED that:

The lease of an additional unit at Hitchcocks Business Park, Willand, for the expansion of the Street Scene depot for a period of 15 years as outlined in the report be approved.

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

Note: * Report previously circulated.

77. NOTIFICATION OF KEY DECISIONS- 52:30:00

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

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

- The 2024/2025 Quarter 2 Treasury Management Report and 2024/2025 Quarter 2 Budget Monitoring Report had been added to 12 November 2024 meeting.
- The Tax Base Calculation had been added to 12 November 2024 meeting.
- The updating of Election Fees had been added to 10 December 2024 meeting.
- The update on Future EPR (Extending Producer Responsibility for packaging) would be added to 10 December 2024 meeting.
- The Information Security Policy and Information Security Incident Management Policies had been added to 7 January 2025 meeting.
- The Business Rates Tax Base had been added to 4 February 2025 meeting.
- The 2024/2025 Quarter 3 Budget Monitoring Report had been added to 4 March 2025 meeting.

Note: * Key Decisions report previously circulated.

(The meeting ended a 18.38pm)

LEADER

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Report for: Cabinet

Date of Meeting: 15 October 2024

Subject: **MID DEVON HOUSING REPAIRS AND MAINTENANCE POLICY**

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

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

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

Wards Affected: All

Enclosures: Annex A – MDH Repairs and Maintenance Policy
Annex B – MDH Repairs and Maintenance Policy
Equality Impact Assessment

Section 1 – Summary and Recommendation(s)

Under the Regulator of Social Housing’s (RSH) statutory Safety and Quality Standard Registered Providers must provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal areas for which they are responsible.

Registered Providers are expected to have in place and comply with effective policies, procedures and processes in relation to repairs, maintenance and planned improvements that take into account tenants’ views and diverse needs. With a clearer, updated standard in place Mid Devon Housing (MDH) have taken the opportunity to bring together a several repairs and maintenance approaches into a single, new policy

document. This aims to provide clarity for tenants, the RSH and MDH more widely as to what our repairs service will provide and how it meets the Standard requirements.

Recommendation:

That Cabinet recommends to Council that the MDH Repairs and Maintenance Policy and Equality Impact Assessment be adopted as recommended by the Home PDG.

Section 2 – Report

1 Introduction

- 1.1 MDH is committed to ensure tenants' homes are well maintained by an efficient and effective repairs and maintenance service.
- 1.2 The MDH Repairs and Maintenance Policy serves to define, in broad terms, the principles that guide the repair and maintenance activities and the service standards that shall be implemented.
- 1.3 There are a range of legislative and regulatory responsibilities guiding the delivery of the Council's repairs and maintenance service which are referenced in the policy.
- 1.4 Whilst a tenant repairs handbook exists, there is no current existing similar policy and greater clarity is required as set out in the report summary.

2 RSH Consumer Standards

- 2.1 The RSH introduced new consumer standards in April 2024. One of these standards is the Safety and Quality Standard sets out the following requirements specifically relating to repairs and maintenance:
 - a) Registered providers must provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal areas for which they are responsible.
 - b) Registered providers must enable repairs and maintenance issues to be reported easily.
 - c) Registered providers must set timescales for the completion of repairs, maintenance and planned improvements, clearly communicate them to tenants and take appropriate steps to deliver to them.
 - d) Registered providers must keep tenants informed about repairs, maintenance and planned improvements to their homes with clear and timely communication.
 - e) Registered providers must understand and fulfil their maintenance responsibilities in respect of communal areas

- f) Registered providers must ensure that the delivery of repairs, maintenance and planned improvements to homes and communal areas is informed by the needs of tenants and provides value for money.
- 2.2 The adoption of a formal Repairs and Maintenance Policy provides a key framework and reference point to demonstrate how we will achieve those points above.
- 3 Performance Monitoring**
- 3.1 The activities covered under the Repairs and Maintenance Policy will be subject to performance monitoring on a continuous basis and discussed with contractors as part of the regular operational and core group meetings.
- 3.2 Key areas for monitoring will be:
- Works completed on time
 - Works overdue
 - Works completed first time fix
 - Average repair and void time
 - Quality of work completed
 - Customer satisfaction
 - Appointments kept
 - Budgetary and expenditure control
- 3.3 The service quarterly performance monitoring report already provides tenants and members with key information on overarching repairs performance with the following indicators:
- Emergency repairs completed on time % (Target 100%)
 - Urgent repairs completed on time % (Target 95%)
 - Routine repairs completed on time % (Target 95%)
 - Repairs completed first visit % (Target 95%)
- 3.4 Feedback from our tenants on the quality of the service they receive is important in helping us to evaluate and improve the service. Customer satisfaction surveys will be carried out following the completion of a repair, as well as larger scale periodic perception surveys. Feedback from these surveys will be used to gauge overall tenant experience and help shape future service improvements.
- 4 Consultation and Co-Regulation**
- 4.1 Tenants were invited to comment on the draft policy between 01 and 31 July 2024.
- 4.2 Members of the Homes PDG were invited to comment on the draft policy between 01 and 31 July 2024.
- 4.3 No comments or concerns were raised by tenants or members.

- 4.4 Despite a lack of response to consultation, it is important that tenants are fully aware of the updated policy. To this end, should the policy be adopted, MDH will proactively signpost the policy on our webpages/Facebook pages and in the next tenant newsletter. Where relevant, particularly in relation to queries, service requests or complaints we will also ensure specific tenants or other stakeholders are also aware of the updated policy as required.
- 4.5 Under housing legislation including the Social Housing (Regulation) Act 2023, the RSH take co-regulatory approach. In the context of a local authority registered provider such as MDH this means:
- councillors are regarded as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements
 - providers must support tenants to shape and scrutinise service delivery and to hold officers and councillors to account

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

5 Safeguarding and Vulnerable Tenants

- 5.1 MDH records details of all vulnerable tenants to enable us to support their needs. This includes making reasonable adjustments in dealing with vulnerable tenants so that they are comfortable when we interact with them.
- 5.2 When repairs or maintenance are required MDH ensures that the tenant is communicated to by their preferred channel and that they understand the importance of allowing access to their home to complete the check.
- 5.3 Whilst officers and contractors attend homes to specifically carry out repairs or maintenance they will check any tenants observed who appear vulnerable or if there are safeguarding concerns which will be reported to the Neighbourhood Officer. The Neighbourhood Officer will then contact the tenant to establish if they need additional support to be able to sustain their tenancies.

6 Policy Review

- 6.1 MDH will review this Policy every 5-years and as required to address legislative, regulatory, best practice or operational issues. However, the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations.
- 6.2 Where material or significant amendments are required the policy will receive a full review and will be brought back to the Homes PDG and Cabinet for consideration. Full tenant consultation will also take place.

7 Recommendation

- 7.1 In accordance with the above, the following recommendation is made:

- That the PDG recommends to Cabinet that it recommends to Council that the MDH Repairs and Maintenance Policy and Equality Impact Assessment be adopted.

Financial Implications

This report on its own does not give rise to any financial implication but implementation of the activities set out in the policy will have cost implications.

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

The Council's HRA revenue and capital budget and Medium-Term Financial Plan 2023-28 supports the activities required to maintain the Council's housing stock.

Legal Implications

The Council has statutory responsibilities under the Landlord and Tenant Act 1985, the Decent Homes Standard, the Defective Premises Act and the Housing Health and Safety Rating System (HHSRS) alongside the RSH Safety and Quality Standard 2024 to ensure that properties are maintained, meet the Decent Homes Standard and that, where appropriate, properties are assessed and steps taken with a view to avoiding or minimising the risk of responsive repairs.

Risk Assessment

Failure to have a Repairs and Maintenance policy in place would put the Council in breach of the regulatory framework. Failure to have adequate arrangements in place for Repairs and Maintenance could result in the Council failing to meet its statutory and contractual obligations.

Impact on Climate Change

The Policy has no direct impact on Climate Change

Equalities Impact Assessment

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

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

Relationship to Corporate Plan

Homes are a priority for the Council and in the context this policy this includes supporting the delivery of several key objectives; investing in our homes, monitoring tenant satisfaction and ensuring our tenants feel safe, secure and happy in our homes.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 29 August 2024

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 29 August 2024

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 16 August 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 22 August 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe – Head of Housing and Health
Email: snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers:

[Regulator of Social Housing Consumer Standards – Summary Code of Practice](#)



Repairs and Maintenance Policy

2024

This policy was produced in 2024 and is version 1.00

This policy was adopted by Council on xxxx

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

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1 Introduction

- 1.1 The purpose of this document is to set out MDH's Repairs & Maintenance Policy.
- 1.2 MDH recognises that the efficient and effective repair and maintenance of its housing stock is an important service to tenants and leaseholders and an essential part of a much wider asset management function.
- 1.3 The overall aim of this Policy is to set a framework enabling the delivery of an effective maintenance service which fulfils MDH's statutory obligations, protects council assets, and offers value for money.
- 1.4 This policy applies to the housing stock of MDH which are dwellings let to tenants under secure, introductory, flexible secure and demoted tenancies. Where the term "Tenancy" or Tenancy Agreement is used in this policy it means one of these tenancies

2 Aims and Objectives

Aim

- 2.1 The aim of this policy is to ensure that MDH's repairs and maintenance service meet all of its legal and contractual obligations as a landlord and also to explain the tenant's responsibilities

Objective

- 2.2 The objective is to clarify what tenants can expect of MDH in relation to servicing, repairs and planned works.

3 Regulatory Framework and Context

- 3.1 Under the Regulator of Social Housing's Safety and Quality Standard Registered Providers must provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal areas for which they are responsible.
- 3.2 The Regulator of Social Housing regard councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements.
- 3.3 As part of the new consumer regulation regime, from April 2023, the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how social housing landlords in England are doing at providing good quality homes and services.

3.4 The TSM's associated with this Policy are:

- TP02 – Satisfaction with repairs
- TP03 – Satisfaction with time to complete most recent repair
- TP04 – Satisfaction that the home is well maintained
- TP05 – Satisfaction that the home is safe
- RP02 – Repairs completed within target timescale

4 Related Legislation and Relevant Policies

4.1 Legislation:

- Social Housing Regulator Economic and consumer standards
- Homes (Fitness for Human Habitation) Act 2018 (HFHHA 2018)
- Housing Acts 1985,1988,1996,1998 and 2004
- The Secure Tenants of Local Authorities (Right to Repair) Regulations SI. 1994 No 133
- The Secure Tenants of Local Authorities (Compensation for Improvements) regulations 1994, SI 1994 No 613
- The Leasehold Reform, Housing and Development Act 1993
- Landlord and Tenant Act 1985
- Defective Premises Act 1972
- Landlord and Tenant Act 1985 – Section 11
- Defective Premises Act 1972 - Section 4
- Environmental Protection Act 1990 – Part III
- Fire Safety (England) Regulations 2022
- Gas Safety (Installation and Use) Regulations 1998
- Regulatory Reform (Fire Safety) Order 2005.
- Commonhold and Leasehold Reform Act 2002
- Equalities Act 2010
- Control of Asbestos Regulations 2012
- Housing Health & Safety Rating System

4.2 Related Policies:

- Tenancy Agreement and Tenant's Handbook
- MDH Recharges Policy
- MDH Decant Policy
- MDH Voids Management Policy and Lettable Standard
- MDH Tenant Compensation Policy
- MDH Homes Safety Policy
- MDH Aids and Adaptations Policy
- MDDC Complaints and Feedback Policy

5 Responsibility for Repairs

- 5.1 Tenant Responsibilities - The tenant is responsible for reporting repairs to MDH and must allow access to their home for the repair work and associated inspections to be carried out. The tenant is responsible for:
- a) Minor repairs and decorating inside the Property.
 - b) Repairing or renewing any improvements that the tenant has carried out, including associated items. Unless the work is in the nature of minor repairs the tenant must ask MDH for consent in writing to carry out any such works
 - c) The Tenant's responsibilities are as set out in the Tenancy Agreement and the Tenants' Handbook.
- 5.2 The tenant is responsible for allowing access for essential maintenance visits and surveys to support the repairs team. These include the annual gas or heating check, electrical installation condition check, stock condition survey to undertake an assessment of the property's key components so that future works can be programmed and asbestos surveys to ensure that MDH can work safely in a tenant's home. Tenants may be recharged if they unreasonably refuse or fail to allow access when suitable notice has been given for a statutory visit. Please refer to the [MDH Recharges](#) Policy for further details.
- 5.3 MDH's obligations are to:
- a) Keep in repair the structure and exterior of the Property. This includes the drains, external pipes, gutters and external windows.
 - b) Keep in repair and proper working order the installations in the Property for the supply of water, gas and electricity and for sanitation. This includes the basins, sinks, baths and sanitary conveniences.
 - c) Keep in repair and proper working order the installations in the Property for space heating and heating water
- (Further details are set out in the Tenancy Agreement and Tenants' Handbook.)
- 5.4 The obligation to repair carries with it an obligation on MDH to make good or redecorate any damage caused in the course of the repair.
- 5.5 MDH must carry out repairs within a reasonable period of time once it has been notified of the problem. There is no statutory definition of reasonable time. Relevant factors might include:
- The extent of the disrepair
 - Availability of replacement parts
 - Whether the tenant is living in the property

- 5.6 Any temporary measures MDH has put in place might affect what is considered a reasonable time to complete repairs. For example, a temporary door to replace one that was broken, or space heaters where a boiler is not working.
- 5.7 MDH must carry out the repairs at its own cost and is not permitted to charge the tenant for the cost of the repairs or to recover the costs through a service charge.
- 5.8 MDH is not obliged to carry out any works or repairs that are needed due to the tenant not using the property in a tenant-like manner.
- 5.9 MDH is not obliged to keep in repair or maintain anything that the tenant is entitled to remove.
- 5.10 MDH must also ensure that the Property:
- a) Is fit for human habitation at the time the tenancy is granted or created or, if later, at the beginning of the term of the tenancy.
 - b) Will remain fit for human habitation during the term of the tenancy.
- 5.11 MDH fulfils its repairing responsibilities through a combination of the following type of repairs:
- Responsive Repairs
 - Planned improvements.
 - Cyclical maintenance, which includes decorating and servicing and inspection of gas and electrical installations.
 - Re-chargeable repairs
 - Repairs to Empty (Void) Properties
 - The Right to Repair
 - Adaptations
- 5.12 Responsive repairs will normally replace fixtures and fittings supplied by MDH on a like for like or improved basis or, where this is not possible, MDH will aim to provide the tenant with choices in relation to the replacement. In some cases, for example where stock is obsolete the closest match may vary greatly.

- 5.13 If a component cannot be fully repaired, MDH may make a temporary repair and arrange for a full planned replacement to follow on and this will be discussed with the tenants. MDH will ensure the substantive repairs are carried out within a reasonable period of time.

6 Responsive Repairs

6.1 When a tenant reports a repair MDH will:

- Check whether the repair is MDH's responsibility
- If necessary, arrange for a member of staff to visit the home to look at what needs to be done
- For most repairs except emergencies MDH will make a morning (8am to 1pm) or afternoon (1pm to 4.30pm) appointment for a specific date
- If tenants contact MDH by telephone MDH will generate a unique job number which they can use if they need to contact MDH about the repair again, although tenants can enquire about any job by providing their address and a brief description.
- MDH will contact tenants by their preferred method to arrange and confirm appointment details including telephone, email, text message or by post
- MDH may increase the priority of repairs for older tenants, those with disabilities or vulnerabilities but this will be considered on an individual basis

6.2 When work is scheduled to be completed MDH will:

- Tell the tenant if they need to move or protect furniture, or if any floor covering needs to be removed.
- Not work in a home where the only person (s) at home is under 16 years old
- Request that pets and animals are placed in a separate room
- Request that tenants provide a smoke-free environment for MDH's repair workers

7 Response Times

7.1 When a repair is reported MDH will discuss the nature of the repair and tell the tenant what response time category it has been placed in. The response time are measured from the date that the repair is reported.

7.2 Emergency repairs - MDH will respond within 4 hours or 1 working day, depending on the urgency. For repairs to remove immediate danger to people, avoid flooding or major damage to the property, make the property secure, or restore total loss of heating in winter (31st Oct-1st May)MDH will complete the repair at the time, if possible . If this is not possible, MDH will make the situation safe and carry out any follow up work as an urgent or routine repair. Examples could include: Gas leaks. Serious internal water leak. Loss of water supply to all parts of the home. Dangerous electrics (electric shock, bare wires) and unsafe electrical sockets or fittings, total loss of electricity supply, blocked drain (when backing up into property), blocked toilet or toilet not flushing (when no other toilet in the home), blocked flue to open fire or boiler, leaking roof (temporary repair), door or window insecure, loss of room or water heating (total or partial) between 31st October and 1st May.

- 7.3 Urgent Repairs will be undertaken within 3 working days for Partial loss of electrical supply, blocked bath, basin or sink, blocked toilet when another toilet in the home can be used), broken or rotten wood floors or stairs, loss of room or water heating (total or partial) between 30th April & 1st November, faulty communal door, stiff or seized tap or valve, broken or loose balustrade or handrail.
- 7.4 Other urgent repairs will be completed within 7 working days for such repairs as work to restore full or partial failure of sanitation, water or electrical supply or heating systems. Also for urgent work to prevent immediate damage to the property, to overcome serious inconvenience to the household or where there is possible health, safety or security risk. Examples could include: Faulty extractor fan in kitchen or bathroom (where there is no openable window), rain coming through the roof, door entry phone not working.
- 7.5 For Routine repairs which are not emergency or urgent - MDH will complete the repair within 35 working days. This is for work where the fault or failure does not cause inconvenience or present a danger to occupants or the public. MDH may extend the timescale for certain repairs, for example if materials or parts need to be ordered.
- 7.6 Repairs and component replacements to external and non-habitable parts of the home, such as coal stores, external WCs, garden WCs, porches, external stores and outhouses will not normally fit within emergency to routine repair timescales, unless there is an imminent risk to health or life. Works will normally be carried out as major, planned or batched planned works. Although such areas may be treated by tenants as part of the home, they are not designed with the same level of protection from damp or weather as the main parts of the home, and are only suitable for storage of non-perishable items.
- 7.7 Planned work. MDH will put certain non-urgent work into 'packages' of work that can be carried out all together in an area. This is more efficient and costs less. This will only be done if the work can be completed in this way within a reasonable time otherwise the works will have to be carried out as responsive repairs and not as planned work
- 7.8 If a repair worker does not come within the response time or keep to a specific morning or afternoon appointment agreed with the tenant MDH ask that tenant contact us immediately. In certain circumstances MDH will make a payment to the tenant for the inconvenience.

8 Exclusions

- 8.1 Misuse / damage – where repairs are required due misuse or damage, tenants may be responsible for arranging for or paying for repairs. In extreme cases, possession may be sought for breach of tenancy agreement.

9 Tenant's Right to Repair

- 9.1 The Right to Repair is part of the Citizen's Charter Scheme. It gives tenants the right to have certain repairs done within set time limits. These are referred to as Qualifying Repairs that could affect the health, safety and security of tenants.
- 9.2 MDH will inform tenants if their repair is a Qualifying Repair.
- 9.3 If MDH do not complete a Qualifying Repair within the time allowed, the tenant has the right to tell MDH to get another contractor to complete the works. If they fail to complete the work within the timeframe tenants may be entitled to compensation.

10 Planned and Cyclical Maintenance

- 10.1 Planned maintenance includes all planned improvement works and planned repairs to the housing stock.
- 10.2 MDH gathers and uses information relating to each property to plan and develop its planned maintenance programmes. Typically, this will include:
 - Information from a periodic stock condition survey
 - Condition of property elements & components
 - Expected component and material lifecycles
 - Information about asbestos present in the property
 - Information about the energy performance of properties
 - Information from the Housing Health and Safety Rating System (HHSRS)
 - Repair history
- 10.3 In developing its annual planned maintenance programme, MDH will consider the current condition of the property and assess this against the component lifecycle and the decency standards as defined by the Department for Levelling Up, Housing & Communities. Consideration will also be given to the impact on other maintenance work streams.
- 10.4 Cyclical maintenance are works that are undertaken at defined time intervals as routine preventative maintenance. The works are undertaken on regular planned cycles for servicing, inspection and testing of equipment, often as required by statute or regulations or to maintain the generation condition of the stock, and particularly the electrical and mechanical installations within the stock. Further detail is contained within the [MDH Homes Safety Policy](#).

11 Stock Condition

- 11.1 MDH holds data on the condition of all the housing stock which informs the timeframes for planned and cyclical maintenance programmes

11.2 Information used to determine the condition of individual properties includes:

- Physical inspections of properties
- Information provided by Officers and Contractors
- Reports received during routine maintenance checks
- Cloned data

12 MDH's Standards

12.1 MDH will respond to repair problems in an efficient and helpful way. Most repairs are carried out by MDH own repair workers but MDH sometimes use specialist contractors. If this happens MDH will tell tenants the name of the contractor.

12.2 MDH's staff will:

- Answer calls promptly
- Be polite, honest and helpful

12.3 Anyone working in tenant's homes will follow certain rules of behaviour:

- Treat tenant's and their household with respect and always behave in a professional way
- Consider any tenant vulnerabilities and make reasonable adjustments if required
- Introduce themselves and show photo identification before entering
- Explain what they are going to do and discuss how this will affect the tenant or their household
- Protect belonging from damage, dust and paint
- Make sure materials and tools do not cause a danger to anyone
- Keep tenants informed about how the work is progressing
- Clear rubbish from the home at the end of each working day
- Make sure electricity, gas and water are connected at the end of the day
- Be dressed appropriately for the type of work they do

12.4 MDH will carry out regular checks to make sure MDH provide a good standard of service by selecting a number of completed repairs on a random basis. MDH will also contact tenants by telephone, text, email or letter to find out what they thought about the service. MDH will inspect completed jobs at random for the standard of workmanship either by telephoning the tenant or visiting the home to look at the repair.

13 Complaints

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

13.2 If things do go wrong the Council is committed to:

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

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

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

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

13.5 Where a tenant considers that the council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved 'there and then' by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.

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

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

14 Equality Impact Assessments

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

Equality Impact Assessment

Purpose of the Equality Impact Assessment process:

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

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

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

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

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

Section 1: Equality Impact Assessment Screening

Title and description of the policy/ decision:	MDH Repairs and Maintenance Policy		
Job title of the person(s) undertaking the assessment:	Policy Officer		
Council service:	Housing		
Date of assessment:	01.08.2024		
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?			
<p>The aim of this policy is to ensure that MDH's repairs and maintenance service meet all of our landlord obligations with regard to legal and contractual requirements and to explain tenant responsibilities in relation to the Tenancy Agreement.</p> <p>The objective is to clarify what tenants can expect of MDH in relation to servicing, repairs and planned works.</p>			
Who may be affected by the policy/ decision?	All MDH Tenants		
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	<p>Consultation exercise was undertaken between—which included:</p> <ul style="list-style-type: none"> • Tenants • Members of the Homes PDG 		
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	MDH reviews its practices as lessons learned when dealing with complaints raised by tenants		
To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:			
	Yes	No	Details
1. Eliminate unlawful discrimination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Policy does not discriminate against those who are older, have a disability or are vulnerable
2. Advance equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	
3. Foster good relations between different groups	<input type="checkbox"/>	<input type="checkbox"/>	

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

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

Characteristic	Positive	Negative	Neutral	Comments
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	We may increase the priority of repairs for older tenants, those with disabilities or vulnerabilities but this will be

Characteristic	Positive	Negative	Neutral	Comments
				considered on an individual basis
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	We may increase the priority of repairs for older tenants, those with disabilities or vulnerabilities but this will be considered on an individual basis
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

Decision by Corporate Manager to recommend this policy/ decision for an Equality Impact Assessment?

Yes/ No

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

EIA Screening Complete

Section 2: Equality Impact Assessment

Evidence and Consultation

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

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards.

Furthermore, there is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants and to enable compliance to be monitored.

MDH records details of all vulnerable tenants in able to support their needs. This includes making reasonable adjustments in dealing with vulnerable tenants so that they are comfortable when we interact with them.

When repairs or maintenance are required MDH ensures that the tenant is communicated to by their preferred channel and that they understand the importance of allowing access to their home to complete the check.

Whilst officers and contractors attend homes to specifically carry out repairs or maintenance they will check any tenants observed who appear vulnerable or if there are safeguarding concerns which will be reported to the Neighbourhood Officer. The Neighbourhood Officer will then contact the tenant to establish if they need additional support to be able to sustain their tenancies.

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

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
No Impacts/Issues or opportunities identified			
Age			
Older tenants may be adversely affected when a repairs is required as they may not be able to use alternative facilities	We may increase the priority of repairs for older tenants, those with disabilities or vulnerabilities but this will be considered on an individual basis	Repairs and Maintenance Manager	That target time for completion of repairs take into consideration the age &/or vulnerability of the tenant
Disability			
As above			
Religion or Belief			
No Impacts/Issues or opportunities identified			
Race			
No Impacts/Issues or opportunities identified			
Sexual Orientation			

No Impacts/Issues or opportunities identified			
Gender Reassignment			
No Impacts/Issues or opportunities identified			
Pregnancy/ maternity			
No Impacts/Issues or opportunities identified			
Marriage and Civil partnership (Applies only to Employment and the duty to give regard to the elimination of discrimination)			
Not Applicable			

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

MDH will review this Policy every 10 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations. There were no mitigating actions to be taken to promote equality.

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

Mid Devon Housing Website

=====

Equality Impact Assessment Sign off

For completion by Corporate Manager

Are you prepared to agree and sign off the EIA?

Yes **No**

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

Name: Simon Newcombe

Job Title: Head of Housing and Health

Date: 21 August 2024

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MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 9 September 2024 at 5.00 pm

Present

Councillors

L G J Kennedy (Chair)
G Westcott (Vice-Chair), D Broom,
E Buczkowski, A Cuddy, G Czapiewski,
C Harrower, B Holdman, L Knight,
R Roberts and S Robinson

Also Present

Councillors

N Bradshaw, G Duchesne and D Wulff

Also Present

Officers:

Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Simon Newcombe (Head of Housing & Health), Jason Ball (Climate and Sustainability Specialist), Sarah Lees (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

J Buczkowski, A Glover, S Keable and J Lock

Officers Online

Dr Stephen Carr (Corporate Manager for Performance and Improvement) and Adrian Gardner (Specialist Lead – Community and Safeguarding)

23 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:57)

No Apologies were received.

24 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:05:07)

No interests were declared under this item.

25 PUBLIC QUESTION TIME (00:05:23)

There were no questions received from members of the public.

26 MINUTES OF THE PREVIOUS MEETING (00:05:26)

The minutes of the meeting held on 15 July 2024 were **APPROVED** as a correct record and **SIGNED** by the Chair.

27 CHAIR'S ANNOUNCEMENTS (00:08:10)

The Chair had no announcements to make.

28 DECISIONS OF THE CABINET (00:08:11)

The Committee **NOTED** that none of the decisions made by the Cabinet on 27 August 2024 had been called in.

29 COMMUNITY SAFETY PARTNERSHIP - ANNUAL REPORT (00:08:19)

The Committee had before it and **NOTED** a *report from the Head of Housing and Health (Chair of the East Devon and Mid Devon Community Safety Partnership).

The following was highlighted within the report:

- This was an annual report for 2023-24 and an opportunity to look ahead to the priorities for 2024-25 and beyond.
- This was a mandatory partnership that operated in a strategic way on a multi-agency basis to influence a reduction on crime and disorder.
- New priorities or directions coming the way of the Community Safety Partnership (CSP) were:
 - New Serious Violence Duty.
 - New Martyn's Law (The Protect Duty – looking at premises to make sure that people are safe at events).
 - A Government review around Community Safety Legislation.
- The updated Terms of Reference for the CSP.
- Work for the forthcoming year including;
 - A more detailed look at Anti-Social Behaviour (ASB).
 - The implementation of the Serious Violence Duty.
 - Violence against Women and Girls.
 - Domestic Abuse.
- There was no funding for the CSP. The role of the CSP was largely an influencing one, a strategic one and a conduit for other activity.

Discussion took place with regard to;

- How elected Members were involved.
- Whether further training would be offered to interested Members in relation to ASB work?
- ASB Youth Intervention Panel.
- Funding – the Government had promised some funds which went to Devon County Council and were then proportioned. That funding had been made available to the CSP.
- Partnership approach.
- Child placed at the centre of decision making
- Further briefing for Councillors wanted on who does what?
- Awaiting Central Government to implement "Martyn's Law". In Mid-Devon, this would be implemented for lower tier premises such as Community Halls and Pubs.
- Tenancy Management and the officer overseeing this area.
- The need for a briefing for the Scrutiny Committee from a senior police officer.
- The Council was asked to give a briefing to Members on Terrorism.

- The driver of the Community Safety Partnership was to reduce anti-social behaviour.

Note: *report previously circulated.

30 MID DEVON AS A TRAUMA INFORMED COUNCIL (00:35:49)

The Committee received and **NOTED** a verbal update from Head of Housing and Health on Mid Devon District Council being a Trauma Informed Council.

The following was highlighted in the update:

- Recognising the impact of traumatic experiences, often when a child, and noting what those people went on to do.
- Drivers
 - Trauma – what was it?
 - How did it affect the lives of those that experienced it?
- The training for Councillors on this subject was estimated to cost £20,000 three years ago, then Covid prevented the training and subsequently there had not been the funds available for the training as a discretionary piece of work.
- Within the Community Safety Partnership the Council was working with other agencies on this subject.
- The Anti-Social Behaviour Relief Panel approach was an example of the Council being “Trauma informed”.
- The Serious Violence Strategy was in itself mandated by the Government that, the Council had to take a preventative Public Health approach to serious violence, not just the crime, there had to be an understanding as to what was causing it, the public health approach had led to a number of priorities in that strategy which were “trauma informed” and a number of other county level agencies were getting involved.
- Corporate Parenting response.
- Frontline Housing/Housing Options team had all been trained and were “trauma informed” .
- The Homes Policy Development Group were looking into hoarding, with a view to looking at tenant vulnerability and why they were hoarding, to avoid the tenant commencing hoarding all over again after the initial problem was cleared.
- The mantle for the Trauma Informed work had been passed to the Equalities, Diversity and Inclusion Group.

Discussion took place with regards to:

- Success at Teignbridge District Council where the emphasis was on Anti-Social Behaviour (ASB) where they measured the number of interventions and the percentage rate of re-offending.
- Mid Devon District Council had started to look at the levels of hoarding and would be in a position to measure whether the intervention had been a success after a year.
- The measurement of outcomes could only take place at the end of an intervention.

- Suggestion that this work was put through the Economy and Assets Policy Development Group (PDG) and encourage them to think about those measures so that the Council could justify resources being spent on them.
- Whether there would be a greater in-depth report and whether it could come back to the Community, People and Equalities PDG? – The mandate had been taken up by the Equalities, Diversity and Inclusion group and they could bring it to the Community, People and Equalities PDG as a Community Safety Report.
- Whether the Council had the relevant skill sets within the officer teams? The training was focussed towards those officers who had a lot of dealings with vulnerable and complex clients. Going forward the Council would continue to invest in that training. Often the team worked with other agencies who were more highly trained than they were.
- General Data Protection Regulation (GDPR) The Council already had fairly strict understandings about protecting people’s personal information. Recently there had been a case elsewhere in Devon where somebody had died and, had agencies exchanged information better, then that person may have been saved. Some agencies hid behind GDPR regulations and yet the legislation sat above those regulations and there should have been greater information sharing.

31 CULLOMPTON INFRASTRUCTURE UPDATE REPORT (01:00:27)

The Committee had before it and **NOTED** a *report from the Director of Place and Economy.

The following was highlighted within the report:

- The Council had been granted additional funds for the Cullompton Town Centre relief road and were working with Homes England to progress the scheme and finalise the contract (Deed of Variation).
- With regard to the Railway Station re-opening project, it was frustrating that the government had cancelled the “renewing your railways programme”, particularly as this was a viable project. The Council would continue to push the project forward.
- Junction 28 upgrade – given the success with securing funds for the relief road, it was hoped that the Government would see the unlocking of the full opportunity that existed at Culm in terms of the wider Garden Village proposition.

Discussion took place regarding:

- The land that would be required to deliver the relief road – 80% of it ran through Cullompton Community Association fields, notably the Cricket and Football pitches but what about the land nearer junction 28? A lot of people were engaging with local residents and were largely supportive. The work to relocate the cricket club had begun. At the Station Road end of the scheme the most significant piece of undeveloped land was that owned by Tesco adjacent to their supermarket. Unfortunately, the Council had been unable to get a constructive dialogue. It was hoped that, in light of the positive funding decision, Tesco would enter into more progressive discussions. It was noted that there may be a difference of opinion regarding the value of the Tesco land between Tesco and the scheme promoters. It was noted that Devon County

Council would progress a compulsory purchase order to enable delivery of the scheme.

- Continued public support would do the bid no harm.

32 AIR MANAGEMENT IN CULLOMPTON AND BEYOND (01:15:46)

The Committee received and **NOTED** a *report from the Director of Place and Economy.

It was highlighted in the report that the Council were proactively replacing the previous Air Quality monitoring equipment which was reaching the end of its life. This would enable the Council to continue monitoring the air quality. The new town centre relief road and the Junction 28 scheme would both have positive outcomes in terms of relieving traffic congestion and therefore pollution. The report mentioned Crediton and referenced the Crediton Masterplan. There was an inherent challenge in Crediton about the nature and volume of traffic that travelled up and down the High Street but the District Council had been proactive in seeking opportunities to make incremental changes to improve Air Quality.

Discussion took place with regard to:

- When the equipment would be installed – Section 106 funding had been approved in August, it would take a few more weeks to complete the procurement process, there was an 8-10 week lead in time, post order through to delivery.
- Data had been gathered for a number of years and the trend in air pollution was positive probably due to better vehicles and the reduction in emissions. However, more development with greater population and tourism could reverse this positive trend and drive up pollution levels.
- With the level of planned growth it was important to keep the Air Quality Management areas in situ, especially for Cullompton.
- The figures were reported back to Department for Environment Food and Rural Affairs (DEFRA). Where the figures were lower and consistently below objective values this raised questions as to whether Air Quality Management Areas were necessary, however, with the development in the area, the Council had recommended to DEFRA it retained the Cullompton area.
- The Council continued to monitor the pollution using simpler diffusion tubes across the district even though the main equipment had expired pending replacement.
- Arguments around Crediton air quality were more nuanced and arguments with DEFRA as to whether they needed to retain the Crediton Air Quality Management Area was a tougher question to answer given development pressures were currently less. This area was due review shortly and additional monitoring data from the new equipment would support this.
- There was a difference in opinion as to the levels of pollution. The new monitoring equipment when it was installed, should provide a level of assurance that where the equipment was sited, especially around the hourly air quality objective value. This level of monitoring resolution wasn't possible without the replacement monitoring equipment.
- Those that were affected were those that lived in the congested areas such as the High Street. The long-term local monitoring indicated people in the air quality management areas were more likely to be at risk from air pollution

levels measured against a lower, annual average. If that objective was exceeded it would equate to longer-term more chronic exposure and symptoms. This was opposed to the short-term exposure and the hourly objective level which if exceeded would result in more acute symptoms.

- Live reporting and real world data may provide information as to why the High Street was snarling up and whether it was other networks that were causing the issues.
- Air Quality came under the remit of Community, People and Equalities Policy Development Group (PDG) instead of the Planning, Environment and Sustainability PDG because the Air Quality Objectives were Public Health Objectives impacting on various diseases from asthma to cancer.

Note: - *Report previously circulated.

33 **PORTFOLIO PRESENTATION FROM THE CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE (01:36:58)**

The Committee received and **NOTED** a presentation from the Cabinet Member for Environment and Climate change.

The Cabinet Member gave an overview of what Climate Change does to Mid Devon and what we could do to address the issue. There were many targets to address in working towards the Net Zero target for 2030 and there were five years to go. The Portfolio was about both Climate Change and the Environment together, the Council needed to generate more power, to cut carbon and to show leadership.

The Cabinet Member also highlighted:

- Mid Devon district had a carbon footprint of just over one million tons of carbon equivalent per year.
- There were key climate risks to; our landscape and communities, particularly flood risk, health, food systems, soil, wildlife, energy and other supplies.
- We need to adapt as well as make efforts to reduce our carbon footprint.
- Many of the Council's residents were Climate conscious.
- The District needed to attract funding.
- Climate Emergency Interim Planning Policy Statement.
- The Challenge to balance the Climate need with the need for more homes.
- Enable more people to act.
- Enable investment.
- Strategic Partnerships to drive things like greener transport.
- Policy e.g. working across the Council on our Biodiversity duty action plan.
- Decarbonising Homes.
- Decarbonised Leisure Centres (Net Zero at Exe Valley).
- Recycling rates were good (avoiding tonnes of carbon).
- The Net Zero Advisory Group.
- A strategic approach to cutting carbon was needed.

The Cabinet Member said the good news was that the Council's carbon footprint was going down, however, fifty percent of it was in social housing and so retro-fitting of insulation was really important. The Climate was a risk rated as red in reporting terms and she wanted to see that reduced to amber within the next six to twelve months.

Discussion took place with regard to:

- To what extent was the Council able to consider the Climate Emergency Statement when looking at the carbon implications of new development applications? Primarily, Energy efficiency, Energy usage and Carbon Emissions were dealt with through the Building Regulations.
- Were we allowed to require energy efficiency standards in planning applications? In planning applications, it appeared that developers were not providing data on what the carbon emissions would be as a result of the development. The Director of Place and Economy stated that there was no statutory requirement and the Council could not demand it – he would check his understanding and revert back to the Committee.
- Developers were provided with a free calculator tool to enable them to assess the most cost-effective ways to achieve low / zero carbon homes.
- The Local Plan Review was helping to shape policies.
- The Development Control Department were encouraging developers to do the right thing rather than enforcement as Climate Change was not a planning consideration under the current National Planning Policy Framework.
- The Climate Strategy and Action Plan included an action road map to 2030.
- With regard to the sewage outflow at the end of the proposed Cullompton Relief Road into the River Culm, the Council had met with South West Water and were awaiting the Water Cycle Report.
- The majority of works toward Net Zero had been paid for out of grant funding.
- There was a challenge to mitigate the impact of new housebuilding on the environment.
- The Council were working closer with Town and Parish Councils.
- Good planning and thinking on a landscape scale, how the Council could help the community to be responsive.

The Cabinet Member in concluding said that she was keen to mobilise faster change. Internally she had seen examples around the Council where they needed to work across teams better. Externally she was keen that we set up a Climate Forum.

34 **WORK PROGRAMME (02:10:44)**

The Committee had before it and **NOTED** the *Forward Plan and the *Scrutiny Committee Work Programme.

Cllr R Roberts declared that he had an interest. He was a consultant with a renewable energy company and he had worked alongside them for three years which included Electric Vehicle installations.

Discussion took place with regard to:

- With regard to Motion 583 “Rivers and Seas”, the Water Cycle Study had been commissioned and it should be possible to bring South West Water before the Scrutiny Committee early in 2025.
- Would it be possible for the Scrutiny Committee to consider Ambulance attendance rates and the provision of First Responders?
- The Head of Housing and Health would circulate a briefing paper by e-mail relating to Void Properties and Asset Management. He also said that he would deliver a report on Asset Management when he could set out the numbers

based on the quarterly reporting to the Homes Policy Development Group (PDG), however, he thought it preferable that the PDG got to see the report first. Cllr E Buczkowski proposed that the report come to the Scrutiny Meeting on 28 October 2024 with a report on the number of Voids broken down by Ward and what was being done to mitigate the void and return it to use. This was **CARRIED**.

- Noting that a report on Solar Panel Farms and Anaerobic Digesters were coming to the Scrutiny Committee on 30 September, could an evaluation be included of how many solar panel farms have been located or are planned to be located on agricultural land and what was happening to that agricultural land after the installation?
- How many applications for Electric Vehicle chargers had been received and how many had been installed? – Figures would be provided but they would not have been subject to a Planning Application because they would not usually need one.
- On-Shore wind and Solar Energy / Anaerobic Digester land use were two distinct areas but could they be combined into a single report on Renewable Energy? The report should be a forward look on Solar panels and wind, alongside a backward look at what solar panels and anaerobic digesters the district already had and to consider it against the timeline of the Local Plan Review, which was due to come before the Scrutiny Committee on 30 September. The Director of Place and Economy said that he could add On-Shore wind to the report on Solar Panel Farms and Anaerobic Digesters and to frame the report around “Renewables” but that he would need more time. – It was **AGREED** to move this item to 28 October.
- Further, it was **AGREED** that as the only item left on the work plan for September was a presentation from a Portfolio holder, that this item also be moved and the meeting scheduled for Monday 30 September be cancelled unless there were any items called in from the Cabinet meeting on 17 September.

The Scrutiny Proposal Form relating to House maintenance, emergency repairs, pollution monitoring and resident safety was **APPROVED** to go onto the Work Plan.

(Proposed by Cllr B Holdman and seconded by Cllr C Harrower).

Note – The *Forward Plan and the *Scrutiny Committee Work Programme were previously circulated.

(The meeting ended at 7.34 pm)

CHAIRMAN

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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MINUTES of a **MEETING** of the **ECONOMY & ASSETS POLICY DEVELOPMENT GROUP** held on 19 September 2024 at 5.30 pm

Present

Councillors

J M Downes (Chair)
M Farrell, G Cochran, M Fletcher, L Knight,
N Letch and A Stirling

Apology

Councillor

R Roberts

Also Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Zoë Lentell (Economic Development Team Leader), Linda Perry (Economic Development Officer) and Sarah Lees (Democratic Services Officer)

Councillors

Online

S Keable, J Buczkowski, G Duchesne, D Wulff,
E Buczkowski, A Glover and G Westcott

Officers Online

Dr Stephen Carr (Corporate Performance & Improvement Manager)

16 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R Roberts.

17 PUBLIC QUESTION TIME

There were no questions from members of the public.

18 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

19 MINUTES

The minutes of the previous meeting, held on 20 June 2024, were approved as a correct record and **SIGNED** by the Chair.

20 CHAIR'S ANNOUNCEMENTS

The Chair stated that the Group had received a very interesting briefing session prior to the meeting on the assets owned by the Council. He requested that if this had stimulated any thoughts or ideas around the area of assets that needed further discussion by the Policy Development Group that Members should bring these to the attention of the Clerk for the next or subsequent meeting.

21 PERFORMANCE DASHBOARD Q1 (00:06:00)

The Group were presented with, and **NOTED**, summary information * reflecting performance in the Economy & Assets 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 Economy & Assets 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.
- There were three corporate risks in relation to this Policy Development Group (PDG).
- Reference was made to the recent funding announcement regarding the Cullompton Relief Road, this would be monitored going forwards. Further reference was made to the amber rating in relation to capital slippage on the percentage of projects.

The Chair stated that the Dashboard showed an overall positive position for the areas falling under the remit of this Group.

Note: * Dashboards previously circulated.

22 MEDIUM TERM FINANCIAL PLAN - GENERAL FUND (GF) (00:08:00)

The Group were presented with a report * from the Deputy Chief Executive 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 was currently awaiting greater clarification from the new Government and the Chancellor's budget announcement on 30th October 2024. The 5th year will be added following this.
- The MTFP focussed on a framework of principles those being: (i) General Fund Reserves (ii) Optimise Income Generation (iii) Allocation of Revenue Resources (iv) Allocation of Capital Resources
- 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.

Discussion took place regarding:

- Whether there were any indications regarding the level of Local Government funding emerging following the election of the new Government?
- It was explained that some 'snippets' of information were coming through regarding planning fees and housing targets and funding but little else at the current time.
- The 30th October Government budget would be very important in terms of setting the direction and intention of the Government towards lower tiers of government.
- It was hoped that since the new Government had not been in power for very long, next year's Local Government settlement would roll forward but this would not be known until approximately the middle of December.
- The Local Government settlement only represented 10% of overall funding.
- The level of Council Tax increase that district councils' could set was expected to be 2% or £5, whichever was highest.
- Conversations had been taking place with Town and Parish Councils' regarding them acquiring assets at an agreed price but no firm offers had been received yet.
- 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.

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 as set out in Appendix 4a, be approved.

(Proposed by Cllr L Knight and seconded by Cllr G Cochran)

Reason for the decision

As set out in the report.

Note: (i) * Report previously circulated.
(ii) Cllr N Letch requested that her abstention from voting be recorded.

23 ECONOMIC DEVELOPMENT TEAM UPDATE REPORT (00:24:00)

The Group had before it, and **NOTED** a report from the Director of Place and Economy updating Members on projects and activities undertaken by the Growth, Economy and Delivery Team during the last quarter. It also provided an update on plans for review of the Economic Strategy for Mid Devon.

The following was highlighted in the report:

- Work continued on the delivery of the final phase of the Shared Prosperity and Rural England Prosperity Fund Delivery Plan. Following completion of the second quarter, the team would undertake the next round of monitoring reviews to measure progress against projected outputs and outcomes. This would be completed by the end of October 2024 and an update would be presented to the PDG in November.
- Planning Permission was granted for the 'Change of Use' of the Market Centre building. A second Planning Application was now live for the physical amendments to the building to facilitate the improved workspace. The team were tendering for the contractor to deliver the works with the aim (subject to Planning Permission being granted) of this commencing in early November. In addition to the Prosperity Funding, the team had secured a small 'Quick Wins' grant from Devon County of £5,000 towards this project.
- The walking festival was underway and the team had received positive feedback so far. More venues had come forward since the advertisements had gone live and an evaluation of the projects would be undertaken upon completion.
- The Swan Trail would cease at the end of September and on 7 November there would be an auction to 'sell off' the swans.
- The team had proactively participated in the Mid Devon Show providing a marquee, support and advice in relation to the 'Field to Fork' campaign. There had been much positive engagement with the public.
- The team had used the 'People and Skills' funding to work with Devon County Council and partner authorities on an 'Employment and Skills Hub'. The support included a dedicated advisor offering free 1:1 employment and skills advice, signposting and more direct support with identifying training opportunities available. The Council had two hubs in Mid Devon: one in Cullompton Library and one in Tiverton at Old Heathcoat School Community Centre.
- The Economic Strategy was due for review. A series of workshops would be organised for the PDG to help develop this. It was hoped by doing this Members and officers would gain a better understanding of what 'economic success' looked like. It would be a chance to gather together relevant data and to answer questions such as: What kinds of outcomes did we want as a Council and where were efforts best placed? Experience gained from delivering the Shared Prosperity Fund would be helpful. This work would be undertaken alongside development of the Destination Management Plan. Dates for the workshops would be circulated to the Group in due course. It was requested that one of these workshops be open to all Members to make contributions and suggestions. It was agreed that this would be a good idea.

Discussion took place regarding:

- The loss of funding from the European Union and the impact of this in the future in terms of not being able to deliver such diverse projects in the future.

The Chair wished to record the Group's thanks to the Economic Development Team for all their hard work and dedication in delivering these projects so successfully.

Note: * Report previously circulated.

24 GREEN ENTERPRISE GRANTS UPDATE (00:46:00)

The Group had before it, and **NOTED**, a report from the Director of Place and Economy providing an update on the Green Enterprise Grants and overview of post project evaluation.

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

- Following a successful bid to the Heart of the South West Local Enterprise Partnership (Local Growth Fund), the team had run a Green Enterprise Grant Scheme offering small capital grants (between £500 and £5,000) to carbon reduction projects that could be delivered by 31 December 2024.
- A pilot scheme had been run to explore demand.
- A cross team approach had been used working collaboratively with Planning colleagues and the Climate Sustainability Specialist.
- Businesses were expected to match 50% of the cash needed to run each carbon reduction project.
- No projects had required planning permission and the cost of each had not exceeded £25k.
- Businesses had been encouraged to come forward with projects that could be delivered quickly.
- Delivery timescales had been quite restrictive.
- Over 13,000 kg CO₂ emissions had been avoided.
- A list of successful case studies had been created as a result of this project.
- The grant scheme was viewed to be a successful pilot project and there was the potential to run a second phase subject to securing funding

The Chair thanked the team for the 'extraordinary' work they had undertaken in relation to this project.

Note: * Report previously circulated.

25 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00:40:00)

The items already listed in the work programme for the next meeting were **NOTED**, however, it was stated that there would be a presentation from 'Apricot' at the next meeting and not 'COTIE' as indicated in the work programme. This would provide the Group with information regarding regenerative farming.

(The meeting ended at 6.21 pm)

CHAIRMAN

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MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 10 September 2024 at 2.15 pm

Present

Councillors

S Robinson (Chair)
C Adcock (Vice-Chair), J Cairney, C
Connor, A Glover, F W Letch, N Letch, and
H Tuffin

Also Present

Councillors

E Buczkowski, J Buczkowski and G Czapiewski

Also Present

Officers

Stephen Walford (Chief Executive), Simon Newcombe
(Head of Housing & Health), Mike Lowman (Building
Services Operations Manager), Sophie Richards
(Customer Engagement Officer, Mid Devon Housing) and
Sarah Lees (Democratic Services Officer)

Councillors

Online

J Lock and D Wulff

Officers Online

Dr Stephen Carr, Carole Oliphant and Laura Woon

21 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

22 **PUBLIC QUESTION TIME**

There were no questions from members of the public.

23 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

24 **MINUTES**

The minutes of the meeting held on 11 June 2024 were approved as a correct record of the meeting and **SIGNED** by the Chair.

25 CHAIR'S ANNOUNCEMENTS

The Chair had the following announcements to make:

1. The Annual Report to Tenants was an impressive document and should be celebrated. She had a hard copy which she could let colleagues see.
2. Zed Pod new homes in Cullompton had received an award, this needed to be celebrated.
3. The forthcoming occupation of properties at St. Georges Court in Tiverton by Mid Devon Housing (MDH) tenants also needed to be acknowledged.

26 MEDIUM TERM FINANCIAL PLAN - GENERAL FUND (GF) (00:09:00)

The Group had before it a report * from the Deputy Chief Executive (S151) presenting the updated Medium Term Financial Plan (MTFP) which covered the period 2025/26 to 2028/29 and took into account the Council's key strategies (i.e. the Corporate Plan, Business Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrated it had the financial resources to deliver the 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 were currently awaiting greater clarification from the new Government and the Chancellor's budget announcement on 30th October 2024. The 5th year will be added following this.
- The MTFP focussed on a framework of principles those being:
 - (i) General Fund Reserves
 - (ii) Optimise Income Generation
 - (iii) Allocation of Revenue Resources
 - (iv) Allocation of Capital Resources
- 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 £400,000
- All Policy Development Groups would be asked to look at possible savings which would then be presented to Cabinet.

Discussion took place regarding:

- Control over Building Control fees was limited but there were some discretionary areas that could be looked at.
- The effect of a brand new government elected very recently and as yet still to outline its direction in terms of local government funding. There was some certainty emerging regarding waste and some positive consultation in relation to the Planning fees. There was genuine concern however, regarding recent statements made by the Prime Minister about the forthcoming budget needing

to be 'painful'. As yet there had also been limited commentary around the issue of Right to Buy which was unsettling.

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 the approach to balancing the General Fund Revenue Budget outlined in paragraph 6.2 be endorsed;
3. The emerging budget pressures included within Appendix 3;

RECOMMENDED to Cabinet that:

The Round 1 Budget Proposals as set out in Appendix 4a be approved.

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

27 **PERFORMANCE DASHBOARD Q1 (00:25:00)**

The Group were presented with, and **NOTED**, two slides showing performance information in the housing area both under the General Fund and the Housing Revenue Account.

The following was highlighted:

- The performance rating for MDH net-zero Modern Methods of Construction homes was red. This related to the nature of housing delivery in that it was not smooth across the year. Net zero properties would be added to the portfolio shortly. There were just two complaints not responded to within the relevant timescales, and justification for these was provided.
- The HRA development programme being a live and evolving plan.

Discussion took place with regard to:

- A significant number of families on the Devon Home Choice waiting list (Bands A-C) had been housed in quarter 1. This was a remarkable achievement.
- Annual figures were shown in relation to Capital Outturn, a full review would be undertaken of the development programme in the next quarter.

28 **REVIEW OF MID DEVON HOUSING HOARDING POLICY (00:33:00)**

The Group had before it a report * from the Head of Housing & Health reviewing the Mid Devon Housing Hoarding Policy.

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

- The complexities involved in dealing with a tenant displaying hoarding behaviour. Their environments were often chaotic and dangerous in terms of potential trips and falls, fire risks, sanitary and hygiene arrangements being compromised.
- There was a need to understand the underlying causes in each case and to be as supportive to the tenant as possible. This was a complex process involving many different agencies.

Consideration was given to the following:

- How it was discovered that a tenant was hoarding? It was explained that this was sometimes discovered as a result of a routine visit by a Neighbourhood Officer, a contractor dealing with a repair issue, a tenant themselves could reach out, family members could bring it to the attention of the Council or neighbours could report it. There were a number of ways hoarding came to light.
- Co-Regulation with the consumer regulation regime. Members themselves had a role to play in addressing the issue, particularly those on the Policy Development Group by holding to account the policy used to tackle such issues. There needed to be scrutiny, curiosity and interest in this area so that the approaches used towards handling it were sensible, supportive and appropriate. Members needed 'oversight' of all approaches.
- There had been some success stories involving a lot of effort and energy on everybody's part. A multi-agency approach involving the expertise of mental health colleagues was crucial. The levels of difficulty involved however should not be underestimated, often a tenant needed years of counselling to engage in an action plan fully. Every hoarding case was different and many in this position were initially resistant to outside help. Time needed to be spent building up a tenants confidence and working with them at an appropriate pace.
- It was recognised that there was a difference between being a hoarder and having a home that was just cluttered.
- Mental health services being oversubscribed and long waiting lists.
- Possible services available to help people de-clutter such as providing extra wheelie bins or sacks. This could be explored further especially dispensation for additional waste containers or black sacks temporarily to support those that are managing a hoarding issue.

RECOMMENDED to the Cabinet that:

The updated MDH Hoarding Policy and Equality Impact Assessment contained in Annexes A and B respectively be adopted.

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

29 **MID DEVON HOUSING REPAIRS AND MAINTENANCE POLICY (NEW) (01:03:00)**

The Group had before it a report * from the Head of Housing & Health presenting a new policy with regards to Mid Devon Housing Repairs and Maintenance.

This was an amalgamation of 5 or 6 other policies and an attempt to bring them altogether under one umbrella. It was hoped that the new policy would also bring clarity to tenants.

Discussion took place regarding:

- The need to inform neighbours, if possible, if significant repair and maintenance works were to be carried out such that would impact them in terms of a communal access to and from their own properties. Some sort of warning would be helpful. It was confirmed that this could be added to the procedure going forwards where possible.
- The definition of the different types of repair and what constituted as a 'minor repair' and where the tenant was responsible was listed in each tenant handbook.
- Assistance was offered for those tenants who could not undertake minor repairs (such as changing a light bulb) themselves. It was stressed that this was only offered on a cost recovery basis not to make a profit in any way.

RECOMMENDED to the Cabinet that:

It recommends to Council that the new MDH Repairs and Maintenance Policy and Equality Impact Assessment be adopted.

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

30 **REVIEW OF MID DEVON HOUSING ASBESTOS MANAGEMENT PLAN (01:10:00)**

The Group had before it a report * from the Head of Housing & Health presenting a revised Mid Devon Housing Asbestos Management Plan.

The following was highlighted within the report:

- There were stringent legal requirements in relation to asbestos management. Asbestos was not always dangerous in itself but it needed to be monitored carefully. Some blue and brown asbestos was extremely dangerous and contractors were used to dispose of this if it was found to be present in Mid Devon's housing stock.
- It was explained that there would always be the potential for hidden asbestos.

Consideration was given to:

- The contractors used were stated in the policy, this was a legal requirement.
- The word 'encapsulate' used within the report meant to 'enclose' or to 'clearly mark'.

RECOMMENDED to the Cabinet that:

The updated MDH Asbestos Management Plan be adopted.

(Proposed by the Chair)

Reason for the decision

As set out within the report.

Note: * Report previously circulated.

31 **MID DEVON HOUSING SERVICE DELIVERY REPORT FOR QUARTER 1 2024-2025 (01:19:00)**

The Group had before it, and **NOTED**, a report * from the Head of Housing & Health providing a quarterly update to Members on the activity undertaken by Mid Devon Housing, including some relating to enforcement.

The following was highlighted:

- There was currently a gap in the data around Tenant Satisfaction Measures perception survey results. This was purely related to a timing issue, this data would be provided next time following the first round of the tenant survey.
- Last year MDH undertook a single survey, this would be increased to three this year and four going forwards.
- Void turnaround times continued to be under pressure.
- Recruiting trained staff continued to be a problem with the lowest number of retained staff in ten years.
- Repairs would always be prioritised and the health and safety of tenants would always come before anything else.
- The Council was currently holding 22 development voids. Existing tenants needed to be decanted and this took some time.
- The Council was still managing to achieve a 97% occupancy rate, this included properties used for temporary accommodation by general fund where there was a greater turnover of occupants hence more void periods.
- MDH recently received a number of queries from the Regulator of Social Housing on its safety approach to electrical testing following the submission of the last years Tenant Satisfaction Measures (TSM) management data. They had a long list of questions but had gone away being satisfied that the Council was doing what it should to protect tenants and was compliant with requirements.

Discussion took place with regard to:

- Councillors needed to know where voids were being 'turned over'. It was explained that sometimes this happened quite quickly and that to inform Members each time might be a challenge, however, it might be possible to produce a short monthly update report to Members. This would be explored. However, it was stressed that the location of each void could not be publically advertised for obvious reasons.
- The definition of void categories was set out in the Voids Management Policy available online including the Decent Homes voids.
- MDH tried to get every major repair completed whilst a property was void so that there was minimal upheaval for incoming tenants.
- Loss of rent and repair costs needed to be weighed up. 'No win, no fee' disrepair claims had a part to play and could potentially cost the Council millions of pounds if issues such as damp and mould were not addressed as a priority, therefore treating conditions such as this whilst a property was void was vital to ensuring its future safe occupancy.
- It was noted that for the first time a performance report had been brought to the PDG showing a 100% gas safety check compliance.
- Officers would use a number of methods to survey tenants, not just by telephone.
- The Group requested a breakdown of the survey results once they were available.
- The question in relation to the TSM specifically on complaints handling. It was recognised as the most challenging as often what happened was that responses to this survey question ends up being obviously influenced by the fact a tenant has made a complaint and their reaction to the outcome of their complaint which may not always be objective in terms of how effective the handling process was understandably. It was potentially a bit of a false measure. It would be interesting to analyse the national position with regard to this question in the future and benchmark data.

Note: * Report previously circulated.

32 **DOWNSIZING WORKING GROUP VERBAL UPDATE (01:49:00)**

The Chair of the Working Group, Cllr A Glover, provided the Group with a brief update on the work undertaken so far. This included the following information:

- There had been an initial meeting to bring Members up to speed and the project had been scoped.
- Terms of Reference had been agreed and the next steps were:
 - There would be Tenant consultation and focus groups (different channels and approaches to maximise reach). It was hoped the output would be a clearer understanding of what motivated and would work for tenants (not just financial incentives). Officers would share that consultation with the Working Group.
 - The Working Group would obtain information from DHC partners on the take up of their current incentive schemes. This would lead to a better

understanding of what was / was not working well for partner local authorities regionally.

33 **TENURE REFORM & TENANCY AGREEMENT PROJECT PLAN - VERBAL UPDATE (01:56:00)**

The Customer Engagement Co-ordinator provided the Group with a verbal update on the Tenancy Reform & Tenancy Agreement Project plan.

This included the following information:

Flexible tenancies

- On the 9th July, Cabinet had approved the recommendation from the Homes PDG to halt the use of flexible tenancies. Since this date, no new flexible tenancies had been issued to new tenants.
- All current flexible tenants would be rolled on to a periodic secure tenancy when their fixed term ended.

Tenancy agreement terms and conditions

- When the original project plan was completed unfortunately there was not enough time factored in for complete legal oversight, and that, combined with a reduction in the number of meetings for the Homes PDG has resulted in the terms and conditions presentation being pushed to the November meeting.
- At the November meeting, depending on legal oversight, officers were hoping to bring the variation i.e. the new terms and conditions, along with a request that the Homes PDG recommends to Cabinet that the Section 103 as required by the Housing Act 1985 commences. This means, it will be recommended that MDH go out for consultation, and this will run after the December Cabinet meeting. MDH were pushing this to go live when the Council returned after Christmas as it was not desirable to have a consultation running when the office was closed and tenants could not contact the Council. The consultation would run for 28 days and would also go out to Members and partners at the same time. The results of the consultation would be presented at the Homes PDG in March 2025 with the hope that Cabinet approves them in April 2025. There were a few more steps to follow in line with the Housing Act 1985 with regards to sending notice of variation letters to secure and introductory tenants and there needed to be a 4 week wait between sending these and the implementation date which meant MDH would plan to go live with the new tenancy agreement from early June 2025.

The Group were reassured that the consultation would use a number of methods including face to face conversations, leaflets, online access, focus groups and drop in sessions.

The Group **NOTED** the update.

34 **DEVON HOUSING COMMISSION REPORT (02:01:00)**

The Head of Housing & Health provided the Group, by way of presentation, with the key highlights and recommendations arising from the Devon Housing Commission Report.

This included the following:

- A quote from Lord Best, Chair of the Devon Housing Commission regarding the '...real housing crisis in this county'.
- What the Housing Commission was and who had hosted this work.
- How they had conducted their work.
- Who the commissioners were and who they had been supported by.
- Their 7 key findings in terms of what had caused this housing crisis.
- A number of recommendations to central government.
- Devon strategic level recommendations.
- Local level recommendations.
- How well placed Mid Devon was to deliver on these recommendations.
- What was next in terms of local ambition and wider opportunities?
- Other recent housing reports looking at the social housing crisis.

It was requested that the presentation be circulated to the Group after the meeting and that the Devon Housing Commission Report be brought back to the next meeting for further discussion and debate with potential for the Group to make recommendations into Cabinet if they wish to do so.

35 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:33:00)

The items already listed in the work programme for the next meeting were **NOTED**.

It was explained that the 'Housing Strategy' was dependent upon the new government being clearer on certain influencing factors such as Right to Buy, and funding for affordable housing delivery therefore, it was likely that this would be moved on to a future meeting until such time as a meaningful document could be brought before Members underpinned by government direction.

A brief discussion took place regarding the importance of the Devon Housing Commission Report and the need for this Group to analyse it more closely in relation to local recommendations and to feed back its thoughts and comments to the Cabinet. This Report would therefore be on the agenda for the next meeting and would be one of the first items discussed so as to give it the necessary time and focus it needs.

(The meeting ended at 5:00pm)

CHAIR

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MINUTES of a MEETING of the PLANNING, ENVIRONMENT & SUSTAINABILITY POLICY DEVELOPMENT GROUP held on 3 September 2024 at 5.30 pm

**Present
Councillors**

B Fish (Vice-Chair), G Cochran, C Adcock,
C Connor, G Czapiewski, A Glover,
C Harrower and L Knight

**Also Present
Councillor(s)**

S Keable, N Bradshaw, J Buczkowski and J Wright

**Also Present
Officer(s):**

Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Jason Ball (Climate and Sustainability Specialist) and Angie Howell (Democratic Services Officer)

**Councillors
Online**

E Buczkowski, J Lock, S Robinson and D Wulff

Officers Online

Dr Stephen Carr, Corporate Performance and Improvement Manager

14 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:47)

There were no apologies for absence.

Cllr G Westcott attended on line however she apologised as she would need to leave the meeting early.

15 PUBLIC QUESTION TIME (00:03:53)

Cllr Barry Warren, Chair of Willand Parish Council asked the following question:

I wish to speak please in relation to item 9 on your agenda with particular reference to Paragraph 2.3.2 on page 83 of your bundle.

The preparation of the Willand Neighbourhood Plan has not been a straightforward journey as the consultation process was rather hampered by Covid restrictions. Although Officers in the Forward Planning Department have been helpful there have been well documented delays in getting responses from them at times.

The report was prepared by a group consisting of Parish Councillors and residents and the services of an experienced Consultant was commissioned. This has used up all our grant and some monies have had to be taken from reserves to cater for some unexpected work and the delays.

The Parish Council are concerned that officers are now trying to 'rush' the Parish Council into agreeing to the suggested modifications. Some are straightforward and acceptable, others are causing concern with some individuals. It is the Parish Neighbourhood Plan and some of the 'modifications' need to be considered and debated before a decision can be made.

The Parish Clerk, on behalf of Council has resisted the time scale set by officers, with reasons. Of concern is the apparent non compliance by officers with the advice and guidance which has been given to us. This has been shared and discussed with officers but your brief does not reflect this.

There is a concern that the matter is going to go before Planning Policy Advisory Group, which is not open to the public or Parish Councillors. We have waited all this time, a lot of work and thought has gone into the plan and we would not like to be put in a position of withdrawing the plan. The guidance on discussion with the Parish has not been meaningfully carried out. This information has been conveyed to officers but no proper discussions have been held as advised. The Head of Forward Planning rang the Clerk and after discussion agreed to review certain points and come back to her. To date she has heard no more.

We have waited a long time to get to this position so why are we now being 'rushed'?

The Chair advised that a written reply would be sent within 10 working days.

16 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:07:09)**

No interests were declared under this item.

17 **MINUTES OF THE PREVIOUS MEETING (00:07:34)**

The minutes of the last meeting held on 18th June 2024 were approved as a correct record of the meeting and **SIGNED** by the Chair.

18 **CHAIR'S ANNOUNCEMENTS (00:07:57)**

The Chair made the following announcements:-

As Chair of NZAG he wished to update Members with the following:-

- That the Group were trying to ensure that we understood and took forward its responsibilities to deliver net zero.

- A wide range of challenges had been discussed and the Group were now trying to focus on a dashboard of action to be taken to bring about change in a sensible manner without extreme costs.
- The Group have had input into the National Planning Policy Framework by consulting with the Policy Planning Advisory Group with a view to driving forwards the highest standards and meeting the highest environmental standards in energy output in new buildings.
- The Group were keen to build as many houses as possible and to ensure that they met the highest standards of carbon performance to safeguard the quality and design for local residents for decades to come.
- The Group were working on promoting a greener policy and were focussed on how energy could be saved and were looking at potential areas of building rapport with the local community and supporting local landlords.

19 **MDDC DRAFT BUDGET FOR 2025/26 FIRST REVIEW (00:12:51)**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) presenting the updated Medium Term Financial Plan (MTFP) which covered the period 2025/26 to 2028/29 for the General Fund (GF) and considered initial savings options.

The Head of Finance, Property and Climate Resilience presented the report and the following was highlighted:

- The MTFP covered a period from 2025/26 to 2028/29. Normally this would be a 5 year plan but were currently awaiting greater clarification from the new Government and the Chancellor's budget announcement on 30th October 2024. The 5th year will be added following this.
- The MTFP focussed on a framework of principles those being:
 - (i) General Fund Reserves
 - (ii) Optimise Income Generation
 - (iii) Allocation of Revenue Resources
 - (iv) Allocation of Capital Resources
- 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 £400,000
- All Policy Development Groups would be asked to look at possible savings which would then be presented to Cabinet.

Discussion took place regarding:-

- Apprenticeship Schemes and how they would help to build resilience in the Council despite the initial costs.
- Where the remaining £400,000 savings could be made. It was explained that this was the first draft of the budget which may alter after the Chancellors statement. The budget would also be presented to other Policy Development Groups to help identify savings in order that officers could help to set a balanced budget.
- Whether Town and Parish Councils could take on more assets or non-statutory services from the Council. It was explained that despite dialogue with the 3 main towns in Mid Devon there was limited response in terms of them making further contributions or taking on assets. This was work in progress although there was nothing to report at this stage.
- Budget pressures on the Climate Action Plan to show a commitment to allocating resources.

The Group considered and **RECOMMENDED** to Cabinet the Round 1 Budget Proposals as set out in Appendix 4a.

(Proposed by the Chair)

Reason for the decision

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

Note: * Report previously circulated.

20 **PERFORMANCE DASHBOARD Q1 (00:33:45)**

The Group were presented with the Performance Dashboard for Quarter 1 2024/25. The following was highlighted within the report:-

- The Quarter 1 Dashboard had been reviewed and aligned to the new PDG structure and the Corporate Plan.
- The overall performance was presented in the pie chart.
- Finance measures relating to capital projects were showing under performance. This related to delays in scoping 3 capital projects.
- Building control was below budget due to the depressed housing market.

The PDG **NOTED** the report.

Note: * Performance Dashboard previously circulated.

21 CLIMATE AND SUSTAINABILITY PROGRAMME UPDATE (00:35:45)

The Group had before it, and **NOTED** a report* from the Cabinet Member for Environment and Climate Change. The following was highlighted within the report:-

- Carbon Footprint - positive news, with a smaller footprint than last year, as the Council began to see the effects of switching to green electricity and the leisure centre decarbonisation projects. The results raised the question - what would the Council do about those emissions - and how would it prioritise investments to save energy and carbon.
- As a Council, it was important that teams were focussed on what the Council directly controlled (i.e. Operational Carbon Footprint). However, we also had a vital role in the ways we influence others. The Council's Climate Strategy will be a springboard to more / better engagement with communities across Mid Devon, as we seek to support them to set ambitions and lead change across the district.
- The Council was looking to increase its capacity to more actively engage with community leaders and scale-up its collective ability to reduce carbon footprint across Mid Devon.
- Examples included biodiversity enhancement on Mid Devon District Council (MDDC) owned land, community energy schemes and the establishment of a Climate Forum.
- Cabinet had recently looked at the Council's new contract for the fleet of cars to reduce the carbon footprint for the Council's vehicles.
- The Cabinet Member was keen for this Policy Development Group to input to the Climate Strategy and Action Plan where all views were welcome here and/or through NZAG.
- NZAG had talked about possible ways to engage communities on climate matters.

The Climate and Sustainability Specialist also highlighted the following:-

- Carbon footprint figures were split into key components which included buildings, transport and operational practices.
- Key actions were being gathered by working with teams responsible for those areas and for service leads to look at ideas and how the Council would work with communities to make changes.
- Currently focussing on how the Council could make the biggest differences more quickly.

Discussion took place with regard to:-

- The effect that Covid had on carbon footprint figures and whether reduction figures were due to Covid or through improvements.
- The figures from the past and the aims for the future – was there a way of indicating whether the Council were on track. Also discussed the option of an external consultant to review the Council's action plan.
- How the Council were engaging with communities to help them too. The PDG were informed that the Council were working with the wider community and hoping to work in partnership with others that could help the Council as well.

- The Council’s housing stock and whether there was a programme for improving energy efficiency in existing and future homes. It was explained that there was a programme in place but there was room for improvement. The Housing Team were doing “brilliant work” on the new net zero builds.

Note: * Report previously circulated.

22 **PLANNING SUMMARY REPORT (00:59:30)**

The Group had before it, and **NOTED** a report* from the Director of Place and Economy summarising activity undertaken in relation to planning matters. The following was highlighted within the report:-

- This was a new report which sought to provide Members with updates across matters relating to Planning and Building Control. The following issues were included within the report:-
 - a) New National Planning Policy Framework (NPPF)
 - b) Update on the Local Plan
 - c) Development Management Policies
 - d) Development Management
 - e) Conservation
 - f) Building Control
 - g) Planning Enforcement and
 - h) Urban and Rural Regeneration

In answer to the public question the Director of Place and Economy briefly explained that in terms of supporting the Parish Council in taking the Willand Neighbourhood Plan forward there was no intention on behalf of Mid Devon District Council to rush the process and all were keen to do what was right for the Parish Council. Officers were mindful to find a timetable to support the adoption of the Neighbourhood Plan as soon as possible and to move forward in a timely and positive manner without delay.

Note: * Report previously circulated.

Notes:-

Cllr A Glover declared in interest with regard to the Willand Neighbourhood Plan.

23 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:04:23)**

The Committee had before it, and **NOTED**, the items identified in the work programme for the next meeting.

(The meeting ended at 18:37)

CHAIR

MINUTES of a MEETING of the SERVICE DELIVERY & CONTINUOUS IMPROVEMENT POLICY DEVELOPMENT GROUP held on 23 September 2024 at 5.30 pm

Present

Councillors

M D Binks, E Buczkowski, M Farrell,
M Fletcher (Chair), C Harrower, L Knight
and J Poynton

Apologies

Councillors

C Connor, A Glover and M Jenkins

Also Present

Councillors

J Buczkowski, J Lock and J Wright

Also Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Matthew Page (Head of People, Performance & Waste), Paul Deal (Head of Finance, Property & Climate Resilience), Dean Emery (Head of Revenues, Benefits & Leisure), James Hamblin (Operations Manager for People Services), Andy Mackie (Leisure Services Manager), Luke Howard (Environment and Enforcement Manager), Kelly Lee (Leisure Business Manager) and Sarah Lees (Democratic Services Officer)

Councillors

Online

G Czapiewski, G Duchesne, B Fish, S Keable, S Robinson
and L Taylor

Officers Online

D Beer, Dr Stephen Carr and L Woon

18 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr C Connor who was substituted by Cllr L Knight and also Cllr A Glover who was substituted by Cllr E Buczkowski.

19 PUBLIC QUESTION TIME

There were no questions from members of the public.

20 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

21 **MINUTES**

The minutes of the previous meeting, held on 24 June 2024, were approved as a correct record and **SIGNED** by the Chair.

22 **CHAIR'S ANNOUNCEMENTS**

The Chair had the following announcements to make:

1. In order to facilitate a better understanding of how the Leisure Centres worked, tours would be arranged for the Policy Development Group (PDG) Members to attend. The clerk would circulate some dates in due course.
2. Any ideas were welcomed for future PDG discussion. He encouraged the Group to be proactive with topic suggestions.

23 **PERFORMANCE DASHBOARD Q1 (00:10:00)**

The Group were presented with, and **NOTED**, summary information * reflecting performance in the Service Delivery and Continuous Improvement 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 Service Delivery & Continuous Improvement 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. The Dashboard also included an 'In Focus' box which provided additional information on the performance of relevant services.
- There was one corporate risk in relation to this Policy Development Group (PDG) which was 'Operation of a Waste Management Service' which currently showed no change from the previous quarter.
- The amount of household waste collected higher than slightly up on the quarterly target.
- Staff turnover was showing amber and this was being closely monitored by senior management.
- Council Tax collection was slightly behind target. It was explained that this was quite often the case at this time of year and that the cost of living crisis might be affecting people's ability to pay. Quarter 2 figures would provide a better reflection of the true Council Tax collection position.
- The possible removal of a single person's discount was concerning to all local authorities. More would be known after the Government's Autumn budget was announced on 30th October 2024.
- Capital Outturn and Capital Slippage were also showing as amber.

Note: * Dashboards previously circulated.

24 MEDIUM TERM FINANCIAL PLAN 2025/2026 (00:20:00)

The Group were presented with a report * from the Deputy Chief Executive 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 will be added following this.
- The MTFP focussed on a framework of principles those being: (i) General Fund Reserves (ii) Optimise Income Generation (iii) Allocation of Revenue Resources (iv) Allocation of Capital Resources
- 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.

Discussion took place regarding:

- The need for the Accountants to be realistic when it came to assumptions for the forth coming budget and to err on the side of caution.
- Officers had already identified £800k worth of budget savings over the course of the summer. Even if the suggested budget saving proposals in the report were approved there would still be a budget gap for next year.
- A revised position would be brought to the next meeting.

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:

The Round 1 Budget Proposals as set out in Appendix 4a be approved.

(Proposed by Cllr M Farrell and seconded by Cllr C Harrower)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

25 **ESTABLISHMENT REPORT (00:32:00)**

The Group had before it, and **NOTED**, a report * from the Head of People, Performance & Waste and the Operations Manager for People Services providing an update on both the Establishment of the Council together with its performance.

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

- The report ran alongside the annual Pay Policy and other key data.
- The potential risk of industrial action across the Local Government sector during the autumn and winter. Unison were currently balloting members as a result of recent pay settlements in other areas of the public sector. Members would of course be kept updated.
- The number of sickness days per FTE (Full Time Equivalent) per year was currently showing as 10.45 days. This was reflected as a challenge across the sector. Free flu jabs were being offered to staff earlier than normal this year. All 100 vouchers had been taken this up.
- Recruitment and selection training had also been offered to relevant staff during October and these course were already well subscribed.

Discussion took place regarding:

- Absence for dependents was not included within these figures.
- All service areas were reviewing their business continuity plans and ascertaining the core services which needed to be provided should industrial action be a possibility.
- The Group were reassured that a 'Workforce Review Group' met on a weekly basis to monitor staffing levels.
- The Waste area was at particularly high risk should industrial action be threatened however, when the pandemic had hit an emergency plan had been employed to collect waste and a similar plan could be instigated again should it be needed.

Note: * Report previously circulated.

26 **QUARTER 1 ENVIRONMENT AND ENFORCEMENT PERFORMANCE REPORT (00:44:00)**

The Group had before it, and **NOTED**, a report * from the Head of Performance, People and Waste providing a quarterly update on key environment enforcement performance data including fly tipping, Public Space Protection Orders and the issuing of Fixed Penalty Notices. It also gave a brief summary of car parking performance and the issuing of Penalty Charge Notices.

The following summary of the report was provided:

- The Group should be reassured by current performance.
- The service had been tackling problematic, hotspot areas. There had been a lot of engagement with residents.
- Comparative figures with last year were provided in the report and the service was performing as officers would hope it to.

Consideration was given to:

- There had been many recent changes with regard to parking charges.
- Patrols were undertaken on a daily basis and enforcement procedures were robust.
- The Car Parking Working Group, which included stakeholders outside of the Council, were looking at a number of proposals for future charging including a possible free 15 minute period for the Market Car Park in Tiverton. These proposals were still in discussion and the Group would be meeting next month to progress a variety of ideas.
- The provision of data in relation to fly tipping. It was explained that the majority of fly tips were quite sizeable and often in repeated locations. There were repeat offenders who the Council engaged with quite regularly.
- The Waste Service was proactively trying to engage with repeat offenders of side waste.
- The content of fly tips tended to be building waste, children's toys and garden debris.

Note: * Report previously circulated.

27 **BIN-IT 123 - VERBAL UPDATE (00:55:00)**

The Group received, and **NOTED**, a verbal update on Bin-It 123 which included the following information:

- Data from the first 4 months of this year showed that 60% of waste was recycled putting the Council in the top 10% of all local authorities. This was testament to the dedication of the team and had been recognised by OFLOG (Office for Local Government).
- A report regarding the feasibility of recycling pots and pans and nappies would be brought to the next meeting.
- Thanks were extended to Members for their continued support of the scheme.
- There were a number of households that continued to leave side waste out but proactive attempts were being made tackle these issues.
- Recent surgeries with Town and Parish Council representatives as well as others had been very positive.
- 'Communication' would be a key focus going forwards in terms of engaging with the younger generation and providing school visits and education. There would also be community activities and the use of a variety of types of communication methods, for example, a greater use of social media.
- The team had written to the new Secretary of State stressing the need to continue with the current scheme given its strong performance and the positive engagement of Mid Devon residents.

Discussion took place with regard to:

- Concern was expressed that it was still not possible at the current time to recycle plastic film.
- The scheme did have its challenges but the team were always happy to talk to community groups to try and find a way forward.
- There were also recycling advisers who residents could approach if they had any issues.
- Moving to weekly collections would cost the Council circa £1.6m.
- A second bin could be applied for if necessary although this would involve an assessment process.
- Some work was being undertaken to assess the feasibility of recycling blister packs but this work was on ongoing.
- The Council was prepared to 'enforce' where it needed to.
- It was not always about focussing on recycling rates, messaging around 'Reduce and Reuse' was also important.

28 LEISURE SERVICE - VERBAL UPDATE (01:19:00)

The Group received a verbal update with regard to the Leisure Service which included the following information:

- The Leisure Service was going through an exciting period of change and was putting in place solid building blocks for a more sustainable future.
- Senior managers were reviewing reporting lines and making sure there were clear lines of communication and with each having strong leadership.
- The digital transformation of Leisure was well underway with the new 'Leisure Management System' (LMS) having gone to open market which would be followed by the app, access controls and swimming lesson software. Digital investment would enable the Leisure service to make access more streamlined, with less waiting time for customers, better recording of usage as well as improved safeguarding measures in the centres. Over time much improved management information would be available and this could be used to better run the service.
- The centres were running off 100% renewable energy which included solar, ground and air source heat pumps. In addition, swimming pools had been converted from chlorine to electro-chlorination and now used 'salt'. This completely removed the risk that chlorine (sodium hypochlorite) presented to team members and replaced it with a natural product. Pools using electro-chlorination had reported many benefits, including enabling people with respiratory and skin conditions to swim without the effects that a chlorine pool could have.
- Leisure was also going through a rebrand exercise to align itself more with the contemporary offerings of today and bring together the services vision and mission, creating a consistent theme and aspiration across all three sites.
- Culm Valley had opened its brand new accessible changing places toilet and changing room, as well as a new sauna. In October the service would also see the investment in the gym equipment and refresh of exercise areas. Opening times had been extended to cater for the 'early birds' from 6am three days per

week. Following the completion of the gym refresh and redecoration a series of open days were being planned to showcase the improvements.

- The service was also working with Active Devon and in early discussions about subscribing to the National 'Wellbeing Walks' scheme which would see it engaging with the community and facilitating healthy and sociable wellbeing walks in Mid Devon. The Community engagement work was something the service was keen to expand on with more outreach work being looked at for the future.
- Leisure was using expenditure, income and participation to identify the cost per user, by using net cost divided by participation numbers to give three direct targets, 1) reduce expenditure, 2) increase revenue and 3) increase participation. In the financial year 22-23, this cost was £2.94 per visit, in 23-24 it was £1.30 and in the current year it stood at £1.05. The Management team were working hard to reduce that further.
- 280 people had taken part in the recent National Fitness Day.

Consideration was given to:

- The summer family memberships had been well received with over 195 families taking advantage of the special offers available.
- Dates would be circulated for PDG Members to visit the Leisure Centres and receive a tour of the facilities.
- Retaining members was a key focus alongside acquisition schemes.
- The current attrition rate was between 3% and 4%.

29 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS & PUBLIC**

The Chair stated that discussion with regard to the next item, required the Policy Development Group to pass the following resolution to exclude the press and public having reflected on Article 12 12.02 (d) (a presumption in favour of openness) of the Constitution. This decision was required because consideration of this matter in public would disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Policy Development Group decided, in all circumstances of the case, the public interest in maintaining the exemption interest in disclosing the information, outweighed the public interest in disclosing the information.

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

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

(Proposed by the Chair).

30 LEISURE PRICING STRATEGY 2025 (01:27:00)

The Group received a report * from the Head of Revenues, Benefits & Leisure presenting a change to the leisure fees and charges from January 2025.

The contents of the report were outlined and discussion took place.

Returning to open session the Cabinet Member for Service Delivery and Continuous Improvement provided the following executive summary:

- He stressed the importance of competitive pricing and the growing costs of the service.
- There had been a very carefully considered review of the pricing structure.
- The review had considered the various discounts and means tested allowances.
- Membership fees had not been increased last year.
- Mid Devon Leisure remained competitive in terms of its fees.
- Member retention campaigns were under way as well as campaigns to attract new members.
- A sensible approach had been adopted towards the proposed fees.

Following this, it was:

RECOMMENDED to the Cabinet that the proposed charges within the report at section 1.22 be approved.

(Proposed by the Chair)

Reason for the decision:

As set out in the report.

Note: * Report previously circulated.

31 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:43:00)

In addition to the items already listed, the following was requested to be on the agenda for the next meeting:

- A verbal update with regard to the 'mechanics' of Council Tax collection (this would include an update on the Housing Support Fund following the Government's budget on 30th October).
- A feasibility study in relation to the potential recycling of pots and pans and nappies.

(The meeting ended at 7.14 pm)

CHAIR

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 28 August 2024
at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
S J Clist, F J Colthorpe, G Czapiewski,
G Duchesne, C Harrower, B Holdman,
M Jenkins, L G J Kennedy, N Letch and
S Robinson

Apologies

Councillor(s)

G Cochran

Also Present

Councillor(s)

S Keable and F W Letch

Also Present

Officer(s):

Maria De Leburne (Director of Legal, People &
Governance (Monitoring Officer)), Angharad Williams
(Development Management Manager), Daniel Sims
(Planning Officer), Tim Jarrett (Arboricultural Officer) and
Angie Howell (Democratic Services Officer)

Councillors

Online

E Buczkowski, J Buczkowski and A Glover

Officers Online

Adrian Devereaux

33 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:02)

Apologies were received from Cllr G Cochran and Cllr L Kennedy substituted.

34 PUBLIC QUESTION TIME (00:04:20)

Martin Hanns referred to Application No. 24/00001/TPO and asked the following question:-

I would like the officer to explain why these particular trees are any different legally speaking than the rest on the holding as they're part of the same management plan and subject to the same governance as to whether it's expedient to make them subject to a TPO (Tree Preservation Order) given they're already under management and protected under hedgerow legislation.

The Chair advised that the question would be answered when the TPO was discussed on the agenda.

35 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:09:57)

Members were reminded of the need to declare any interests where appropriate.

No declarations of interest were made.

36 MINUTES OF THE PREVIOUS MEETING (00:10:17)

The minutes of the previous meeting held on 31st July 2024 were agreed as a true record and duly signed by the Chair.

37 CHAIR'S ANNOUNCEMENTS (00:10:33)

The Chair made the following announcements:-

- There would be a National Planning Policy Framework update at the Policy Planning Advisory Group meeting tomorrow. Tristan Peat would be providing an update on consultation changes and how Mid Devon District Council would respond to it. This would be the first item on the agenda and the meeting would start at 10.00am.
- The Committee wished the Development Management Manager all the best as this would be her last Planning Committee before beginning her maternity leave. Proceedings were underway to fill the vacancy to cover the period of maternity leave.

38 WITHDRAWALS FROM THE AGENDA (00:14:00)

There were no withdrawals from the Agenda.

39 THE PLANS LIST (00:14:06)

The Committee considered the applications in the *Plans List.

- a) 24/00533/FULL - Siting of containers to provide equipment storage, cooking, washing and changing facilities at Land at NGR 284406 100511, Lords Meadow Leisure Centre, Commercial Road.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The Application was for the siting of containers to provide equipment storage, cooking, washing and changing facilities on Mid Devon District Council (MDDC) land at Lords Meadow Leisure Centre, Crediton.

- The site was used for the Community Youth Football Teams for ages under 7 to under 16 boys and under 11 to under 15 girls' teams. There was also training times for disabled teams.
- The pitch played a vital part of the community for all those years and did not currently benefit from any facilities.
- The club had finally decided it was now time to invest and bring the club up to date with new facilities.
- There were residential properties to the north of the site.
- The exterior of the storage and tractor sheds would be timer clad with timber clad fencing fixed to posts.
- Two storage containers would have direct access to the playing fields.
- There would be fencing to the east and tree planting.
- A slight issue had been raised by the Ecology Officer with regard to Biodiversity Net Gain (BNG). Devon County Council (DCC) were consulted on the application to ensure 10% BNG could be achieved. The tree planting shown in the report appeared to be just outside of the red line boundary on the site plan submitted. This had now been amended by extending the red line boundary to include the trees and was now deemed acceptable by the Ecology Officer.

Discussion took place regarding:-

- The effect that the buildings could have on the tree roots. It was explained that as it was just containers this would not cause any impact on the tree roots and the Ecologist had not raised any concerns.
- The species of trees to be planted and the distance of planting between the trees. The Committee were informed that the distance between trees would be approximately 1.8 metres. The species of trees were yet to be agreed.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr S Clist and seconded by Cllr C Harrower)

Reason for the Decision – as set out in the report.

Note: *List previously circulated and attached to the minutes.

40 **TREE PRESERVATION ORDER - 24/0001/TPO WYLLSPRING FARM, CREDITON (00:37:33)**

The Committee considered the Tree Preservation Order (TPO)

Tree Preservation Order 24/00001/TPO – for a group of 4 oak trees within a hedge line land at Wyllspring Farm, Penstone, Colebrooke, Crediton.

In response to the public question raised the Arboriculture Officer answered as follows:-

The hedgerow legislation protects important hedgerows in the countryside, by controlling their removal through a system of notification. The hedgerow legislation does not control the pruning or cutting of important hedges or trees within them. The cutting of hedgerows is clearly necessary undertaking, whether this is cyclical maintenance or ad hoc. Though it is generally not viewed as expedient to offer tree protection orders to the majority of trees in hedgerows there are some situation where it is. In this instance it was felt expedient to serve a tree protection order due to the screening value provided of the large storage barns, permitted under the application 22/01693/FULL, particularly from Colebrook. It is recognised the oak trees were likely to require crown management periodically in relation to the outbuilding. Such crown management could impact the screening value provided and potentially be detrimental to the oak trees in question. A tree protection order would ensure potential future pruning works are reasonable and justifiable, particularly if the screening of the storage barns would be reduced as a result and help safeguard the local amenity value as well as public local interest with the trees too.

The Arboriculture Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- A TPO was made on 22nd May 2024 following previous discussions with the land owner.
- The new TPO was for 4 oak trees situated within a hedgerow that acted as a field boundary.
- The area was abundant with trees and hedgerows which were under a DEFRA (Department for Environment Food & Rural Affairs) Management Plan.
- The TPO was due to the importance of protecting the screening of the farm.
- Any crown work would significantly reduce the screening of the barn and the wider landscape.

Discussion took place regarding:-

- The distinction between the DEFRA Management Plan and the TPO. It was explained that the TPO ensured that the trees remained as they were and could not largely be touched unless an application was submitted. A DEFRA Management Plan was committed to pruning hedgerows.
- Whether a TPO could be revoked? It was explained that a TPO could be revoked if there was reason to do so.

It was therefore **AGREED** to grant consent.

(Proposed by Cllr L G Kennedy and seconded by C Harrower)

Reason for the Decision – as set out in the report.

Notes:-

- (i) Cllr S Clist abstained from voting

Note: * Previously circulated and attached to the minutes.

41 **MAJOR APPLICATIONS WITH NO DECISION (01:01:15)**

The Committee had before it, and **NOTED**, a list *of major applications with no decision.

The Committee agreed that the applications remained as per the report.

Note: *List previously circulated, copy attached to the minutes.

(The meeting ended at 3.16 pm)

CHAIR

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MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 11 September 2024 at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
G Cochran (Vice-Chair), F J Colthorpe,
G Czapiewski, J M Downes, G Duchesne,
C Harrower, B Holdman, N Letch,
S Robinson and G Westcott

Apologies

Councillor

S Clist and M Jenkins

Also Present

Councillor

S Keable

Also Present

Officer(s):

Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), John Millar (Area Team Leader), Laura Woon (Democratic Services Manager) and Angie Howell (Democratic Services Officer)

Councillor

Online

J Buczkowski

Officer Online

Dr Stephen Carr, Corporate Performance and Improvement Manager

42 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:23)

Apologies were received from Cllr M Jenkins with Cllr G Westcott substituting and Cllr S Clist with Cllr J Downes substituting.

43 PUBLIC QUESTION TIME (00:04:51)

Roger Davey referred to Application No. 24/01034/FULL and asked the following questions:-

1. How much is the proposed conversion expected to cost?
2. Given that this was a family home, what is the Council's rationale for this conversion of the lounge of Wellclose, given the proximity of the War Memorial Hall with its function room/hall or the Town Hall, both of which are not fully used, either of these could be hired for the rare occasions on which this proposed room will be used at less cost to the Council taxpayers.

3. As this property is in need of renovation because of its use for 6 1/2 years, as an office, for the ill thought out St, Georges Court scheme and given the massive £9 million and growing debt left by the Council's development company - 3 Rivers. Why is the Council not selling it on the open market to try to recoup a little of the Council taxpayers money squandered by this Council on 3 Rivers and St. Georges Court.

The Chair advised that the question would be answered when the application was considered on the agenda

44 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:08:10)

Members were reminded of the need to declare any interests where appropriate.

There were no declarations made at this point in the meeting.

45 MINUTES OF THE PREVIOUS MEETING (00:08:27)

The minutes of the previous meeting held on 28 August 2024 were agreed as a true record and duly signed by the Chair.

46 CHAIR'S ANNOUNCEMENTS (00:08:52)

The Chair had no announcements to make.

47 WITHDRAWALS FROM THE AGENDA (00:09:35)

There were no withdrawals from the Agenda.

48 MEETING MANAGEMENT (AS PART OF CHAIR'S ANNOUNCEMENTS)

The Chair made the following announcement:-

- The Performance Dashboard would be brought forward on the agenda due to the Corporate Performance and Improvement Manager having another meeting to attend this afternoon.

49 PERFORMANCE DASHBOARD QUARTER 1 (00:09:44)

The Group were presented with the *Performance Dashboard for Quarter 1 2024/25. The following was highlighted within the report:-

- The Quarter 1 Dashboard had been reviewed and aligned to the new Policy Development Group structure and the new Corporate Plan.
- The overall performance was presented in the pie chart.
- There were 2 corporate risks that related to this Committee.
- Planning applications determined within 28 weeks were shown as amber in the RAG rating. Planning applications over 13 weeks without a decision were shown as red in the RAG rating. Undetermined applications were subject to an extension of time and there were no issues with being outside of target.
- Planning Fees Income was below budget due to a depressed housing market.

Discussion took place regarding:

- Annual targets and how the Council were performing against those targets. It was explained that the Council were performing better than Government targets.
- Congratulating the Development Management team on their success of being shortlisted for the Local Authority of the Year Award in this year's South West Planning Excellence Awards.
- How many applications have been refused outright within the period shown on the Dashboard? It was explained that there was no Government metric on this.
- Planning Fees income and whether the Council were on target at this point in the year. It was explained that whilst the annual target was presented, the RAG rating gave an objective view on performance in the year to date.
- For the 5 N/A annual targets – were those going to be populated in the fullness of time? It was explained that those were measures that would continue to be monitored rather than managed as such targets were not necessarily appropriate.

Note: * Performance Dashboard previously circulated.

50 THE PLANS LIST (00:25:36)

The Committee considered the applications in the *Plans List.

- a) 24/01034/FULL - Change of use of building to a mixed use of residential for a one-bedroom flat (Use Class C3) and a ground floor independent community room (Use Class F2) at Wellclose, Ham Place, Tiverton.

In response to the public question raised the Area Team Leader replied as follows:-

- A1. This was not a planning matter and therefore I am unable to answer the question.
- A2. The use was essentially for domestic use for Mid Devon tenants in the surrounding properties. The cost was not a planning matter and therefore I am unable to answer the question.
- A3. This was not a planning matter and therefore I am unable to answer this question.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The proposed development related to a 2 storey former dwelling that had been used recently as an office and staff meeting/welfare facility for workers employed in the construction of the adjoining St. George's Court which was previously developed by 3 Rivers Ltd and had since come under Mid Devon District Council's Housing Team.
- The proposal was to now change the use of the building to a residential one-bedroom flat and a ground floor independent community room for residents over 55 and those who were less mobile.
- The main issues raised were the principle of development; design and impact on surroundings; residential amenity, highways and parking.

- The majority of works were internal other than the replacement of a ground floor window being replaced with a door.
- The proposed conditions restricted the use of the property and would not allow for it to be rented out. The Public Health Officer also proposed a time restriction of the community room being open from 7am-7pm so as not to have an adverse impact on residents.
- The application did not include the proposal for a car parking space. The previous use of the building did not have a car parking space and being close to the town centre it was considered justified as there were other car parking areas close by and there was access to shops and public transport. Highways had not raised any objections to this.

Discussion took place regarding:-

- Whether there had been an assessment to clarify if there was a need for a community room.
- Accessibility to the community room and whether toilet facilities were large enough to accommodate a wheelchair.
- The opening hours of the community room.
- Clarification as to whether there were parking arrangements when the building was a house, even if only informally.

RESOLVED that planning permission be granted subject to conditions, but with an alternative to condition 4 - requiring the submission and approval of a Management Plan to address the operation of the community room, which would include control of the opening hours, and agreement for the hours to be altered, if required to accommodate planned events. The final wording of the new condition 4 would be delegated to the Director of Place and Economy. To also suggest to the applicant that the toilet facilities were made large enough to accommodate a wheelchair to allow for disabled access.

(Proposed by Cllr J Downes and seconded by Cllr F J Colthorpe)

Reason for the Decision – as set out in the report.

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

51 **MAJOR APPLICATIONS WITH NO DECISION (01:02:45)**

The Committee had before it, and **NOTED**, a list *of major applications with no decision.

The Committee agreed the following:-

- 24/01107/MFUL - the application to remain delegated as per the report.
- 24/01208/MOUT – for a site visit to be arranged and for the Planning Committee to consider the application.

Note: *List previously circulated, copy attached to the minutes.

52 **APPEAL DECISIONS (01:06:22)**

The Committee had before it, and **NOTED**, a list of appeal decisions.

Note: *List previously circulated, copy attached to the minutes.

(The meeting ended at 15:22pm)

CHAIR

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MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 9 October 2024 at 2.15 pm

Present

Councillors

L J Cruwys (Chair)
S J Clist, G Cochran (Vice-Chair),
F J Colthorpe, G Czapiewski, J M Downes,
C Harrower, B Holdman, M Jenkins, N Letch
and S Robinson

Apology

Councillor

G Duchesne

Also Present

Councillors

R Roberts and G Westcott

Also Present

Officers

Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Jake Choules (Planning Officer), John Hammond (Development Management Manager), John Millar (Area Team Leader), Zoë Lentell (Economic Development Team Leader) and Sarah Lees (Democratic Services Officer)

Councillors

Online

E Buczkowski, J Buczkowski, G Duchesne, A Glover,
S Keable and F W Letch

Officers Online

A Devereux (Planning Officer) and L Woon (Democratic Services Officer)

53 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr G Duchesne who was substituted by Cllr J Downes.

54 PUBLIC QUESTION TIME

Shirley Cork referred to Application No 24/00557/FULL and asked the following question:

I have lived in the area for 20 years. The road is well used by cyclists and walkers. My son, who is in a wheelchair, uses the road frequently. It will become more and

more dangerous for all road users if this goes ahead and the peace and quiet will be gone forever.

How can Highways give their approval for the use of the road (no more than a country lane) to be used by industrial vehicles, lorries, large vans etc. with no passing places or room to pass even for pedestrians?

The Chair advised that the question would be answered when the application was considered on the agenda

55 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:06:00)**

The following interests were declared:

- a) Cllr S Clist made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application 24/01252/FULL (Drop In Centre, Newport Street, Tiverton) in that he was the Cabinet Member for Housing, Assets and Property and this 'asset' fell within his portfolio. He also made further declarations in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application numbers 24/00557/FULL (Venn View Barn, Sampford Peverell) and 24/00746/FULL (Chilton Gate Kennels, Bickleigh) in that he had received email correspondence.
- b) Cllr P Colthorpe made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application 24/00746/FULL (Chilton Gate Kennels, Bickleigh) in that she had had prior discussions with the Ward Member, Cllr R Roberts, regarding the application but that this would not prejudice her decision making in any way.
- c) Cllr B Holdman made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding the planning applications on the Plans List in that he had received email correspondence.
- d) Cllr L Cruwys made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application 24/00746/FULL (Chilton Gate Kennels, Bickleigh) in that he had had a verbal discussion with the Applicant.

56 **MINUTES OF THE PREVIOUS MEETING (00:08:00)**

The minutes of the previous meeting held on 11th September 2024 were agreed as a true record and **SIGNED** by the Chair.

57 **CHAIR'S ANNOUNCEMENTS (00:09:00)**

The Chair had the following announcements to make:

- a) He informed Members of the Committee that the Planning Committee scheduled for 27th November 2024 had been cancelled as all applications would be considered at the following meeting on the 4th December 2024.
- b) He introduced John Hammond to the Committee as the interim Development Management Manager who would be covering for Angharad William's whilst she was on maternity leave.

58 **WITHDRAWALS FROM THE AGENDA (00:09:30)**

There were no withdrawals from the Agenda.

59 **THE PLANS LIST (00:10:00)**

The Committee considered the applications in the *Plans List.

- 1) 24/01252/FULL - Enlargement of window and door openings to the front elevation, replacement of 1 window on the East and South elevations; erection of bike store and pergola and installation of flue at Former Drop In Centre, Newport Street, Tiverton

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- Photographs of the existing building showing the proposed pergola and openings on the front elevation.
- There had been no objections to the proposals.
- The application did not result in the loss of any additional parking.
- Photographs of the parking area for entry and exit were shown.

Discussion took place regarding:-

- The fact that there had been no concerns raised by the surrounding businesses.
- Tiverton Town Council had had concerns regarding the previous original planning application but not for this application.
- Condition 3 stated that details of a secure cycle storage facility will be provided.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr J Downes and seconded by Cllr B Holdman)

Reason for the Decision – as set out in the report.

Notes:

- (i) Zoë Lentell spoke as the Applicant.
- (ii) Cllr B Holdman spoke briefly as one of the Ward Members and stated that he was content with the application.
- (iii) List previously circulated.

- 2) 24/00557/FULL - Change of use of agricultural building to Use Class B2 (General Industrial) at Venn View Barn, Sampford Peverell, Tiverton.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The application had been called in by Cllr G Duchesne.
- It was not within a flood risk or Conservation area.
- It was possible for 'Change of use' to be approved under permitted development rights even if the application was refused so officers considered that a fallback position has been established.
- The alterations were limited and the impact of the noise had been carefully considered.
- Highways had been satisfied that there would be no greater impact on the highway network compared with the previous use.
- 5 formalised parking spaces were proposed.
- A number of photographs were shown of the site including the access.
- There was a typo in Condition 10 which, if Members were minded to approve, would be corrected.
- The principle of development on the site had already been established.

Discussion took place regarding:-

- Policy DM9 in relation to transportation and air quality, had Highways considered the cumulative impact of this? It was confirmed that Highways had visited the site and had considered the width of the road and the number of proposed vehicles using it as well as the number of proposed employees which was stated as being 4.
- It was confirmed that no industrial work activities would take place outside of the building.
- Highways had stated that there would be a 'betterment' in terms of vehicle trip generation should permission be granted and that it wouldn't be as severe as it was currently. The estimation was 2 large vehicle movements a week.
- Concern was expressed that the application did not include a 10% Bio Diversity Net Gain clause and whether this could be included as a condition? It was confirmed that the Local Planning Authority could talk to the applicant about a planting scheme and consider a landscaping condition.
- Officers were not able to confirm at the present time, how many, if any, passing places there were on the road, however, it was reiterated that Highways did not have any concerns and that they saw the proposal as a 'betterment'.
- Officers had considered a condition regarding the number of employees but considered that it would not meet the tests set out in the NPPF.
- Very specific reasons would need to be provided for a site visit of the Committee.

It was **RESOLVED** that planning permission be granted subject to:

- a) Conditions as stated in the report.
- b) Correction of Condition 10 to remove the word 'dwelling' and replace it with the word 'building'.
- c) Delegated authority being given to the Director of Place & Economy to include a landscaping condition.

(Proposed by Cllr S Clist and seconded by Cllr P Colthorpe)

Reason for the Decision – as set out in the report.

Notes:

- (i) Mr Peter Elliott Herrod-Taylor spoke as the objector.
 - (ii) Barry James spoke as the agent.
 - (iii) Cllr Furmedge spoke as the representative from Halberton Parish Council (online).
 - (iv) The Chair read out a statement from Cllr G Duchesne as the Ward Member.
 - (v) A proposal to defer the application for a site visit was not supported.
 - (vi) Cllrs: Downes, Harrower, Holdman and Jenkins requested that their abstentions from voting be recorded.
- 3) 24/00746/FULL - Conversion of former animal rescue centre to 8 dwellings at Chilton Gate Kennels, Bickleigh, Tiverton.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The application site was in the open countryside.
- There were no listed buildings on the site and it was not within a Conservation Area.
- The buildings were deemed, in the officers opinion, to have little architectural or historical merit and did not 'positively contribute' to the area's rural character.
- The proposed development did not comply with the special circumstances identified in Policy DM9 in respect of the reuse of an existing redundant or disused building and would therefore constitute unjustified development in the countryside.
- There were no concerns from Highways in relation to the access or the local road network, however, if Members were minded to approve, a pre-commencement condition for a Construction Environmental Management Plan would need to be agreed with the applicant.
- An ecological report had been submitted which had concluded that there would be no adverse effects upon protected species, however, if the application was approved a condition would be needed regarding mitigation and enhancement measures.
- Photographs were shown of the buildings on the site including the kennel, cattery and cat isolation building.
- For the reasons given, the officer's recommendation was for refusal.

Discussion took place regarding:-

- Opinion with regard to a building's 'positive contribution' could be considered as subjective.
- If the buildings could not be seen from the road, how could they be judged not to 'positively contribute'?
- The application was usually of the sort that came forward for a town setting.
- The application as it stood did not meet the criteria of the Council's policies and therefore officers were unable to justify recommending approval.

- It was confirmed that the proposed dwellings would not be offered as affordable homes.
- The need for more housing in the district.
- The Chair stated that he had spoken to the nearest neighbour to the site prior to discussion of this item and that he and his family would be the most affected by the site being left to dereliction.

It was **RESOLVED** that planning permission be granted subject to the signing of a S106 Agreement to secure planning obligations towards education and delegated authority being given to the Director of Place & Economy to agree relevant conditions.

(Proposed by Cllr N Letch and seconded by Cllr S Robinson)

Reason for the Decision – The Committee felt that the buildings did in fact positively contribute to the area’s rural character and add value and therefore was policy compliant under Policy DM9.

Notes:

- (i) Robin Furby spoke on behalf of the applicant.
- (ii) Cllr R Roberts spoke as the Ward Member.
- (iii) Cllr P Colthorpe was not present during discussion of this application having left the meeting after the previous application.

Note: *List and reports previously circulated and attached to the minutes.

60 MAJOR APPLICATIONS WITH NO DECISION (01:57:00)

The Committee had before it, and **NOTED**, a list *of major applications with no decision.

The Committee requested that 24/01166/MOUT (Outline application for the development of up to 1,150 residential dwellings at Week Farm & Moorhayes Farm in Cullompton) be brought before Committee.

Note: *List previously circulated, copy attached to the minutes.

61 APPEAL DECISIONS (02:01:00)

The Committee had before it, and **NOTED**, a list of appeal decisions.

Note: *List previously circulated, copy attached to the minutes.

(The meeting ended at 4.16 pm)

CHAIR

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 2 October 2024
at 12.00 pm

Present

Councillors

J Buczkowski, J Cairney, F J Colthorpe,
J M Downes, M Jenkins, S Keable and
L G J Kennedy

Apologies

Councillors

S Chenore, A Cuddy, D Broom and L J Cruwys

Also Present

Officers

Deborah Sharpley (Operations Manager Legal Services
and Monitoring), Harriet Said (Team Leader (Commercial),
Public Health), Thomas Keating (Specialist Lead
(Licensing) Officer) and Angie Howell (Democratic
Services Officer)

Councillor

Online

E Buczkowski

10 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:41)

Apologies were received from Cllr D Broom, Cllr L Cruwys and Cllr A Cuddy.

11 PUBLIC QUESTION TIME (00:04:55)

There were no public questions.

12 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:05:05)

There were no declarations of interest received.

13 MINUTES OF THE PREVIOUS MEETING (00:05:21)

The minutes of the 28 June 2024 were **APPROVED** and signed by the Chair.

14 GAMBLING ACT STATEMENT OF PRINCIPLES (00:05:45)

The Committee had before it a report * from the Head of Housing and Health which was presented by the Team Leader, (Commercial) Public Health of the Gambling Act Statement of Principles and highlighted the following:-

- The Gambling Act 3 principles were:-
 - (i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - (ii) Ensuring that gambling was conducted in a fair and open way.
 - (iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Section 349 required Local Authorities to review and publish a Statement of Principles which must be published by January 2025 for Mid Devon District Council (the Council), and was a statutory 3 year process.
- It was proposed to carry out a minor review to meet these requirements however the Gambling Commission were due to publish revised guidance which would have an impact and a wider review would be carried out by the Council at that stage.
- A consultation took place for 6 weeks from 12 July 2024 to 23 August 2024 during which 5 responses were received as below:-
 - (i) Devon County Council
 - Language and terminology – using the term “harmful” gambling instead of “problem” gambling – this had now been adjusted within the Statement of Principles.
 - To provide additional training to those working in a licensed premises to include the ability to identify and provide support to vulnerable people and also recommendations for sharing and signposting support mechanisms for those experiencing gambling related harm – Both of these would be addressed by updating the Council’s website and to provide links to support networks and organisations.
 - The possible development and implementation of a Local Area Profile to better understand the groups at risk within the Mid Devon District – this would be addressed as part of a more detailed review once the Gambling Commission had published revised guidance.
 - (ii) GamCare
 - To explore ways to gather and analyse data to better understand the level of gambling related harm in Mid Devon. To work with partnerships to look at the wider public health approach - those issues would be considered as part of the next review once updated guidance had been issued.
 - The development and implementation of a Local Area Profile – this would be addressed as part of a more detailed review once the Gambling Commission had published revised guidance.
 - (iii) Parish Council - they did not give any specific feedback.
 - (iv) Village Hall – the response received would not be something that the Statement of Principles would address at a local level
- As the Statement of Principles was due to be published at the end of 2024 (weeks before it comes into effect on 31 January 2025) it would be presented to Full Council on 30th October 2024.

Discussion took place regarding:-

- The fees that the Council charged for services and whether that covered the costs of the services it offered. It was explained that the annual fee charge included an annual visit and administration costs and that the fees were prescribed.
- Whether the Statement of Principles also covered online gambling. It was explained that the Statement of Principles related to premises within the District only.

The Committee **RESOLVED** that the Gambling Act Statement of Principles as attached in Annexe A be recommended to Full Council for approval.

(Proposed by the Chair)

Note: * Report previously circulated.

15 **STATEMENT OF LICENSING POLICY (00:18:50)**

The Committee had before it a report * from the Head of Housing and Health and which was presented by the Specialist Lead, Licensing on the Statement of Licensing Policy and highlighted the following:-

- The Council was required to adopt a Statement of Licensing Policy on how it would administer its functions under the Licensing Act 2003.
- The changes to the Statement were not significant and included the following:
 - The removal of the Appendix C (pool of Conditions) and Appendix D (Code of good practice for licensed premises) attached to the Policy itself. These would now be standalone documents available online; they would be easier to update.
 - Additional information provided on non-licensable activities for local residents and how they could address concerns about these.
 - More information on bigger events and the Safety Advisory Group.
 - Additional information regarding drink spiking prevention and that licence holders and applicants should consider the safeguards they had in place to prevent it.
 - Safeguarding training for relevant premises.
- A consultation took place for 6 weeks from 12 July 2024 to 23 August 2024 during which 5 responses were received, but only 3 responses were directed at the Statement of Licensing Policy:-
 - (v) Devon County Council (DCC)
 - That they should be referred to as the Director of Public Health – this amendment had been made.
 - (vi) Member of the Public
 - Many points raised within the Policy were only relevant to DCC. The Specialist Officer had spoken to the person who had submitted the response but they did not give any examples of this. DCC were consulted on the Policy and they did not make any such comments themselves. It was also explained that DCC were a Responsible Authority under the Licensing Act 2003 so there would be an expected cross over. The Licensing Act 2003 had been in place for

almost 20 years and Responsible Authorities were familiar with their role.

- Members should be more involved with decision making and less should be delegated to officers as this was not best practice. The Specialist Officer explained that this related to the list of delegations contained within the Statement of Licensing Policy and was based on the Section 185 Guidance from the Home Office which was best practice. Therefore no amendment was proposed to the Statement of Licensing Policy in light of that comment. However in terms of Members being more involved this would be reviewed and the Council website would be updated to ensure members of the public had access and information to contact the relevant elected Member to discuss any concerns they had regarding a premises licence.
- (vii) Licence Holder – it was a good policy which was informative, useful and practicable.

Discussion took place regarding:-

- Whether drink spiking training would be mandatory and how would training be accessed. It was explained that it would not be mandatory however resources would be made available online and to point people in the right direction where training could be applied for and received. Furthermore, the 'Stamp out Spiking' organisation would be providing training to the Licensing Team in November 2024 on how they could better support licence holders and sign post them to guidance and information. Any relevant information would be brought to the next meeting of the Licensing Committee in December 2024.

The Committee **RESOLVED** that the Statement of Licensing Policy as attached in Annexe B be recommended to Full Council for approval.

(Proposed by the Chair)

Note: * Report previously circulated.

(The meeting ended at 12.30 pm)

CHAIRMAN

- 1.3 The Council has responsibilities under the Act to issue premises licences, permits and notices in respect of premises where it is proposed that gambling take place. The Council is also responsible for the registration of Small Society Lotteries.
- 1.4 The Act is based on three key principles, which are set out in section 1 of the Act:
- Gambling should not be a source of crime or disorder, associated with crime or disorder or be used to support crime;
 - Gambling should be conducted in a fair and open way;
 - Children and other vulnerable people should be protected from being harmed or exploited by gambling.
- 1.5 Section 349 of the Act requires all licensing authorities to prepare and publish a Statement of Principles (SoP) that they intend to apply in exercising their functions under the Act. The SoP will last a maximum of three years.
- 1.6 This report sets out the reason for their being only minor changes to the SoP at this time, the responses received during the consultation and the recommendation that the proposed statement be adopted.

2 Proposed statement of principles

- 2.1 The Gambling Commission set out the overall direction for gambling regulation at a national level and licensing authorities then lead locally.
- 2.2 With this in mind, it is important to note that under section 25 of the Act, the Gambling Commission issue guidance to licensing authorities about the manner in which they exercise their functions under the Act and the principles to be applied. This is therefore important guidance and it was most recently published in April 2021.
- 2.3 As per the report presented to the Licensing Committee on 28 June 2024, the Gambling Commission is expected to issue revised guidance in 2025. The review of the SoP cannot be delayed until then due to its three year cycle and as a result, the Licensing Team are proposing minimal changes at this time.
- 2.4 Although the SoP can last for three years, we are permitted to review it again within this period and we intend to carry out another, more thorough review of the SoP once the updated guidance has been issued.
- 2.5 The proposed SoP is attached as Annex A.

3 Consultation

- 3.1 The consultation started on 12 July 2024 and ended on 23 August 2024.
- 3.2 Section 349 of the Act requires that licensing authorities consult with:

- The chief officer of police
- Representatives of gambling businesses
- Representatives of people who, in the opinion of the authority, are likely to be affected by the exercise of the function.

3.3 The consultation was published on the 'Let's Talk Mid Devon' platform via the Council's website and specific letters / emails were sent to:

- All Councillors
- Association of British Bookmakers
- British Amusement and Catering Trade Association
- British Beer and Pub Association
- Citizens' Advice Bureau
- Community Safety Partnership (East and Mid Devon)
- Churches Housing Action Team
- Devon & Cornwall Police
- Devon County Council - Director of Public Health
- Devon County Council - Local Safeguarding Children's Board
- Devon County Council - Social Services / Education Department
- Devon and Somerset Fire and Rescue Service
- Mid Devon District Council Environmental Health (Public Health)
- Certain existing licence holders / representatives
- Federation for Small Business (Mid Devon)
- Gamblers Anonymous
- Gambling Commission
- GamCare
- HMRC
- Mencap
- NSPCC
- Planning (MDDC)
- Town and Parish Councils

3.4 The Council received five responses to the consultation. Two of these responses raised some issues that are beyond the scope of the review carried

out by the Licensing Team at this time. These were from Devon County Council (Annex B) and GamCare (Annex C).

- 3.5 The Licensing Team plan to consider these broader, more extensive suggestions when we next review the SoP, following the publication of the Gambling Commission's updated guidance.
- 3.6 These responses are attached to this report in full and to be clear, these comments will not need to be made by parties again during the next review – they will be considered before the next consultation period so any proposed changes that result can be commented on by interested parties.
- 3.7 The table of responses attached as Annex D summarises all responses to the consultation and also contains an officer comment / recommendation in light of the information provided.

4 Recommendation and next steps

- 4.1 In accordance with the above, that the Licensing Committee recommend to Full Council the adoption of the revised Gambling Act 2005 SoP as attached in Annex B. This recommendation could be presented to Full Council on 30 October 2024 and revised SoP come into effect from 31 January 2025.
- 4.2 The Council is required to publish the adopted SoP no later than four weeks before the day on which it comes into effect. The SoP will take effect on 31 January 2025 and it will be published on the Council's website, on the notice board of Phoenix House and also in the public libraries of Cullompton and Crediton. It is proposed that it will be published in December, thus fulfilling our statutory requirements.

Financial Implications: None that are not contained within existing resources.

Legal Implications: The Council is required to adopt a SoP.

Risk Assessment: If the SoP is not properly adopted it could be subject to legal challenge.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community, People and Equalities within the Corporate Plan 2024-28 and in particular objective 2.3 to support the health, wellbeing and safety of our residents.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Stephen Walford
Agreed by or on behalf of the Section 151
Date: 17.9.24

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 17.9.24

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 12 September 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 13 September 2024

Cabinet member notified: Yes

Contact for more Information:

Harriet Said, Team Leader (Commercial), Public Health or Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background Papers:

- Gambling Act 2005 - <https://www.legislation.gov.uk/ukpga/2005/19/contents>
- Gambling Commission guidance to licensing authorities - <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>
- MDDC current SoP - <https://www.middevon.gov.uk/business/licensing/licensing-policies/>

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**Licensing Authority
Mid Devon District Council
Phoenix House, Phoenix Lane Tiverton, Devon, EX16 6PP**

Gambling Act 2005 Statement of Principles

31 January 2025 to 30 January 2028

(Adopted by Full Council on TBC)

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STATEMENT OF PRINCIPLES

Part A

1 The Licensing Objectives

1.1 The Licensing Authority (Mid Devon District Council) has a duty under the Gambling Act 2005 (the Gambling Act) to carry out its licensing functions in a manner which is consistent with three licensing objectives. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 It should be noted that this Statement of Licensing Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act.

1.3 It should also be noted that considerations such as moral or ethical objections to gambling are not valid reasons to reject applications for premises licences. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

2 Introduction

2.1 This Statement of Licensing Principles is written pursuant to the provisions of the Gambling Act and the Guidance issued under section 25 of the Gambling Act by the Gambling Commission.

2.2 All references to 'Guidance' refer to the Gambling Commission's Guidance for Local Authorities.

2.3 The Statement takes effect on 31 January 2025.

3 The Geographical Area



- 3.1 [Mid Devon District Council](#) is rural, lying inland within Devon. The Council covers an area of 352 square miles (913 square kilometers). The District boasts a high quality natural environment, bordering Dartmoor and Exmoor National Parks and the Blackdown Hills Area of Outstanding Natural Beauty.
- 3.2 With an approximate population of 82,800, the District is one of the most sparsely populated local authorities within England and Wales, comprising approximately 35,600 households.
- 3.3 50% of the population reside across the three main market towns in the District. Tiverton is the largest of these with a population of approximately 22,291 and Cullompton and Crediton are the other two, having populations of approximately 10,492 and 8,070 respectively.
- 3.4 Mid Devon District Council is the licensing authority for a range of gambling activities in conjunction with the Gambling Commission. ~~To give an indication of the numbers involved, please see the table below. This data was true as of May 2021.~~

Type of licence / Permit / Authorisation	Number in District
Betting Shop	4
Adult Gaming Centre	2
Family Entertainment Gaming Machine Permit	3
Club Gaming Permit	2

Club Machine Permit	5
Alcohol licensed premises – Gaming Machine Permit Notification	74
Alcohol licensed premises – Gaming Machine permit	3
Small Society Lottery	74

4 Consultation

4.1 Licensing authorities are required by the Gambling Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be republished.

4.2 The Gambling Act requires that the following parties be consulted by licensing authorities:

- The Chief Officer of Police;
- Persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- Persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act.

4.3 In adopting this policy, this –Licensing Authority has consulted with the following parties:

- All Responsible Authorities under the Gambling Act
- Citizen’s Advice Bureau
- Community Safety Partnership
- Churches Housing Action Team ([CHAT](#))
- Public Health, Mid Devon District Council
- Existing licence-holders (or representatives)
- Federation for Small Business – Mid Devon
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Mencap
- NSPCC
- ~~Primary Care Trust~~[Director of Public Health, Devon County Council](#)
- Residents / Businesses of Mid Devon through the [Lets Talk Mid Devon platform](#)~~Council website~~
- Town & Parish Councils within Mid Devon

4.4 Proper weight has been given to the views of all those who have been consulted prior to the date of implementation of this Statement of Principles.

Our consultation took place between [12th July 2024 to 23rd August 2024](#) (~~insert dates~~) and we followed Cabinet office guidance on public consultation, which is

available at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

- 4.5 The Statement of Principles was approved at a meeting of the Full Council on (insert date) and was published on our website on (insert date). Copies were placed in the public libraries of the area as well as being available for viewing at Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP.
- 4.6 Should you have any comments regarding this Statement of Licensing Principles please write to the above address or email licensing@middevon.gov.uk

5 Declaration

- 5.1 In producing the final Statement this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act, the Guidance, and any responses from those consulted on the statement.

6 The Overriding Principle

- 6.1 In exercising its functions under the Gambling Act, this Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with the Gambling Act and associated legislation;
 - in accordance with any relevant Code of Practice;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - to be reasonably consistent with the Licensing Objectives;
 - in accordance with this Statement of Principles.
- 6.2 In deciding whether or not to grant a licence, this Licensing Authority does not have regard to the expected demand for the facilities that are the subject of the application.
- 6.3 The overriding principle does not, however, apply if this Licensing Authority resolves not to issue casino premises licences.
- 6.4 Each case will be decided on its individual merits.

7 Responsible Authorities

- 7.1 Responsible Authorities are those public bodies, as specified by the Gambling Act, which must be notified of applications for premises licences. Such bodies are entitled to make representations to a licensing authority in relation to the applications. The Responsible Authorities for this Licensing Authority are detailed in Appendix A.

7.2 A licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Gambling Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

7.3 The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing;
- for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

7.4 In accordance with the suggestion in the Guidance, this Licensing Authority designates the Devon Safeguarding Children Board for this purpose.

8 Interested Parties

8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act as follows: “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person –

- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b. has business interests that might be affected by the authorised activities, or
- c. represents persons who satisfy paragraph (a) or (b)”

8.2 A licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act to determine whether a person is an interested party. The Principles this Licensing Authority will apply are set out below.

8.3 Each case will be decided upon its own merits. This Licensing Authority will not apply a rigid rule to its decision-making. The factors that this Licensing Authority may take into account when determining what ‘sufficiently close to the premises’ means (in each case) might include:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

8.4 In determining whether a person with business interests might be affected by the premises, the factors likely to be relevant include:

- The size of the premises
- The 'catchment' area of the premises (that is, how far people travel to visit the premises)
- Whether the person making the representation has business interests in that catchment area that might be affected.

8.5 Interested parties can be persons who are democratically elected such as County, Parish and Town Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward/constituency likely to be affected. Parish and Town Councils may also be interested parties. Other than these however, this Licensing Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

8.6 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP or telephone 01884 255255 or email licensing@middevon.gov.uk

9 Exchange of Information

9.1 The Principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act in its exchange of information and comply with the Data Protection Act 2018. This Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act.

9.2 Should any protocols be established as regards information exchange with other bodies then they will be made available.

10 Enforcement

10.1 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act will be to ensure compliance with licences and permits issued and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and registration of small society lotteries.

10.2 This Licensing Authority will act in accordance with ~~following principles for regulators:~~[its Enforcement Policy and the Regulators Code.](https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/)
<https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/>

~~Proportionate: regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;~~

~~Accountable: regulators must be able to justify decisions and be subject to public scrutiny;~~

~~Consistent: rules and standards must be joined up and implemented fairly;~~

~~Transparent: regulators should be open and keep regulations simple and user friendly; and~~

~~Targeted: regulation should be focused on the problem and minimise side effects.~~

10.3 In line with the Guidance this Licensing Authority will endeavor to avoid duplication with other regulatory regimes so far as possible.

10.4 This Licensing Authority will ~~also~~ adopt and implement a risk-based inspection programme based on:

- ~~The licensing objectives; and~~
- ~~Intelligence / complaints received;~~
- [Local and national priorities](#);
- Relevant codes of practice;
- Any guidance issued by the Gambling Commission;
- The Principles set out in this Statement of Licensing Policy.

10.5 During inspections this Licensing Authority may cover:

- details of training policies and training undertaken by staff;
- details of local risk assessments and ensuring the document is available to view and up to date;
- records of refusals to serve / admit on age grounds (subject to the terms of any primary authority agreements);
- records of any relevant incidents in or outside the premises, e.g. anti-social behavior;
- approach to managing self-exclusion and numbers of people currently self-excluded;
- involvement / impact of any work in local schemes or partnership working with

- other local businesses;
- reviewing paperwork relating to the purchase of machines from licensed manufacturers;
- interviews with staff members;
- confirming that appropriate signage is in place.

This list is not exhaustive but provides the common factors covered in a standard inspection.

10.6 The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by licensing authorities but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments with regards to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres (uFECs);
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises (under the Licensing Act 2003) where there are more than two machines;
- Register Small Society Lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the Permits and Licences that are issued under these functions.

11.2 It should be noted that licensing authorities are not involved in licensing remote gambling as this is regulated by the Gambling Commission. Remote gambling is defined by the Gambling Act as gambling in which persons participate by the use of remote communication including: the internet, telephone, television and radio.

12 The Licensing Process

12.1 A Licensing Committee, a Sub-Committee, or the Licensing Officer acting under delegated authority may carry out the powers of this Licensing Authority under the Gambling Act.

12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are carried out by Licensing Officers.

12.3 This Licensing Authority ensures that all Licensing Officers and Members of the Licensing Committee have received adequate training for their role under the Gambling Act.

12.4 Where admissible, and relevant, representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Sub-Committee is delegated-convened to hear the matter.

12.5 Applicants for premises licences are required to copy their applications in full to the Responsible Authorities under the Gambling Act (see Appendix A).

13 Fees

13.1 This Licensing Authority will aim to ensure that the income it receives in fees matches the costs of providing the service to which fees relate. This Licensing Authority sets its own fees within a framework set by central government.

14 Administration, Exercise and Delegation

14.1 The delegation of functions permitted under the Gambling Act is available to view in Mid Devon District Council's Constitution. This can be viewed here: <https://www.middevon.gov.uk/your-council/councillors-democracy/constitution/>.

15 Local Risk Assessments

15.1 The Gambling Commission's Licence Conditions and Codes of Practice have required operators with premises licences to consider local risks since 6 April 2016.

15.2 The Gambling Commission's Social Responsibility Code requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this Statement of Principles.

15.3 Licensees will be required to undertake and submit a local risk assessment when applying for a new premises licence. The risk assessment should be reviewed on an annual basis to ensure it is up to date and must also be reviewed (and if necessary updated):

- When applying for a variation of a premises licence;-
- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect the level of risk or the mitigation of those risks.

Significant Changes in Local Circumstances

15.4 The following sets out some examples of what a licensing authority considers to be significant changes in local circumstances:

- The local area is identified as a crime hotspot by the Police and/or licensing authority.
- Any vulnerable group is identified by the licensing authority or venues relating to those vulnerable group are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment
- The local area is identified by the licensing authority as an area of heightened risk within its Statement of Licensing Principles.

15.5 The above list is not exhaustive and other significant changes may occur that are considered relevant. A licensing authority may provide information to gambling operators when it feels a significant change has occurred in the local area. The licensing authority will set out what the change is and may provide information on any specific concerns it may have that should be considered by operators. However, operators must also consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment.

Significant Changes to the Premises

- 15.6 The following list is not exhaustive but sets out some examples of what a licensing authority considers to be significant changes to the premises (some of which may also require a variation of the existing premises licence):
- Any building work or premises alteration where gambling facilities are relocated within the premises (including the use of privacy screens)
 - The premises licence is transferred to a new operator who has different policies and procedures to the previous licence holder
 - Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff retraining
 - The entrance or entrances of the premises are changed
 - New gambling facilities are made available on the premises which were not provided previously, for example, Self Service Betting Terminals, bet in play or different category of gaming machines are provided
- 15.7 The Social Responsibility Code provision is supplemented by an Ordinary Code that requires licensees to share their risk assessments with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises or otherwise on request of the licensing authority.
- 15.8 ~~Whilst there are no plans to request that licensed premises share~~ License holders are not required to share their risk assessments on a periodic basis, however, where concerns do exist, perhaps prompted by new or existing risks, this Licensing Authority is likely to request that a licensee share a copy of its risk assessment.
- 15.9 The risk assessment, which should be kept on the premises to which it relates, will set out the measures the licensee has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.
- 15.10 When ~~comprising producing~~ their risk assessments ~~operators licensees~~ should consider:
- The risks posed to the licensing objectives by the provision of gambling facilities at each of their premises in the local authority area;
 - Reference to any specific local risks;
 - How the operator proposes to mitigate these risks;
 - How the operator will monitor specific risks.
- 15.11 Although not forming an exhaustive list, the following factors are ones which ~~operators licensees~~ may wish to consider when ~~comprising producing~~ and reviewing their risk assessments:

- The geographical location of the premises, its levels of deprivation and the socio-economic makeup of the area;
- The type and usage of the premises;
- The layout and size of the premises, e.g. access and egress, position of counters and gaming machines, lines of sight between counters and entrance points and machines, the physical structure of the premises, presence of any visual obstacles and the appropriate level of supervision at different times of the day/ year;
- Specific types of gambling premises in the local area and their density. Whether there is any facility for sharing information between premises for example, in preventing anti-social behavior;
- The opening hours of the premises and the possible interaction of the gambling premises with any surrounding night time economy;
- Client demographics, the presence of children and vulnerable adults;
- Staff numbers, training and supervision;
- Staff roles and their engagement with other activities;
- Issues of lone working and staff working closely with children;
- How Consideration of the presentation and marketing of any gambling products does not appealing to children and is ensuring it is clear to anyone wishing to participate in gambling.

15.12 Operators-Licensees will also wish to consider the potential risk of under-age gambling and the increased risk of problem-harmful gambling in certain groups, and therefore it is suggested that operators-licensees consider:

- Self-exclusion data - the number of self-exclusions and underage attempts to gamble;
- The proximity of the premises to any school, centre, or establishment for the education, training or care of young and/or vulnerable persons;
- The proximity of the premises to leisure centres used for sporting and similar activities by young and/or vulnerable persons;
- The proximity to the premises to any youth club or similar establishment;
- The proximity of the premises to any community, welfare, health or similar establishment used specifically, or to a large extent, by young and/or vulnerable persons;
- The proximity of any other area or location where young and/or vulnerable persons could congregate;
- The proximity of any hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater potential risk of problems among these groups.

16 Local Area Profile

16.1 There is no mandatory requirement to undertake a local area profile and this Licensing Authority has decided not to do so at the time of producing this Statement. This decision will be reviewed should it be felt by the Licensing Authority that potential or actual risks merit its production.

Part B - Premises Licences: Consideration of Applications

17 General Principles

- 17.1 Premises Licences are subject to the requirements set-out in the Gambling Act and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State (further information about these can be found here: <https://www.legislation.gov.uk/ukxi/2007/1409/contents/made>).
- 17.2 Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 17.3 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission,
 - reasonably consistent with the licensing objectives; and
 - in accordance with the Authority's Statement of Licensing Principles.
- 17.4 It is appreciated that, in line with the Guidance ~~for licensing authorities~~, "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.
- 17.5 In determining application, a licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

Definition of premises

- 17.6 In the Gambling Act, "premises" is defined as including "any place". Section 152, therefore, prevents more than one premises licence applying to any place, but a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. This Licensing Authority, will, however, pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 17.7 The Gambling Commission states in its Guidance that "In most cases the

expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can properly be regarded as different premises”.

17.7 This Licensing Authority takes note of the Guidance which states that authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or be able to closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Adequate separation may be obtained by means of screening, walls, clear signage etc. but each case will be judged on its own merits.
- Customers should be able to participate in the activity named on the premises licence.

17.8 The Guidance also gives a list of factors which a licensing authority should be aware of, which may include:

- Does the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This Licensing Authority will consider these and other relevant factors in making its decision, depending on the circumstances of the case.

17.9 This Licensing Authority accepts that there must be no direct access between an adult gaming centre and any other premises licensed under the Gambling Act or premises with an FEC, club gaming, club machine or licensed premises gaming permit. There is no definition of 'direct access' in the Gambling Act or regulations. However it could be said that there should be an area separating the premises concerned (for example, a street or café), which the public go to for the purposes other than gambling, for there to be shown to be no direct access. This must be made clear on the relevant plan. The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre (FEC)

- No customer must be able to access the premises directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

Premises “ready for gambling”

17.10 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

17.11 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

17.12 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Licensing Authority will determine applications on their merits, applying a two-stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

17.13 Applicants should note that this Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Location

17.14 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In line with the Guidance this Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon with regards to areas where gambling premises may present a greater risk, this Statement of Principles will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its own merits with the applicant having to show how they have taken into account and aim to overcome any concerns.

Duplication with other regulatory regimes

17.15 This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning

permission or building regulations approval, in its consideration of it. It will listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise. All applicants are advised however, to speak to the Planning Department of Mid Devon District Council before making a formal application to the Licensing Service.

17.16 When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives

17.17 In carrying out its licensing functions this Licensing Authority will have regard to the licensing objectives, which are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime,
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

17.18 This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

17.19 This Licensing Authority is aware of the distinction between disorder and nuisance. Disorder is intended to mean an activity that is more serious and disruptive than mere nuisance. Factors this Licensing Authority will consider in determining whether a disturbance was serious enough to constitute disorder will include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

Ensuring that gambling is conducted in a fair and open way

17.20 This Licensing Authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that

gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role regarding tracks which is explained in more detail in the tracks section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 17.21 This Licensing Authority has noted the Guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). This Licensing Authority will therefore consider, as suggested in the Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 17.22 This Licensing Authority is also aware of the Codes of Practice, which the Gambling Commission issues with regards to this licensing objective, in relation to specific premises.
- 17.23 With regards to the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider the licensing objective on a case-by- case basis.
- 17.24 Additionally, this Licensing Authority expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.
- 17.25 The efficiency of such policies and procedures will be considered on their merits; however, they may include appropriate measures/training for staff with regards to suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised young children being on the premises, or children causing perceived problems.
- 17.26 This Authority will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and FECs. Additional information and examples of appropriate measures to consider for some specific types of premises are provided throughout this Statement of Principles in each of the relevant sections.

Licensing Conditions - Mandatory

- 17.27 Mandatory conditions may be attached to a premises licence by the Secretary of State under Section 167 of the Gambling Act. They can be attached generally to all premises licences, or may be attached to all premises licences of a particular

type, or to a particular type of premises licence under certain specified circumstances.

17.28 Once mandatory conditions are attached they can only be removed by further Secretary of State regulations. This Licensing Authority has no discretion to decide not to include them, or modify them.

Licensing Conditions - Default

17.29 The Secretary of State considers the use of default conditions is most appropriate where a general industry or sector wide approach is desirable in order to assist national consistency, but where licensing authorities ought to be able to respond to local circumstances by altering those conditions if necessary.

17.30 Section 169 of the Gambling Act gives licensing authorities the ability to exclude from a premises licence any default conditions that have been imposed under section 168. However, as default conditions are considered to be the industry norm, and while licensing authorities are free to limit or remove them where appropriate, this Licensing Authority will only ~~extend~~exclude them with reference to the Commission Codes of Practice and Guidance, the Licensing Objectives and this Statement of Principles.

17.31 It is unlikely that this Licensing Authority will need to apply individual conditions imposing a more restricted regime in relation to matters that have already been dealt with via mandatory or default conditions. However, where there are regulatory concerns of an exceptional nature this Licensing Authority may do so.

17.32 Any conditions attached to licences will only be applied where there is evidence of a risk to the licensing objectives. They will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

17.33 Decisions upon individual conditions will be made on a case by case basis, although there are a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors and appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the applicant to offer their/his/her own suggestions as to the way in which the licensing objectives can be met effectively.

17.34 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing

objectives. These matters are in accordance with the Guidance.

17.35 This Licensing Authority will ~~also ensure~~require that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to the specific relevant premises, including buildings where multiple premises licences are applicable.

17.36 This Licensing Authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

17.37 It is noted that there are conditions which a licensing authority cannot attach to premises licences, which are:

- ~~any conditions on the premises licence~~ which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act specifically removes the membership requirement for casino and bingo clubs) and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

17.38 The Gambling Commission advises in its Guidance that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts of unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition to this effect.

17.39 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

17.40 Licence holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. Gamcare, Gamblers Anonymous, Gordon [House-Moody](#) Association, National Debtline, local Citizen's Advice Bureaux and independent advice agencies.

18 Adult Gaming Centres

18.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Provision of information leaflets/helpline numbers for organisations such as Gamcare;
- Self-exclusion schemes;
- Specific opening hours;
- Additional staffing during busier periods / times.

This list is not mandatory, nor exhaustive and is merely indicative of examples measures.

19 (Licensed) Family Entertainment Centres

19.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

19.2 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- CCTV;
- Location of entry;
- Measures / training for staff on how to deal with suspected truant school children on the premises;
- Notices / signage;
- Physical separation of areas;
- Proof of age schemes;
- Provision of information leaflets / helpline numbers for organisations such as Gamcare;

- Self-exclusion schemes;
- Specific opening hours;
- Supervision of entrances / machine areas;
- Additional staffing during busier periods / times.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

20 Casinos – Local Policy

20.1 This Licensing Authority has not passed a ‘no casino’ resolution under section 166 of the Gambling Act, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.

21 Bingo premises

21.1 This Licensing Authority notes that the Guidance states that it should take steps to satisfy itself that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration for new premises and where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

21.2 This Licensing Authority also notes that the Guidance states that in the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.

21.3 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

22 Betting premises

22.1 **Gaming machines** - The holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D.

Betting machines – When considering whether to impose a condition to restrict the number of betting machines in particular premises, this Licensing Authority, in line with the Guidance, will take into account the size of the premises, the number of counter positions available for -over the counter transactions, and the ability of staff to monitor and prevent the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

22.2 The Licensing Authority recognises that the design and layout of betting premises

(or any other premises including tracks) will vary so will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor and prevent the use of these machines by children and young persons. This Licensing Authority reserves the right to request that gaming machines are repositioned where circumstances demonstrate that it is appropriate to do so.

22.3 Factors to be taken into consideration will include the following:

- CCTV;
- Relocation of the machines;
- Door buzzers;
- Remote cut-off switches;
- Training provision;
- Any other factor considered relevant.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

23 Tracks

23.1 Section 353 of the Gambling Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

23.2 This Licensing Authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. As per the Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

23.3 This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

23.4 This Licensing Authority may consider measures to meet the licensing objectives such as:

- CCTV
- Location of entry
- Notices / signage
- Physical separation of areas
- Proof of age schemes
- Provision of information leaflets / helpline numbers for organisations such as

- Gamcare
- Self-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming Machines

- 23.5 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, the machines (other than category D machines) should be located in areas from which children are excluded.
- 23.6 Applicants are advised to consult the Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority will also, in line with the Guidance, consider the location of gaming machines at tracks.

Applications and Plans

- 23.7 The Gambling Act (section 51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.
- 23.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 23.9 This Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place.

24 Travelling Fairs

- 24.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available, this Licensing Authority will be responsible for deciding whether the gambling forms ancillary amusement.
- 24.2 This Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

24.3 It is noted that the 27-day statutory maximum for the land being used as a fair, is on a calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

25 Provisional Statements

25.1 Developers may wish to apply to this Licensing Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

25.2 Section 204 of the Gambling Act provides for a person to make an application to a licensing authority for a provisional statement in respect of premises that ~~he or she~~they:

- expect to be constructed;
- expect to be altered; or
- expect to acquire a right to occupy.

25.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and interested parties may make representations and there are rights of appeal.

25.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

25.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.

25.6 This Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

25.7 In addition, this Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by

reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

26 Reviews

26.1 Requests for a review of a premises licence can be made by interested parties or Responsible Authorities, however, it is for this Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Principles.

26.2 The request for the review will also be subject to the consideration by this Licensing Authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this Licensing Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

26.3 This Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence ~~on the basis of~~based on any reason which it thinks is appropriate.

26.4 Once a valid application for a review has been received by this Licensing Authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received ~~by the Authority~~, who will publish notice of the application within 7 days of receipt.

26.5 The authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

26.6 The purpose of the review will be to determine whether the authority should take any action in relation to the licence. If action is justified, the options open to this Licensing Authority are:-

- add, remove or amend a licence condition imposed by the Licensing Authority;

- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - suspend the premises licence for a period not exceeding three months; and
 - revoke the premises licence.
- 26.7 In determining what action, if any, should be taken following a review, this Licensing Authority must have regard to the principles set out in section 153 of the Gambling Act, as well as any relevant representations.
- 26.8 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 26.9 Once the review has been completed, this Licensing Authority must, as soon as possible, notify its decision to:
- the licence holder;
 - the applicant for review (if any);
 - the Gambling Commission;
 - any person who made representations;
 - the chief officer of police or chief constable; and
 - [Hiser](#) Majesty's Commissioners for Revenue and Customs.

Part C - Permits / Temporary & Occasional Use Notice

27 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 27.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to this Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. The permit cannot therefore be granted for an entire shopping centre or bowling alley, for example. Additional information on the documents required for these permits (i.e. plans) is provided in paragraph 27.11 below.
- 27.2 The premises are 'unlicensed' in that they do not require a premises licence but do require a permit. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.
- 27.3 The Gambling Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it may not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission. The Guidance also states: "A licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits."
- 27.4 The Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. . . Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Gambling Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes."

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles

- 27.5 This Licensing Authority has adopted a Statement of Principles in accordance with paragraph 7 of Schedule 10 of the Gambling Act and they are for the purposes of clarifying the measures that this Licensing Authority will expect applicants to demonstrate when applying for a permit for an unlicensed ~~family Entertainment centre~~ Family Entertainment Centre (uFEC). This will allow the Licensing Authority to better determine the suitability of the applicant and the premises for a permit.

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses ~~on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, on building an employee's ability to identify and provide appropriate support to vulnerable people as part of measures to detect persons who may be vulnerable~~
- consider appropriate positioning of ATM and change machines (including the display of Gamcare stickers on any such machines)

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

Other miscellaneous issues

27.10 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- maintain an effective CCTV system to monitor the interior and exterior of the premises;
- keep the exterior of the premises clean and tidy;
- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises;
- consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

Supporting documents

27.11 This Licensing Authority will require the following supporting documents to be served with all uFEC gaming machine permit applications:

- Proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over).
- Proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document.
- The result of a criminal records basic disclosure [criminal conviction certificate] (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Gambling Act.) Basic Disclosures can be obtained from the Disclosure and Barring Service. For further details visit the website <https://www.gov.uk/government/publications/basic-checks>.
- In the case of applications for an uFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling

machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission.

- A plan of the premises for which the permit is sought showing the following items:
 - a. the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways;
 - b. where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes);
 - c. the positioning and types of any other amusement machines on the premises;
 - d. the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area;
 - e. the location of any ATM/cash machines or change machines;
 - f. the location of any fixed or temporary structures such as columns or pillars;
 - g. the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises;
 - h. the location of any public toilets in the building;

Unless otherwise agreed with this Licensing Authority, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

27.12 Within this process the Licensing Authority will aim to grant the permit where the applicant is able to demonstrate that:

- they are a fit and proper person to hold the permit,
- they have considered and are proposing suitable measures to promote the licensing objectives, and
- they have a legal right to occupy the premises to which the permit is sought.

27.13 The measures suggested in this document should be read as guidance only and this Licensing Authority will be happy for applicants to suggest measures **above and beyond** those listed in the document and or to substitute measures as appropriate, based on the individual merits of the case.

28 (Alcohol) Licensed premises gaming machine permits

Automatic Entitlement to Two Machines

28.1 There is provision in the Gambling Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely needs to notify the licensing authority.

28.2 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. A copy of the relevant Code can be found here:

<https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence>.

- 28.3 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act;
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

Permit for Three or More Machines

- 28.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and this Licensing Authority must consider that application based on the licensing objectives, any guidance issued by the Gambling Commission and “other such matters as the Authority think relevant.”
- 28.5 This Licensing Authority considers that “other such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 28.6 Measures may include the adult machines being in sight of the bar, or in sight of staff who will monitor the machines to ensure they are not being used by those under 18. Notices and signage may also be helpful. With regards to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as Gamcare.
- 28.7 It should be noted that this Licensing Authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 28.8 Applicants should be aware that only those premises which have a ‘bar’ (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants or even hairdressers which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food will fall outside the scope of this section of the Gambling Act

29 Prize Gaming Permits

- 29.1 The Gambling Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing

authority proposes to consider in determining the suitability of the applicant for a permit”.

29.2 This Licensing Authority will expect the applicant to set out the types of gaming that they are intending to offer and the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in regulations;
- that the gaming offered is within the law; and
- clear policies that outline steps to be taken to protect children from harm.

29.3 In making its decision on an application for this permit this Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

29.4 It should be noted that there are conditions in the Gambling Act with which the permit holder must comply, but the licensing authority cannot attach conditions.

The conditions in the Gambling Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
- the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

30 Club Gaming and Club Machines Permits

30.1 Members Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine permit. The Club Gaming Permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C or D (but only one B3A machine can be sited as part of this entitlement), equal chance gaming and games of chance as prescribed in regulations. A Club Machine permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C and D (but only one B3A machine can be sited as part of this entitlement). Commercial Clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Gambling Act) and should apply for a club machine permit; however, this permit will not allow the Commercial Club to site category B3A gaming machines.

30.2 The Gambling Act states that members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and

whist). A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

30.3 The Guidance also notes "licensing authorities may only refuse an application on the grounds that:

- a. the applicant does not fulfil the requirements for a members' or Commercial Club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b. the applicant's premises are used wholly or mainly by children and/or young persons;
- c. an offence under the Gambling Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d. a permit held by the applicant has been cancelled in the previous ten years;
- or
- e. an objection has been lodged by the Gambling Commission or the police."

30.4 In determining whether a club is a genuine members' club, the licensing authority may take account a number of matters, including the following:

- Is the primary purpose of the club's activities something other than the provision of gaming to its members? This is an indicator that it's a genuine members' club.
- Are the profits retained in the club for the benefit of the members? This is the key difference between a members' club and a commercial club.
- Are there 25 or more members? This is the amount of members a club has to have to qualify.
- Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club? These are all indicators that the member lists are bona fide and are made up of genuine members.
- Do members participate in the activities of the club via the internet? It is less likely to be a genuine members' club if this is the case.
- Do guest arrangements link a member to every guest? Is there evidence of a signing-in register for guests? Guests must be genuine guests of members and not members of the general public.
- Is the 48 hour rule between applying for membership and participating in any gaming properly applied? This is an indication that the club has a proper membership scheme. This requirement does not apply to commercial clubs.
- Are there annual accounts for more than one year? This would indicate that the club is permanent in nature, rather than temporary.
- How is the club advertised and listed in directories, including on the internet? If the club is categorised under 'gaming' or 'poker', it is less likely to be genuine members' club.
- What information is provided on the club's website? This can be a useful source of information about the club.
- Are children permitted into the club? Appropriate access to the premises by children may indicate that it is less likely that the club is primarily for gambling

activities.

- Does the club have a constitution and can it provide evidence that the constitution was approved by the members of the club? This provides further evidence that it is a properly constituted members' club.
- Is there a list of committee members and evidence of their election by the members of the club? Can the club provide minutes of committee and other meetings? These are further evidence that the club is a properly constituted members' club.

30.5 There is also a 'fast-track' procedure available under the Gambling Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Guidance states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the ground upon which an authority can refuse a permit are reduced,". The grounds on which an application may be refused are:

- a. that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- b. that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c. that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

30.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines. A copy of the relevant code can be found here: <http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf>.

31 Temporary Use Notices

31.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

31.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

31.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (The Gambling Act (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

31.4 There are a number of statutory limits as regards temporary use notices. The

meaning of "premises" in Part 8 of the Gambling Act is discussed in Part 7 of the Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Gambling Act "premises" is defined as including "any place".

- 31.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 31.6 The same set of premises may not be the subject of a Temporary Use Notice for more than 21 days in any 12 month period, but may be the subject of several Notices provided that the total does not exceed 21 days.

32 Occasional Use Notices

- 32.1 Occasional use notices enable betting on a track for up to eight days a year without a premises licence. Additional information on them can be found here: <https://www.gamblingcommission.gov.uk/authorities/guide/occasional-use-notices-ouns>.
- 32.2 The licensing authority has very little discretion with these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

33 Small Society Lotteries

- 33.1 These are lotteries operated by non-commercial societies, as defined in Section 19 of the Gambling Act, which states that a society is non-commercial if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006;
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
 - for any other non-commercial purpose other than that of private gain.
- 33.2 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority. The licensing authority with which a small society lottery is required to register must be in the area where their principal office is located. If the authority believes that a society's principal office is situated in another area, it will inform the society and the other relevant authority as soon as possible.
- 33.3 The Gambling Act requires that a minimum proportion of the money raised by the lottery is channeled to the goals of the society that promoted the lottery. If a small society lottery does not comply with the following limits it will be in breach of the Gambling Act's provisions, and consequently be liable to prosecution:
- at least 20% of the lottery proceeds must be applied to the purposes of the society;

- no single prize may be worth more than £25,000;
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000;
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed.

33.4 A small society lottery must send financial returns to the licensing authority with which it is registered, following each lottery held. This information allows the licensing authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

33.5 The following information must be submitted as part of the return:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- the total proceeds of the lottery;
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

33.6 The Gambling Act also requires that returns must:

- be sent to the licensing authority no later than three months after the date of the lottery draw, or in the case of ‘instant lotteries’ (scratch cards) within three months of the last date on which tickets were on sale;
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged eighteen or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

Appendix A - Responsible Authority Contact List

<p>Licensing Authority Mid Devon District Council Licensing Section Phoenix House Phoenix Lane Tiverton Devon EX16 6PP Telephone: 01884 255255 Email: licensing@middevon.gov.uk</p>	<p>Devon & Cornwall Constabulary Licensing Hub Devon & Cornwall Police Moorland Road Launceston PL15 7HY Email: licensing.team@devonandcornwall.pnn.police.uk</p>
<p>Devon Fire & Rescue Service Middlemoor Fire Station Sidmouth Road Exeter EX2 7AP Email: centraleastprotection@dsfire.gov.uk</p>	<p>Devon County Council - Child Protection Checks Devon County Council Room 235 County Hall Topsham Road Exeter EX2 4QD Telephone: 01392 383000 Email: childprotectioncheckssecure-mailbox@devon.gov.uk</p>
<p>HM Revenue and Customs National Registration Unit Excise Processing Teams BX9 1GL Email: nrubetting&gaming@hmrc.gsi.gov.uk</p>	<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Email: info@gamblingcommission.gov.uk</p>
<p>Mid Devon District Council Environmental Health Services Phoenix House Phoenix Lane Tiverton Devon EX16 6PP Telephone: 01884 255255 E-mail: Health@middevon.gov.uk</p>	<p>Mid Devon District Council Planning Services Phoenix House Phoenix Lane Tiverton Devon EX16 6PP Telephone: 01884 255255 Email: dcregistration@middevon.gov.uk</p>

Appendix B: Additional links for machine provisions, machine categories and gaming entitlements

Summary of machine provisions by premises:

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx>

Summary of gaming machine categories and entitlements

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-B-Summary-of-gaming-machine-categories-and-entitlements.aspx>

Summary of gaming entitlements for clubs and alcohol-licensed premises

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-C-Summary-of-gaming-entitlements-for-clubs-and-alcohol-licensed-premises.aspx>

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Gambling Statement of Licensing Policy Public Health Devon Statement

Purpose

This Public Health Devon statement, which includes some key points from the Local Government Association, will be provided to all District Council Licensing teams when Public Health Devon are approached as part of the consultation process on Gambling Statement of Licensing Principles and Policies. Public Health Devon continue to appreciate communication and collaboration with colleagues in these matters.

Public Health Devon would advocate for District Council Licensing teams, updating their respective Gambling Statement of Licensing Principles and Policies, to consider the Local Government Association publication '[Tackling gambling related harm: A whole council approach](#)' and continue to seek opportunities for application of highlighted good practice in the local context.

Context

There is increasing awareness about the harms that can be caused by gambling and its impact on families and local communities, as well as the individuals directly affected by it.

The Gambling Act 2005 underpins the legislative approach to betting and gambling in the UK. The Act changed the underlying approach to gambling from permitting but not encouraging it, to increasing the opportunities for adults to gamble, and treating it as a leisure activity.

These changes, coupled with technological advances, have led to significant increases in gambling participation and gambling related harms.

Language and terminology

Public Health Devon would welcome licensing statements that reflect appropriate non-stigmatising language and terminology.

'Harmful gambling' is an umbrella term to describe any frequency of gambling that results in people experiencing harm.

Harmful gambling can impact on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues, employers and wider local communities.

It is important to note that anyone can be negatively affected by gambling.

Narratives which suggest the individual experiencing harm is a 'problem', contributes to stigma and often leads to gambling harms being hidden.

Avoid using stigmatising language, which can include terms like 'problem gambler' and 'gambling addict.'

Individualising gambling harm does not recognise the impact of the gambling industry, addictive and harmful products and practices, and the wider environment in which gambling takes place.

At risk groups

Whilst anyone can be negatively affected by gambling related harms, harms are not distributed equally.

It is acknowledged that the [Gambling Commission 'Statement of Principles'](#) does not offer an exhaustive list of 'vulnerable persons' but states that:

“With regard to ‘vulnerable persons’, whilst the following list is not exhaustive, the Commission considers that this group will include:

- people who spend more money and/or time gambling than they want to
- people who gamble beyond their means
- people who may not be able to make informed or balanced decisions about gambling, for example because of health problems, learning disability, or substance misuse relating to alcohol or drugs.”

(section 5.26)

However, research cited in the LGA publication identifies the following groups or factors that could be considered vulnerable to, or at higher risk of, gambling harms:

- Young people
- unemployed and constrained economic circumstance
- area deprivation
- homeless
- mental ill health
- substance abuse/misuse
- personality traits/cognitive distortions
- people experiencing gambling harms who are seeking treatment

It would be useful to consider this in relation to applications for new or changed licenses, and the proximity of those premises to nearby services which may be frequented by groups considered to be at increased vulnerability to gambling harms. A Local Area Profile would assist in identifying different parts of the local area where there may be greater or specific risks of gambling related harm.

Suicide risk

The LGA publication makes reference to the relationship between gambling and suicides or suicidality, acknowledging that suicide is generally multi-faceted and influenced by various factors, while also stating that it is evident gambling can be a prominent contributor.

The [National Suicide Prevention Strategy for England \(2023-2028\)](#) has been published since the LGA report was last updated, and harmful gambling is identified as a specific risk factor in that strategy.

Staff training

The typical recommendation for staff training seen in policies of “building an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable” focuses only on the duration of gambling as harmful.

Where possible, in recognition of the at risk groups and risk factor complexities individuals may be experiencing, the training recommended for staff could be broadened to encompass building employee’s ability to identify and provide support to vulnerable people.

Examples of opportunities for training are included in the LGA Guidance.

Support & signposting

Public Health Devon encourage consistent availability and sharing of information on support for those experiencing gambling related harm. Details are listed below, further information is [available on the NHS website](#)

Gambling support

South West NHS Gambling Service

Each region in England now has a specialist NHS gambling treatment service. The [South West Gambling Service](#) provides free confidential support including recovery courses, cognitive behaviour therapy, and support for affected family members.

People can self-refer to the Gambling Service by phoning 0330 022 3175 Monday to Friday, 9am-7pm.

National Gambling Helpline – GamCare

[GamCare](#) provides information, advice and support for anyone affected by gambling harms. Contact the National Gambling Helpline - 0808 8020 133

Gamble Aware

[Gamble Aware](#) raise awareness and identify support available for people affected by harmful gambling including guidance for self-exclusion.

Ara Gambling Support

[Ara offer services](#) in Wales & the South West. Confidential advice for people affected by harmful gambling, and their friends and family. Call 0330 1340 286

Gamblers Anonymous

[Gamblers Anonymous](#) local peer support groups to stop gambling

GAMSTOP

[Free service](#) to bar yourself from online gambling sites in the UK

Mental Health and Suicide

Samaritans

Call 116 123 if you or someone you know is struggling with thoughts of suicide, or [visit their web site](#) for other ways to get help

SHOUT

[Free 24/7 mental health support](#) by text message – text ‘SHOUT’ to 85258

First Response Service

[Devon Partnership NHS Trust](#) 24/7 crisis mental health support (18+) in Devon - call 111.

Talkworks

Devon Partnership NHS Trust [Talking Therapies Service](#). A free, confidential service (18+) in Devon. Tools and techniques to improve mental wellbeing

Every Mind Matters

Search [Every Mind Matters](#) for free, NHS approved advice and simple tips to help you look after your mental wellbeing

Drug & Alcohol Support

Together

[Together drug and alcohol services](#) (18+) for Devon, recovery support including 1-to-1 support and group work

Y-Smart

[Y-Smart drug and alcohol services for under 18's](#), support and advice for young people, parents, families and professionals

Money/Debt Support

MoneyHelper

[Free, impartial guidance](#) about money and pensions, including information on money troubles, and signposting to further, trusted support

National Debt Line

[Free support for anyone struggling with debt](#) - includes impartial, expert, easy-to-read information, and contact by phone or web chat for support

Public Health Devon – harmful gambling

Public Health Devon undertook a [Spotlight Review in 2019](#) on harmful gambling, there are no further updates planned at this time.

In the Devon [Suicide Prevention Strategy & Action Plan \(2024 – 2027\)](#), led by Public Health Devon on behalf of Devon County Council, harmful gambling is identified as a priority risk factor.

As such, connections have been made from the DCC Suicide Prevention Implementation Group (SPIG) with the South West NHS Gambling Service, and information/promotional materials about the service is shared through SPIG, and other related networks and contacts.

In addition, suicide prevention training is promoted to all people, communities and workforces supporting those at risk of/experiencing any of the DCC Suicide Prevention Strategy priority risk factors - including harmful gambling. Information is available via the link above to the strategy and action plan.

This statement is provided in response to District Council consultation processes on Gambling Statement of Licensing Principles and Policies. The content of the statement may change and be updated in response to any new local or national policy and guidance.

Feedback on the content of the statement, and its' usefulness, is welcomed.

For all queries, please contact publichealth-mailbox@devon.gov.uk

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GamCare’s response Mid Devon District Council – Consultation on the revision of statement of principles under the Gambling Act 2005

About GamCare:

GamCare is an independent charity and the leading provider of information, advice, and support for anyone affected by gambling harms. We operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safer gambling and treatments. For 26 years, our confidential, non-judgemental services, have supported more than half a million people to get their lives back on track.

We hold data locally and nationally through our National Gambling Helpline. We also work closely with those who have lived experience in shaping and delivering our services and programmes, ensuring that all our work is coproduced with our lived experience community at its heart.

GamCare’s comments on the revision of the statement of principles:

- We welcome the position Mid Devon District Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council’s licensing responsibilities.
- It is vital that Mid Devon District Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.
- Building on the proactive approach the council is already taking, we would like to see Mid Devon District Council commit in its statement of principles **to a public health approach** to gambling.
- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.
- In the absence of Cumulative Impact Assessments as a method by which the “aim to permit” approach can be challenged, Mid Devon District Council should pursue a [Local Area Profile](#) approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.
- The changes to Mid Devon District Council’s statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.

*If you have any questions or would like to discuss in more detail, please contact Pollyanna Hopkins,
External Affairs Officer: pollyanna.hopkins@gamcare.org.uk*

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Page / Paragraph of policy	Received from	Comment made	Officer response to comment	Recommendation
<p>See the officer comment column for specific details.</p>	<p>Devon County Council</p>	<p>See Annex B for response</p>	<p>There are some issues raised that we feel can be considered / addressed as part of this current review. These are:</p> <ul style="list-style-type: none"> • Language and terminology – using the term harmful gambling instead of ‘problem’ gambling. (Paragraph 15.12 of SoP). • Additional training requirements for those working in licensed premises to include the ability to identify and provide support to vulnerable people. (Paragraph 27.8 of SoP). • The sharing and signposting to information and support for those experiencing gambling related harm. <p>There are other issues raised in this response that we feel need to be considered in greater detail when the SoP is next reviewed. These are:</p> <ul style="list-style-type: none"> • The possible development and implementation of a Local Area Profile. This would include a review of the groups or factors that could make people higher risk in terms of gambling harms. 	<p>Make changes to the SoP to reflect the comments made about language and terminology and additional training requirements for staff working in licensed premises.</p> <p>Update the website to include links to information and support for those experiencing gambling related harm.</p> <p>We consider the development and implementation of a Local Area Profile as part of the next review.</p>

Various	GamCare	See Annex C for response	<p>There are issues raised in this response that we feel need to be considered in greater detail when the SoP is next reviewed. These are:</p> <ul style="list-style-type: none"> • Exploring ways to gather and analyse data to better understand the level of gambling related harm in Mid Devon. • Understanding what a public health approach to gambling looks like and the partnerships involved in this. • Requiring frontline staff of the Council to undertake training to recognise the signs of gambling harm and develop pathways for subsequent referrals. • The development and implementation of a Local Area Profile. 	No changes at this stage but consider all of these issues as part of the next review. This is intended to take place in 2025 once updated guidance has been issued.
N/A	Parish Council	No comments	N/A	N/A
N/A	Parish Council	No comments	N/A	N/A
N/A	Village Hall	I see nothing in this document that addresses the fact that local bingo for small charities that help combat loneliness. The village hall used to hold regular funds raising bingo's for various community events. These were well supported are very much missed by the community. But unfortunately the rules	The limits referred to are prescribed in Regulations (i.e. <i>The Gambling Act 2005 (Non-Commercial Equal-Chance Gaming) Regulations 2007</i>) and this is not something the SoP can address.	No changes.

around this are very limiting and haven't been reviewed in a very long time making it impossible to run as a fundraiser. Hence they rarely happen.

The restrictions around holding family fundraising bingo should be reviewed and at least an inflationary adjustment made on how much you can charge for an evening of games. Ie currently if you wanted to have 6 books with 12 games you can't charge more than £8 this needs to be moved to £12 (£2 a book) it's still a very cheap night if you can't afford to play 6 books but for the organisers it's impossible to raise money as it currently stands. The figures need to be reviewed. I tried contacting the gaming commission and they have no plans to review the figures which is ridiculous and we are stopping rural areas from bringing forward social activities by not increasing the rates.

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Removal of Appendix C (Pool of Conditions) and Appendix D (Code of good practice for licensed premises)

- 2.2 The existing Policy included these two documents as Appendices but on reflection, it is felt they are better as standalone documents as they do not relate to the policy directly but are helpful guidance for the applicants and licence holders.
- 2.3 This will not have an impact on their use or availability as we still intend to make them available online. However, removing them as Appendices ensures any updates to them can be done efficiently in future.

Additional information on non-licensable activities (page 18)

- 2.4 Since the introduction of the Act there has been a significant change in the licensing of entertainment. In general, it is now possible for more forms of entertainment to take place without the need for a licence.
- 2.5 The updated Policy clarifies that issues or concerns as a result of 'non-licensable' activities (including music in certain scenarios) can be addressed either via Environmental Health or Licensing, or both.

Additional information on large scale public events and the Safety Advisory Group (SAG) (page 24)

- 2.6 This has been added to highlight the importance of the SAG, especially with regards to larger events that have the potential to undermine the licensing objectives if not organised and run properly. This section encourages event organisers to engage in this process at an early stage and also highlights the potential need for a premises licence, depending on the number of people due to attend the event.

Prevention of crime and disorder (page 48)

- 2.7 In accordance with the Local Government Association (LGA) guidance note on drink spiking prevention (2022), we have added reference to spiking and sexual harassment. These items have been given as examples of the types of things an applicant should consider in relation to their premises.
- 2.8 The LGA guidance note also suggests that councils should consider referring to relevant training packages in the policy. We intend to update the Code of good practice for licensed premises with information about this as it will give us the flexibility to update details as and when required. An example of such a scheme that we will look to include information about is 'Ask For Angela' - <https://askforangela.co.uk/>.

Safeguarding (page 50)

- 2.9 The section on safeguarding is added to ensure applicants and licence holders consider the potential safeguarding issues their particular application or business may present.

2.10 A wide array of premises are licensed and it is felt appropriate to recommend that those that provide entertainment to children and youths complete basic training in safeguarding - such training is readily available online. We have also highlighted the potential requirement for a DBS check.

3 Consultation

3.1 The consultation started on 12 July 2024 and ended on 23 August 2024.

3.2 The following agencies and parties were consulted:

- Devon & Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Director of Public Health
- Devon County Council - Local Safeguarding Children's Board
- Weights and Measures (Trading Standards)
- Public Health (Mid Devon)
- Community Safety Partnership (Mid Devon)
- Town and Parish Councils within Mid Devon
- Health and Safety Executive
- Mid Devon District Council Environmental Health (Public Health)
- Mid Devon District Council Local Planning Authority (Development Management)
- Home Office
- Persons / bodies representative of local premises licence holders
- Persons / bodies representative of local club premises certificate holders
- Persons / bodies representative of local personal licence holders
- Persons / bodies representative of local businesses and residents in the area

3.3 The consultation was published on the 'Let's Talk Mid Devon' platform via the Council's website.

3.4 Five responses were received but only three of these provided comments on the Policy. The relevant points from these three responses can be seen within the table of responses, attached to this report as Annex A. This Annex also contains an officer recommendation as to whether the Policy should be updated in light of the comment(s) received.

3.5 The other two responses did not provide comments on the Policy as such. One of them noted that they had no observations to make and the other requested that the updated policy be shown in a 'tracked changes' format.

4 Recommendation(s) and next steps

4.1 In accordance with the above, that the Licensing Committee recommend to Full Council the adoption of the revised Statement of Licensing Policy as attached in Annex B. This recommendation could be presented to Full Council on 30 October 2024 and revised Policy come into effect from 1 November 2024.

4.2 If approved, the Licensing Team will update the website with the new Policy and notify Responsible Authorities and relevant parties accordingly.

Financial Implications: None that are not contained within existing resources.

Legal Implications: The Council is required to adopt a licensing policy. See Section 1 of the report.

Risk Assessment: If the licensing policy is not properly adopted it could be subject to legal challenge.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community, People and Equalities within the Corporate Plan 2024-28 and in particular objective 2.3 to support the health, wellbeing and safety of our residents.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Stephen Walford
Agreed by or on behalf of the Section 151
Date: 17.9.24

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 17.9.24

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 12 September 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 13 September 2024

Cabinet member notified: Yes

Contact for more Information:

Harriet Said, Team Leader (Commercial), Public Health or Simon Newcombe, Head of Housing and Health

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

Telephone: 01884 255255

Background Papers:

- Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Section 182 Guidance - <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- MDDC Statement of Licensing Policy - <https://www.middevon.gov.uk/business/licensing/new-statement-of-licensing-policy-licensing-act-2003/>
- Licensing Committee 28 June 2024 - <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=139&MId=1956&Ver=4>

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Page / Paragraph of policy	Received from	Comment made	Officer response to comment	Recommendation
Page 8 / 2.12 and page 32 / 5.2	Public Health, Devon County Council	<i>'Please amend reference on page 8 and page 33 to Director of Public Health to remove '(Devon DAAT)'. It is sufficient to state 'Director of Public Health' – the Devon DAAT no longer exists, but commissioning of drug & alcohol services remains a Public Health function'.</i>	No comment	Policy updated to reflect comment
N/A	Member of public	<p>a) <i>'Many of these points are ONLY relevant to DEVON CC Seems you are not aware of YOUR responsibilities'.</i></p> <p>b) <i>'It is the DUTY of elected members to take responsibility for decisions. It seems to me that your council thinks that officers should take more decisions. This is not the best practice and you should ALL be involved in the decision making process'.</i></p>	<p>The Licensing Officer spoke to this person to try and get more information about the comments made. What follows is a brief summary of the main points discussed.</p> <p>a) The general point being made was that the Council should ensure it works with Devon County Council (DCC) where appropriate and necessary. However, no specific examples could be given of the issues in the policy that were only relevant to DCC.</p> <p>There are elements of the policy where there is a crossover with DCC - they are a Responsible Authority under the Licensing Act 2003 so this is to be expected. They</p>	<p>a) No update recommended.</p> <p>b) No update recommended.</p> <p>Note: As a result of this conversation, the Licensing Team will review the information on the website to ensure it is clear that members of the public can contact</p>

			<p>were consulted on the policy directly and the only comment made can be seen above.</p> <p>b) With regards to the delegation of functions and elected members taking responsibility for decisions, it should be noted that this comment appears to relate to, in part, the table which appears on page 10 (paragraph 3.6) of the policy. So the Committee are aware, this table is based on the table of '<i>recommended delegation of functions</i>' which appears on page 128 of the S182 Guidance. This is guidance issued by the Secretary of State and is something Licensing Authorities must have regard to. It is possible to depart from this guidance but this can only be done with good reason.</p> <p>One of the main issues discussed was the importance of members being involved in the licensing process and the positive impact they can have. It was explained that if just one representation is received against a premises licence application, the matter then goes to a Sub-Committee to be considered.</p> <p>We also discussed:</p> <ul style="list-style-type: none"> • Some of the work we do with DCC, including dealing with pavement licences. • That we send certain types of applications to all Councillors (although not a statutory requirement). This allows them to review and, if appropriate and necessary, submit their own representation. 	<p>Councillors should they have any licensing concerns.</p> <p>Additionally, the comment about training for all Councillors on licensing has been passed on to the Member Services Team.</p>
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			<ul style="list-style-type: none"> • Members of the public contacting Councillors directly should they have licensing related concerns. • That applications do not go to a hearing unless representations are made. • Training for all Councillors on licensing 	
N/A	Licence holder	<i>This is informative and useful and practical. A good policy.</i>	No comment	N/A

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Statement of Licensing Policy Licensing Act 2003

Date of implementation: TBC

Mid Devon District Council
Phoenix House, Phoenix Lane
Tiverton, Devon, EX16 6PP
Tel: 01884 255255
<https://www.middevon.gov.uk>

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Appendix B	Hearing procedures

1. Introduction

- 1.1 Mid Devon District Council ('the Council') has a duty to administer and enforce the Licensing Act 2003 (the "Act") which gives local authorities responsibility for licensing the sale and supply of alcohol, regulated entertainment and the provision of late night refreshment.
- 1.2 The Act requires that licensing authorities publish a Statement of Licensing Policy for their area to guide them when considering licence applications and controlling licensed premises. This Statement of Licensing Policy is produced in response to this requirement and applies to all applications, notices, representations and requests we receive under the Act. The Policy also aims to provide guidance to applicants, objectors and interested residents, businesses and the wider community about the approach the Council will take as the Licensing Authority. It has been the subject of consultation with local bodies, organisations and residents. A list of consultees is provided within the Policy itself.
- 1.3 The Council's original Policy was published in 2005 and was subsequently reviewed every 3 years, as required by the legislation at that time. Since then changes to the Act mean that licensing authorities are now required to review their statements of Licensing Policy every 5 years. This is the fifth review of this Policy by the Council.
- 1.4 This Policy Statement will come into force on TBC.
- 1.5 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the latest version of Home Office Guidance issued under section 182 of the Act.

2. Background

Purpose and Scope of the Licensing Policy

- 2.1 This Statement of Licensing Policy is produced in response to the requirements of Section 5 of the Act. It aims to ensure a consistent approach to licensing within Mid Devon. The Policy will assist officers and members in reaching a decision on a particular application or licence, setting out those matters that will normally be taken into account. In addition, the Policy seeks to provide clarity for applicants, licence holders, residents, and businesses to enable them to understand the objectives being promoted and the matters that will be considered when determining licences.

2.2 In carrying out its licensing function the Licensing Authority must promote the following four licensing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

2.3 For the purposes of this Policy, the Council is the Licensing Authority and is referred to as the “Licensing Authority”, unless otherwise stated.

2.4 This Policy covers a wide range of licensable activities under the Act and these are as follows:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of entertainment to the public or club members or with a view to making profit, including raising money for charity, where the entertainment involves:
 - A theatrical performance
 - Film exhibition
 - Indoor sporting event
 - Boxing or Wrestling
 - Live music
 - Recorded music
 - A performance of dance
- Supply of hot food or drink from premises between 23:00 and 05:00 (the provision of late night refreshment)

2.5 The scope of the Policy includes new applications, variations (including transfers and changes of designated premises supervisors), notices and existing licences. Nothing

in this Policy will prevent a person from making an application under the Act and each application will be determined on its own individual merits.

- 2.6 This Policy sets out the vision for the regulation of licensed premises throughout Mid Devon and outlines the standards expected to ensure the promotion of the four licensing objectives.
- 2.7 The Licensing Authority may depart from the Policy if it considers that doing so would benefit the promotion of the licensing objectives. Reasons will be given for any such departure from the Policy. However, it is expected that any such departure would be likely only in exceptional circumstances.

Profile of Mid Devon

- 2.8 The Council is a rural council, lying inland within Devon. The Council covers an area of 352 square miles (913 square kilometres). The district boasts a high quality natural environment, bordering Dartmoor and Exmoor National Parks and the Blackdown Hills Area of Outstanding Natural Beauty.
- 2.9 With an approximate population of 82,800, the district is one of the most sparsely populated local authorities within England and Wales, comprising approximately 35,600 households.
- 2.10 50% of the population reside across the three main market towns in the district. Tiverton is the largest of these with a population of approximately 22,291 and Cullompton and Crediton are the other two, having populations of approximately 10,492 and 8,070 respectively.
- 2.11 The Licensing Authority has responsibility for regulating a range of premises and other licences including (not exhaustive):
- Personal Licences
 - Premises Licence (with alcohol)
 - Premises Licences (without alcohol)
 - Club Premises Certificates (with alcohol)
 - temporary event notices



Consultation and Policy Timeline

2.12 In preparing this Policy the Licensing Authority has consulted the following:

- The Chief Officer of Police
- Devon and Somerset Fire and Rescue Service
- Director of Public Health
- Devon County Council - Local Safeguarding Children’s Board
- Heart of the South West Trading Standards
- Public Health (Mid Devon)
- Community Safety Partnership (Mid Devon)
- Town and Parish Councils within Mid Devon
- Health and Safety Executive
- Mid Devon District Council - Environmental Health Services (Public Health)
- Mid Devon District Council – Local Planning Authority (Development Management)
- Home Office

- Persons / bodies representative of local premises licence holders
- Persons / bodies representative of local club premises certificate holders
- Persons / bodies representative of local personal licence holders
- Persons / bodies representative of local businesses and residents in the area

2.13 This consultation was carried out between TBC.

2.14 Proper weight has been given to the views of organisations and individuals consulted prior to implementing this Policy.

2.15 This Policy was formally adopted by the Council on TBC and had effect from TBC. It will remain in force for a maximum period of five years. It will then be subject to review and further consultation. The Licensing Authority may revise the Policy at any time during the five year period if it considers it appropriate to do so and will consult on any substantial revisions to the Policy.

3. The licensing function

Purpose

3.1 The purpose of the licensing function is to promote the licensing objectives through the effective regulation of licensed premises, qualifying clubs and temporary events. The Licensing Authority is keen to foster a safe and vibrant leisure economy and will work with applicants and licence holders to encourage and sustain well managed premises which make a positive contribution to the community.

3.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a “cure all” for solving all problems within the community. The Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, the fire authority, the Council’s Environmental Health Department, the Community Safety Partnership, local businesses and local people towards the promotion of the objectives as outlined.

Delegation of Functions

3.3 The powers of the Licensing Authority under the Act may be carried out by the Licensing Authority’s Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of

between 10 and 15 elected members of the Council and will establish sub-committees consisting of 3 members of the committee. The Council's delegation of functions follow the Home Office Guidance issued under section 182 of the Act.

- 3.4 Many of the licensing procedures will be largely administrative and uncontentious. In the interests of efficiency and effectiveness officers will generally carry these out.
- 3.5 In situations where representations have been made and an agreement has been reached between all relevant parties to amend the application (i.e. to add conditions) the Licensing Authority reserves the right to not hold a hearing and issue the licence as per the agreement (in such situations the application will be considered 'uncontested'). This will only be done when the proposed amendments promote the licensing objectives and consideration will be given to the potential for any party to be disadvantaged.
- 3.6 A list of delegations is available below:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police or Immigration Enforcement objection made	If no police objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for minor variation of premises licence/club premises certificate			All cases
Application to vary designated premises supervisor		If a police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection made	All other cases

Applications for interim authorities		If a police objection made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases (except addition of conditions)	Addition of conditions consistent with existing Licence
Determination of application to vary premises licence for community premises to include alternative licence condition		If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Suspension of premises licence/club premises certificate for non-payment of annual fee			All cases
Review of Statement of Licensing Policy	All cases (Full Council)		
Implementation of a Late Night Levy	All cases (Full Council)		
Creation of an Early Morning Restriction Order	All cases (Full Council)		

Related Legislation, Policies and Guidance

3.7 When making licensing decisions, the Licensing Authority will comply with all relevant legislation and have regard to a number of strategies, policies and guidance documents. This includes:

Legislation

- Section 17 Crime and Disorder Act 1998
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- Equality Act 2010

- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974
- Environmental Protection Act 1990
- Anti-Social Behaviour, Crime and Policing Act 2014
- Building Regulations
- Regulatory Reform (Fire Safety) Order 2005
- Town and Country Planning Act 1990
- Private Security Industry Act 2001
- Violent Crime Reduction Act 2006
- Police Reform and Social Responsibility Act 2011

Strategies

- Current East and Mid Devon Community Safety Strategy
- Current Government alcohol strategy
- Current Mid Devon Corporate Plan

Policies / Codes of Practice

- Regulators' Compliance Code (BIS – April 2014)
- The Council's Enforcement Policy
- Local Transport Plan

Guidance

- Guidance issued under s.182 of the Licensing Act 2003 (Home Office) [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](#)
- Guidance to Health and Safety at Outdoor Events (Purple Book) [The Purple Guide](#)
- Licensed Property: Noise Control (British Beer and Pub Association) [Home | BBPA \(beerandpub.com\)](#)
- Guidance on running events safely (HSE website) [Event safety - Running an event safely \(hse.gov.uk\)](#)
- Managing work-related violence in licensed and retail premises (HSE) [Workplace violence in the retail industry \(hse.gov.uk\)](#)
- Any guidance / policy produced by the Council in relation to noise nuisance [Noise nuisances - MIDDEVON.GOV.UK](#)
- The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks [portmangroup.org.uk](#)

3.8 There are some other notable pieces of legislation and these are as follows:

Gambling Act 2005

- 3.9 The provision of gaming machines and certain forms of low-stakes gambling (i.e. poker and bingo) are permitted in alcohol-licensed premises and qualifying clubs under the Gambling Act 2005. The type of gambling allowed, stakes and prizes are specified in regulations and are set at levels which are designed to keep this form of gaming a low-risk, sociable activity. Generally, such gaming should be ancillary to the primary use of the premises. The Licensing Authority may take action against a premises where it believes that gaming is becoming the dominant activity or is having a detrimental effect on the licensing objectives.
- 3.10 The Council has adopted a Gambling Act Policy which stands separate from this Policy. The Policy may be viewed on the licensing webpages of the Council website.

Health Act 2006

- 3.11 The introduction of the Health Act 2006 which prohibited smoking in enclosed or substantially enclosed spaces in England has had a significant impact on alcohol-licensed premises and qualifying clubs. In many premises, customers wishing to smoke must do so in beer gardens, outdoor patio areas or in the street. This can result in noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The Licensing Authority will expect applicants and licence holders to have particular regard to the management of customers in the immediate vicinity of their premises to ensure that their behaviour does not cause offence or undermine the licensing objectives

Sexual Entertainment Venues

- 3.12 Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not affected by the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 3.13 In almost all cases where a performance of dance is potentially licensable as both the provision of *relevant* entertainment (under the 1982 Act) and *regulated* entertainment (under the Act), the 1982 Act disapplies the entertainment licensing regime in the Act in favour of its stricter regime for the control of sex establishments.

3.14 However, the Act will permit the holder of a premises licence to carry out relevant entertainment where the premises are not licensed as a sex entertainment venue under the 1982 Act if:

- The relevant entertainment has only been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

3.15 The Council has an adopted Sex Establishment Policy which stands separate from this Policy.

Promotion of Equality

3.16 This Policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Actions of the Licensing Authority will be undertaken with due regard to equality obligations and where necessary, information will be published at least annually by the Council.

Integrating Strategies and Avoiding Duplication

3.17 This Policy supports the following elements of the Council's Corporate Plan:
(Section to be updated for new Corporate Plan once agreed)

Economy

- Business development and growth
- Improving and regenerating our town centres
- Growing the tourism sector

Community

- Working with local communities to encourage them to support themselves
- Working with town and parish councils
- Increasing activity and promoting health and wellbeing

Environment

- Protecting the natural environment

3.18 The Licensing Authority recognises that unnecessary and over-burdensome regulation can prevent businesses from thriving and growing. The Licensing Authority will therefore endeavour to regulate licensed premises in a proportionate manner in accordance with the Regulators' Compliance Code. Premises will be assessed on the basis of risk to the promotion of the licensing objectives and inspections will only be carried out when and if they are judged to be necessary.

3.19 The Licensing Authority will endeavour to ensure that this Statement of Licensing Policy is aligned with and supports local crime prevention, planning, transport, tourism and cultural strategies. To this end, the Licensing Authority will work closely with other agencies and will contribute, where appropriate, to the development of policies and initiatives to tackle alcohol-related crime and disorder.

Planning

3.20 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

3.21 The Licensing Authority recognises that it is legally permissible for applications for licences to be made before any relevant planning permission has been sought or granted by the planning authority. However the grant of a licence under the Act does not remove the need for applicants to obtain all the necessary planning consents. It should also be noted that grant of a licence in no way means that any planning application would also be granted and vice versa.

3.22 It is strongly recommended that prospective applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It makes operational sense to ensure that planning and licensing are compatible.

3.23 Where, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of planning permission (and vice versa where the licensing hours finish earlier than the planning permission).

4. The licensing process

General

- 4.1 Application forms may be downloaded from the Licensing Authority's licensing webpages. Applicants are strongly recommended to discuss their application with a member of the Licensing Team prior to formal submission. The Licensing Authority may reject applications which have not been completed correctly or contain insufficient information.
- 4.2 Applications, notices or relevant representations shall be treated as having been "given" to the Licensing Authority in accordance with the principles of "deemed service" as set out in the Civil Procedure Rules.
- 4.3 The Act requires that applications for premises licences / club premises certificates are advertised in accordance with regulations. The Licensing Authority will need to be satisfied that the applicant has complied fully with these regulations and may request copies of notices and advertisements to verify that the application has been properly made. If an application has not been correctly advertised, the Licensing Authority may reject the application. Further guidance on advertising applications is available on the Act pages available on the Licensing Authority's website (to be updated after adoption of updated Statement prior to publication).
- 4.4 When determining applications the Licensing Authority will have regard to this Policy, the Act and the section 182 Guidance. Each application will be considered on its own individual merits.
- 4.5 Applicants should make themselves aware of the relevant sections of this Policy, in particular the issues that will need to be addressed in formulating the operating schedule and offering appropriate conditions. In order to assist with this, the Licensing Authority has created two documents of note, a 'Pool of Conditions' and a 'Code of Practice for Licensed Premises'. These documents can be found on the Licensing Authority website.
- 4.6 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the location and type of premises, the licensable activities to be provided, and the operational procedures.
- 4.7 Applicants should consider the benefits of exceeding their statutory consultation requirements by proactively seeking the views of parties on the application and

proposed licensable activities. This includes proactively liaising with local residents, local ward Councillors, businesses and responsible authorities.

Regulated entertainment exemptions and de-regulations

- 4.8 Since the introduction of the Act, the Government has de-regulated various types of regulated entertainment. Applicants are advised to consult the Government's website for further information:

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

- 4.9 When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance constitutes regulated entertainment or not. If in doubt, organisers of events should check with the Licensing Authority.

- 4.10 Although some forms of entertainment no longer require a licence in specific circumstances, it is important to note that licence holders must still operate in a way that promotes the four licensing objectives.

Note: If a premises operates in a way that undermines the licensing objectives, including in relation to forms of entertainment that no longer require a licence, then mechanisms exist to address this. For example, if music that does not require a licence is creating a noise nuisance then Environmental Health can take action under the Environmental Protection Act 1990 and from a licensing perspective, the licence itself can be reviewed.

New and full variation process

- 4.11 The procedure for making a new application and changes to existing Premises Licences or Club Premise Certificates are very similar. Both involve the same advertising procedure, a 28 day consultation period and the application is determined by the Licensing Sub-Committee if relevant representations are received. If no relevant representations are received then the application is automatically granted at the end of the consultation period
- 4.12 In brief, applicants must:

- Submit a completed application on the prescribed application form to the Council with the required fee and a plan of the premises of 1:100 scale (unless agreed otherwise). The application form must include an Operating Schedule.
- Submit an entire copy of the application to all Responsible Authorities at the same time as the application is submitted to the Licensing Authority. NB. *If applicants chose to submit the application electronically they are not required to submit copies to the Responsible Authorities.*
- Advertise the application in a prominent position at or on the premises on a pale blue coloured notice of at least A4 size with a minimum font size of 16, for not less than 28 consecutive days starting on the day following the day on which the application was submitted to the Licensing Authority.
- Advertise the application within 10 working days (starting on the day following the day on which the application was submitted to the Licensing Authority) in a local newspaper circulating in the Mid Devon area.
- If the application includes the retail or supply of alcohol, the consent of the individual Personal Licence holder who wishes to be the Designated Premises Supervisor (DPS) is required with the application.

The application will be advertised on the Council's website.

- 4.13 All applicants for the grant or variation of a Premises Licence or Club Premises Certificate are expected to demonstrate within their Operating Schedules how they intend to promote each of the four licensing objectives. The proposals included in the Operating Schedule will form the main body of conditions to be applied to the licence or certificate (if granted).

Beer gardens or other outdoor spaces

- 4.14 Applicants should consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is treated as taking place where the alcohol is appropriated to the contract. This means that where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer, this would be treated as an off-sale and any conditions that relate to off-sales would apply.
- 4.15 In such cases it will not be necessary to include the garden or other outdoor space on the plan as part of the area covered by the Premises Licence, assuming the licence

authorises the sale of alcohol for consumption off the premises. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the Premises Licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

- 4.16 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

Mobile, Remote, Internet and Other Delivery Sales

- 4.17 The Licensing Authority shall have due regard to sales of alcohol which are made remotely, by mobile methods, internet or by other delivery sales.
- 4.18 The expectation of the Licensing Authority is that conditions suggested by way of Operating Schedules for these types of activities should be extremely robust. If new applications are made or existing premises are looking to extend into this area they should seek advice from the Licensing Authority or the police as it might be appropriate for provisions in the Operating Schedule for age verification and restriction of delivery times and quantities.

Vessels

- 4.19 The Licensing Authority will give particular weight to the views of the British Waterways Board when considering applications for Premises Licences in respect of vessels. Where, in the opinion of the Licensing Authority, if its discretion is engaged and any of the four objectives are undermined and cannot be resolved through the imposition of conditions, the application may be refused.

Minor Variation process

- 4.20 Small changes to a Premises Licence or Club Premises Certificate that will not impact adversely on the licensing objectives can be dealt with via the 'Minor Variation' process which is a scaled down version of the full variation process detailed above, with a reduced fee.

4.21 We expect that the process will be used for changes such as:

- Small changes to the structure or layout of a premises;
- Additional authorisations required for late night refreshment or regulated entertainment (such as live music, performance of plays or film exhibitions);
- Small changes to licensing hours (see below for changes that relate to alcohol);
- Revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

4.22 Minor variation applications will not apply to:

- Substantial changes to the premises;
- Varying the Designed Premises Supervisor;
- Authorising the sale by retail of alcohol;
- Authorising the supply of alcohol at any time between 23:00 and 07:00 hours;
- Authorising an increase in the amount of time on any day during which alcohol may be sold by retail.

4.23 In brief, applicants must:

- Submit a completed application on the prescribed application form to the Council with the required fee. If you are applying for a variation to the layout of your premises, you must include a revised plan of the premises of 1:100 scale (unless agreed otherwise).
- Advertise the application in a prominent position at or on the premises on a white notice of at least A4 size with a minimum font size of 32 for the header and 16 for the content, for not less than 10 working days starting on the day following the day on which the application was submitted to the Licensing Authority.

4.24 On receipt of a minor variation application, the Licensing Authority will consider the application and consult the relevant Responsible Authorities as it considers

appropriate. In deciding on the application the Licensing Authority will consider any relevant representations received within the statutory time limit (10 working days from the day after the application was received by the Licensing Authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.

- 4.25 If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused but the fee returned. However, in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.
- 4.26 Applications that have been rejected under the minor variations process can then be the subject of a full variation application or a revised minor variation application. The refusal of a minor variation does not affect or pre-determine any subsequent variation application in respect of the same premises.

Personal Licence process

- 4.27 Any premises licensed for the sale of alcohol must specify a Designated Premises Supervisor (DPS). This person must be a Personal Licence holder. In order to obtain a Personal Licence, the applicant must:
- Be aged 18 or over
 - Submit a completed application on the prescribed application form to the Council with the required fee.
 - Possess a licensing qualification accredited by the Secretary of State
 - Not have forfeited a Personal Licence within 5 years of his/her application
 - Produce a satisfactory 'Basic Disclosure' from the Disclosure and Barring Service (DBS), or the results of a subject access search of the police national computer by the National Identification Service (this check must be no more than one month old at the time of application)
 - Not have an objection notice from the police about the grant of a Personal Licence following notification of any unspent relevant offence or foreign

offence; OR must show that such an offence should not lead to refusal on crime prevention grounds

- 4.28 Photographs submitted with the application must be clearly endorsed on the reverse side with the person's name, date of birth and contact number in order to ensure they are correctly processed.
- 4.29 Applicants with unspent criminal convictions for relevant offences set out in the Act are strongly encouraged to first discuss their intention to apply for a Licence with the police and Licensing Authority before making an application.
- 4.30 There is no longer a requirement to renew a Personal Licence and the licence is portable, although changes of name and home address or updates to photos must be notified to the issuing Licensing Authority for a prescribed fee.

Temporary Event Notices (TENs)

- 4.31 The Act sets out the legal requirements relating to TENs. A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use a premises for one or more licensable activities during a period not exceeding 168 hours. They can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.
- 4.32 A TEN is typically used to:
- Authorise a licensable activity at a premises not currently licensed - e.g. selling alcohol at a fete
 - Temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
 - Provide for licensable activities not authorised by the existing licence
- 4.33 The organiser must submit a TEN to the Licensing Authority and where this TEN is submitted in writing, it is the responsibility of the notice giver to ensure that a copy is sent to the police and Environmental Health as stipulated in the Act. Where a TEN has been submitted electronically copies of it will be forwarded to the police and Environmental Health by the Licensing Authority.
- 4.34 The TEN must normally be submitted 10 clear working days' before the proposed event. This does not include the date of submission, the date of the event, weekends or bank holidays. It is recommended that TENs are submitted to the Licensing

Authority at least 28 days prior to the event to allow sufficient time for the organiser to liaise with relevant Council officers and Responsible Authorities to ensure the event takes place with minimum problems.

- 4.35 Where relevant representations are received from the police or Environmental Health, the matter will be referred to the Licensing Sub-Committee for a decision as to whether or not the event can take place. Where representations relate purely to the addition of conditions to the TEN which are consistent with an existing Premises Licence, a statement of conditions will be issued with the TEN without the need for a Licensing Sub-Committee hearing, unless the applicant disagrees.
- 4.36 Late TENs can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Licensing Authority, must also be sent by the notice giver to the police and the Council's Environmental Health section.
- 4.37 It should be noted that in case of any relevant objections to a late TEN a counter notice will be served and the event cannot take place.

Large Scale Public Events

- 4.38 The Council encourages the promotion of well-run events within the district and recognises the benefits that such events can bring to the local economy and community.
- 4.39 Large scale events, such as outdoor musical festivals and other events, have significant potential to undermine the promotion of the licensing objectives, due to their size, complexity and the potential implications for planning such events.
- 4.40 The Council strongly recommends that organisers of large scale public events consult the Safety Advisory Group (SAG) at the earliest opportunity to discuss arrangements for the licensing of those activities. This will help to ensure that they can obtain expert advice on how best to minimise the risk of injury and public nuisance.
- 4.41 The application may involve the preparation of a substantial Event Management Plan which may take some time to complete. We recommend applicants engage with the SAG process a minimum of 6 months prior to the proposed event starting date. This is important to ensure that there is adequate time to apply for and obtain the relevant licences for the event to take place.
- 4.42 For large scale events that are occasional in nature and where the maximum number of attendees exceeds 499 people, the Licensing Authority will require an application

for a full or time-limited Premises Licence. Risks associated with an event can be adequately mitigated by the submission of an up to date, relevant, detailed and complete Operating Schedule specific to the proposed event.

- 4.43 Through the application process, Responsible Authorities and interested parties will have the opportunity to make representations relevant to the nature of the event which is planned.

Disapplication of Certain Mandatory Conditions for Community Premises

- 4.44 An amendment to the Act allows certain community premises which have or are applying for a Premises Licence that authorises alcohol sales to also apply to include the 'alternative licence condition' instead of the usual mandatory conditions in sections 19(2) and 19(3) of the Act (requirement for a DPS and for alcohol sales to be made or authorised by a Personal Licence holder). Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises.
- 4.45 Where it is not clear whether premises are community premises, the Licensing Authority will approach the matter on a case by case basis. The main consideration will be how the premises are predominantly used. If they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole, the premises will be likely to meet the definition.

Licence Reviews

- 4.46 A Responsible Authority and any other person can, at any time following the grant of a Premises Licence or Club Premises Certificate, apply to the Licensing Authority to review the licence/certificate because of concerns arising at the premises which may have an adverse impact on any of the licensing objectives. The Licensing Authority regards this as a valuable protection for residents and businesses.
- 4.47 Following receipt of a review application, a 28 day consultation period will begin. The application will then be determined by the Licensing Sub-Committee who will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available to the Licensing Authority include:

- Take no further action
 - Issue a warning to the licence holder
 - Modify the conditions of the Premises Licence
 - Exclude a licensable activity from the scope of the Licence
 - Remove the DPS
 - Suspend the licence for up to 3 months
 - Revoke the licence
- 4.48 Any application for a review should be treated seriously. Responsible Authorities will aim to give licensees early warning of any concerns identified at a premises, and talk to the Licence or Certificate holder to establish whether there are any steps they may be willing to take to rectify the situation. Similarly, those seeking reviews that are not a Responsible Authority are encouraged to take initial steps such as:
- Asking the Licensing Authority to talk to the licence holder on their behalf
 - Asking their local MP or Councillor to speak to the licence holder on their behalf
 - Talking to the relevant Responsible Authority (e.g. Environmental Health in relation to noise nuisance or the police in relation to crime and disorder) to establish whether there is other action(s) that can be taken to resolve the problem
- 4.49 The review process is not intended as a means of challenging the grant of a licence following the failure of representations to persuade the Licensing Authority on an earlier occasion. No more than one review from a person other than a Responsible Authority will be entertained in relation to a particular premises within a period of twelve months on similar grounds, except in compelling circumstances (e.g. where new problems have arisen) or where it arises following a closure order made under s.160 or s.161 of the Act.
- 4.50 When considering a review of a Premises Licence or Club Premises Certificate, the Licensing Authority will expect the applicants for the review to provide evidence of infringements of licensing regulations, failure to comply with licence conditions and/or of failure to promote the licensing objectives.
- 4.51 In cases of serious crime and disorder at premises, the police may apply for a summary review. On receipt of such an application, the Licensing Authority has 48 hours to determine whether any interim steps are required. Further information about this process can be seen in the section 182 guidance.

- 4.52 Any person aggrieved by the decision of the Licensing Authority has the right of appeal to the Magistrates' Court. An appeal must be made within 21 days of the Licensing Authority's decision.

Licensing Fees

- 4.53 The Act requires a Licensing Authority to suspend a Premises Licence or Club Premises Certificate if the annual fee is not paid when it is due.
- 4.54 It is the practice of this Licensing Authority to issue an invoice for annual fees approximately a month before the due date. Non-payment will then result in a suspension notice being served. Regulations state that the Premises Licence or Club Premises Certificate holder will be given notice of a suspension that is at least 2 working days before the suspension is to take place.
- 4.55 No refund is payable for any withdrawn or refused application / notification. In accordance with the Act, the fee for a minor variation is refundable, but only when the application is not determined within the statutory time period.

Late Night Levy (LNL)

- 4.56 A Late Night Levy (LNL) is an optional power available to local authorities to raise a contribution towards the costs of policing the night time economy. The power enables a licensing authority to charge a levy to holders of Premises Licences and Club Premises Certificates authorised to sell alcohol. A LNL must apply across the whole of the local authority area and applies to all on and off licences. Temporary Event Notices are exempt.
- 4.57 A LNL would require that a levy be paid by those persons who are authorised to sell alcohol between the periods specified in the LNL (the late night supply period) regardless of whether they are actually open during that period. This can be no earlier than 00:00 hrs and no later than 06:00 hrs and must be the same period every day. The licensing authority has discretion to exempt certain premises - prescribed by regulations - from the levy and to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.
- 4.58 At least 70% of the LNL must be paid to the Police and Crime Commissioner. The local authority's portion can be used to tackle alcohol related crime and disorder and to support management of the night time economy in line with the reduction of crime and disorder, promotion of public safety; prevention of public nuisance and street cleansing.

- 4.59 The implementation of a LNL is subject to public consultation and, if it is to be introduced, must be adopted at a meeting of the council.
- 4.60 At the time of preparing this Policy, this Licensing Authority has taken no decision and has no plans to implement a LNL but is aware that it is a power which it may use if it considers it appropriate for the promotion of the licensing objectives.
- 4.61 The Licensing Authority will, however, consider the introduction of a LNL at any time if circumstances change and evidence supports this course of action.

Early Morning Restrict Orders (EMROs)

- 4.62 Early Morning Restriction Orders (EMROs) enable a licensing authority to prohibit the sale of alcohol for a specified time period between 00:00 hrs and 06:00 hrs in the whole or part of its area if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 4.63 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol-related anti-social behaviour which are not directly attributable to specific premises. Unlike the LNL there are no powers to charge a fee in connection with making an EMRO.
- 4.64 The decision to implement an EMRO must be evidence based. Evidence will be considered from partners including Responsible Authorities and the Community Safety Partnership alongside the authority's own evidence to determine whether an EMRO is appropriate for the promotion of the licensing objectives.
- 4.65 Measures that may be considered in advance of making an EMRO include:
- introducing a Cumulative Impact Policy
 - reviewing licences of specific problem premises
 - encouraging the creation of business-led practice schemes in the area
 - other mechanisms designed for controlling cumulative impact
 - encouraging Licence or Certificate holders to make variations with respect of hours for licensable activities.

- 4.66 The only exemptions relating to EMROs are premises which are authorised to sell alcohol between 00:00 hrs and 06:00 hrs on New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 4.67 At the time of preparing this Policy, this Licensing Authority has taken no decision to introduce an EMRO but is aware that it is a power which it can use if it considers it appropriate for the promotion of the licensing objectives.

Cumulative Impact

- 4.68 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. This should not however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this Policy.
- 4.69 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new Premises Licences and Club Premises Certificates and applications to vary existing Premises Licences and Club Premises Certificates in a specified area.
- 4.70 Section 5A of the Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the Act. The Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.
- 4.71 The licensing authority will not operate a quota of any kind, which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide

entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community. This may result in the amenity of local residents being placed under severe pressure; it will not always be possible to attribute a particular problem to customers of particular premises. This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.

4.72 Local Community Safety Partnerships and Responsible Authorities, such as the police and environmental health, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
- statistics on local anti-social behaviour offences
- health-related statistics such as alcohol-related emergency attendances and hospital admissions
- environmental health complaints, particularly in relation to litter and noise
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations
- residents' questionnaires
- evidence from local and parish councillors
- evidence obtained through local consultation

4.73 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- trends in licence applications, particularly trends in applications by types of premises and terminal hours
- changes in terminal hours of premises

- premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times
- 4.74 If a CIA is published the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3).
- 4.75 Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a Responsible Authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.
- 4.76 The licensing authority recognises that as well as the licensing function there are a number of mechanisms for addressing issues of unruly behaviour that occurs away from licensed premises. These include:
- planning control
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Best Bar None, Pubwatch or Business Improvement District
 - Community Protection Notices
 - the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - the confiscation of alcohol from adults and children in designated areas

- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Raising a contribution to policing the late night economy through the LNL
- EMROs

4.77 Additional information on CIA can be found in the section 182 guidance. This Licensing Authority has not published a CIA at the time of writing this Policy.

Public Spaces Protection Order (PSPOs)

4.78 The Designated Public Place Order has been replaced by the Public Spaces Protection Order (PSPO) – see Anti-social Behaviour, Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police.

4.79 At the time of preparing this Policy, the Council have no alcohol relevant PSPOs.

Licensing register

4.80 The Act requires the Licensing Authority to keep a register containing a record of each Premises Licence, Club Premises Certificate and Personal Licence issued, along with the TENs received. Our register may be accessed online at the following link: <https://www.middevon.gov.uk/business/licensing/online-licensing-register/>.

4.81 Alternatively, the register may be viewed at Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP during normal opening hours. It is recommended that any person wishing to view the register in person should contact the Licensing Team in advance to ensure that your request can be catered for at the time of visit.

5. Responsible Authorities and Representations

Responsible Authorities

- 5.1 Responsible Authorities are public bodies that must be notified of applications under the Act. All Responsible Authorities are entitled to make representations in respect of grant, variation and review applications.
- 5.2 The Responsible Authorities are as follows:
- The Council’s Licensing Authority
 - The Council’s Environmental Health Service
 - The Council’s Planning Services
 - Devon & Cornwall Constabulary
 - Devon Fire & Rescue Service
 - Local Safeguarding Children’s Board, Devon County Council
 - Heart of the South West Trading Standards
 - Health and Safety Executive
 - Director of Public Health
 - Home Office (Alcohol Licensing Team)
- 5.3 Complete details for Responsible Authorities, including contact addresses is available in Appendix A.

Licensing Authority

- 5.4 The Police Reform and Social Responsibility Act 2011 amended the Act by making the Licensing Authority a ‘Responsible Authority’. This enables the authority to make representations about an application for a Premises Licence or Club Premises Certificate or to apply for a review of a Premises Licence or a Club Premises Certificate.
- 5.5 In cases where the licensing authority is acting in its capacity as a Responsible Authority, it has established a clear separation of responsibilities within the authority’s licensing team in order to ensure procedural fairness and to avoid potential conflict of interest.
- 5.6 The licensing authority is unlikely to make representations on behalf of other parties such as individuals, local councillors etc., as these persons can make representations in their own right. Similarly, the licensing authority will expect other Responsible Authorities to make representations on issues falling within their own remit. For example, the licensing authority is unlikely to make representations purely based on crime and disorder as this falls within the remit of the Police.

Other Persons

- 5.7 The Act allows any “other person” to make representations about a licensing application provided that it is relevant to one or more of the licensing objectives.
- 5.8 Other Persons means any individual, body or business affected by the operation of licensed premises regardless of their geographical location. The term also includes local councillors who can make representations in their own right or on behalf of a named Other Person, such as a resident or local business if specifically requested to do so.

Making Representations

- 5.9 When an application is made for the grant or the variation of a premises licence or club premises certificate a Responsible Authority under the Act or any other person may make a representation about the application.
- 5.10 Representations must be made to the Licensing Authority in writing within the 28 day consultation period. For this purpose, a representation can be made using the form available on the Council’s website or by letter or e-mail to the Licensing Team.
- 5.11 Section 18(6) of the Act defines what constitutes a ‘relevant’ representation. To be relevant, a representation must relate to the likely effect of the grant of a licence on the promotion of one or more of the following licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.12 There is nothing in the Act to say that a representation must be of a negative nature. The Act specifically refers to ‘representations’ rather than ‘objections’ recognising that representations may express positive support for an application. This Licensing Authority will consider both positive and negative representations provided they are relevant.
- 5.13 Where no relevant representations are received, the application will be granted on the terms applied for. Where relevant representations are received, the application will be considered by a Licensing Sub-Committee at a hearing. This Licensing Authority has established its own hearing procedures as provided for by regulations made under the Act and this is included as Appendix B.

- 5.14 Any Other Person attending a hearing may expand on their representation but may not introduce new or different representations.
- 5.15 Representations which are deemed by this Licensing Authority to be repetitious, frivolous or vexatious will be disregarded.
- 5.16 Where relevant representations have been made against an application the Licensing Authority will normally try to see if any mediation is possible between the applicant and any Other Person. The purpose of mediation is to allow each party to express their concerns or views in an attempt to come to an agreed position. A positive mediation result saves time and money as the Licensing Authority and parties involved may not have to attend a contested hearing before a Licensing Sub-Committee.

Anonymous Representations and petitions

- 5.17 The Licensing Authority cannot accept anonymous representations. Full details of all representations must be made available to the applicant, including names and addresses. However, in exceptional circumstances, a person wishing to make a representation may be reluctant to do so because of fears of intimidation or harassment if their personal details are disclosed.
- 5.18 Where this Licensing Authority considers that the Other Person has a genuine and well-founded fear of intimidation and may be deterred from making a representation, the Licensing Authority may consider alternative approaches. For example, the individual may be advised to provide the relevant Responsible Authority with details of how they consider that the licensing objectives are being undermined so that the Responsible Authority can make representations, if appropriate and justified.
- 5.19 Alternatively, the Licensing Authority may advise the Other Person to request their local councillor make a representation on their behalf. Where appropriate, the Licensing Authority may decide to withhold some or all of the Person's details from the applicant. The Licensing Authority will only withhold such details where the circumstances justify such action.
- 5.20 Persons making representations should be aware that their personal details will normally be disclosed during the hearing process. Although, some personal data will be redacted from public documents in accordance with relevant legislation.
- 5.21 Any petitions received will be treated as one representation from the Other Person sending it in, supported by the other signatories. Petitions will not be treated as individual representations from everyone who has signed them.

6. Decision Making

Determining applications

- 6.1 Where relevant representations are received about an application, a hearing will be held unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary. Applicants and those making representations should seek in advance of any hearing to try and reach agreement or narrow the areas in dispute, particularly where both are professionally represented.
- 6.2 This Licensing Authority has established its own hearing procedures as provided for by regulations made under the Act and this is included as Appendix B.
- 6.3 When determining a licence application, the overriding principle adopted by this Licensing Authority will be that each application will be determined on its merits. The Licensing Authority will have regard to any guidance issued by the Home Office, this Policy and any measures it deems necessary to promote the licensing objectives. The Licensing Authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The Licensing Authority will give reasons for any such departure from the Policy.
- 6.4 The Licensing Authority will expect applicants to demonstrate in their applications active steps for the promotion of the licensing objectives. When determining an application, a key consideration for the Licensing Authority will be the adequacy of measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community. It might be that the applicant has considered all of this and decided that no measures will be appropriate to cover the promotion of one or more of the licensing objectives.
- 6.5 The Licensing Authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, antisocial behaviour, littering and noise, particularly late at night and in the early morning.
- 6.6 Since the introduction of the Act, the Licensing Authority's experience is that the vast majority of complaints about licensed premises are caused by public nuisance, in particular excessive noise from live and recorded music and disturbance caused by customers congregating outside licensed premises. The Licensing Authority will expect applicants to have particular regard to these issues and, if considered appropriate, to

include in their Operating Schedules adequate and effective steps to control noise and disturbance from their premises.

- 6.7 When determining an application, the Licensing Authority will consider all relevant evidence, both oral and written, provided by parties to a hearing. Evidence which is irrelevant will be disregarded. The Licensing Authority encourages applicants and persons making representations to attend hearings so that they can give evidence. Where an individual fails to attend the hearing, the Licensing Authority will consider their application or representation but may attach less weight to it.
- 6.8 It should be noted that, when determining an application, the Licensing Authority is making a judgment about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened but to make an informed assessment of the risk of such things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks.
- 6.9 Licence conditions will be tailored to the individual application and only those considered appropriate to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection, for example Health and Safety at work, fire safety legislation etc.
- 6.10 The Licensing Authority will also take into account when making its decision that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour, especially once individuals have left licensed premises and are therefore beyond the direct control of licensees. However, when making a decision, the Licensing Authority will focus on the direct impact of the activities taking place on the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 6.11 The 'need' or demand for a licensed premises of any kind or the commercial damage that competition from a new licensed premises would do to other licensed premises in an area will not be matters that the Licensing Authority will consider when discharging its decision making function.
- 6.12 In the majority of hearings a summary of the decision will be given verbally on the day. A full written decision letter will be provided to the applicant and anyone who has made a relevant written representation within 5 working days of the hearing; this will include details on how to appeal a decision.
- 6.13 Any party to a hearing who is dissatisfied with the Licensing Authority's decision may appeal to the Magistrates' Court. An appeal must be made within 21 days of formal notification of the decision. **Anyone wishing to appeal is strongly advised to seek legal**

representation and/or contact the relevant court for further advice. The Council will not be able to assist or provide any legal advice. The relevant court is the North and East Devon Magistrates' Court.

- 6.14 In reaching a decision on whether or not to grant a licence, the Licensing Authority, if relevant representations are made, may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.

Licensing hours

- 6.15 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the Licensing Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or Other Persons on the basis of the licensing objectives.
- 6.16 In general, applications for licensed premises located in residential areas wishing to open beyond 23.00, and those operating a beer garden or outside area beyond 21:00, will be expected to have a higher standard of control included within their Operating Schedule to address any potential public nuisance issue.
- 6.17 Where representations are received, stricter conditions relating to noise control may be appropriate and necessary in sensitive locations such as residential areas.
- 6.18 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide and promote a range of entertainment during their operating hours including live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their Operating Schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 6.19 In considering relevant representations, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case.
- 6.20 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large

numbers of people tend to leave licensed premises at the same time. Flexible licensing hours in relation to the sale of alcohol may therefore be considered as a potential means of reducing friction at late night food outlets, taxi ranks and other 'flashpoints' in areas where there have already been incidents of disorder and disturbance.

Conditions

6.21 The Licensing Authority cannot impose conditions of its own volition. Conditions will only be attached in the following circumstances:

- Mandatory conditions under the Act or introduced by regulation under the Act which will have effect in all circumstances regardless of if they appear on the licence
- If they are consistent with the applicant's Operating Schedule, or agreed/offered by the applicant during the application process
- When considered appropriate, reasonable and proportionate after relevant representations have been received and not withdrawn

6.22 Conditions are crucial in setting the parameters within which premises can lawfully operate. Any contravention of a condition on a Premises Licence or Club Premises Certificate is a criminal offence so it is essential that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:

- be appropriate, reasonable and proportionate
- be enforceable
- not duplicate other statutory requirements
- be relevant to the particular type, location and character of the premises concerned
- not be standardised
- should be justifiable and capable of being met
- be written in a prescriptive format

- 6.23 The Licensing Authority encourages applicants to seek technical advice from the appropriate Responsible Authorities when preparing their Operating Schedules as this will enable any problems to be resolved at an early stage and will reduce the likelihood of representations.
- 6.24 Experience has shown that many of the conditions volunteered by applicants are poorly worded, unclear or ambiguous and therefore unenforceable. As an aid to applicants, this Licensing Authority has compiled a Pool of Conditions available on the Council's website.
- 6.25 The Pool of Conditions is not intended to form an exclusive or exhaustive list of conditions which should be included on a Licence or certificate. Applicants should consider offering conditions that are appropriate, necessary and proportionate in the circumstances of their particular application. Moreover, the Pool does not restrict any applicant, Responsible Authority, or Other Person from proposing any alternative conditions, nor does it restrict the Council's Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives (after representations have been received to an application and by way of a hearing).
- 6.26 Any conditions offered in the Operating Schedule in wording that is not compliant with the principles outlined above will be suitably reworded by the Licensing Authority.
- 6.27 The Licensing Authority will pay particular attention to the effect (or potential effect) of licensable activities on those living, working or otherwise engaged in the area concerned and, where relevant representations are received, may attach conditions if it considers it appropriate for the promotion of the licensing objectives.
- 6.28 Conditions attached by the Licensing Authority to Premises Licences and Club Premises Certificates will relate to matters falling within the control of individual licensees. It is recognised that the licensing function cannot be a mechanism for the control of disorderly behaviour by individuals once they are beyond the direct control of the licence holder. However, the Licensing Authority and Responsible Authorities may take action where it can be established that there is a clear linkage between disorderly behaviour and a specific premises.
- 6.29 The Licensing Authority will not impose inappropriate or over-burdensome conditions on licences. The Licensing Authority may, however, if its discretion is engaged, impose conditions where existing legislation does not provide adequate controls and additional measures are considered to be appropriate for the promotion of the licensing objectives.

6.30 When determining the appropriate set of conditions the Licensing Authority will focus primarily on the individual style of the premises and the licensable activities proposed. Consideration should also be given to the following:

- The size, nature and style of the operation
- Whether the premises is part of a multiple operator's chain and therefore more likely to have an operating schedule that is tried and tested
- The cumulative effect of conditions in terms of cost and practical implementation
- The likely cost of the condition(s) for the operator
- Whether a simpler or better way of dealing with a perceived problem could be found
- Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter case, there is no need for the condition
- Whether the condition will be enforceable, if it is not specific or could be considered subjective it may not be enforceable

7. Enforcement and Code of Good Practice

7.1 It is the role of the Licensing Authority to protect the public from any harm that might arise from the provision of licensable activities at licensed premises. As part of this role Council licensing officers conduct visits to licensed premises to monitor compliance with the requirements of the Premises Licence and ensure the promotion of the licensing objectives.

7.2 Enforcement may be carried out independently by these authorised persons or in partnership with other enforcement agencies and Responsible Authorities. Where joint enforcement work is envisaged, the Licensing Authority will establish appropriate protocols, which will be reviewed at regular intervals.

7.3 In general, action will be taken in accordance with the Council's Environmental Health Enforcement Policy. This document can be viewed here:

<https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/>

- 7.4 Each enforcement action will be considered on its own individual merits.
- 7.5 In Mid Devon we aim to visit all premises licensed under the Act in accordance with an allocated risk rating. The premises risk rating is based on factors such as the nature of the premises, the range of licensable activities authorised, the times of activities and confidence in the management of the business.
- 7.6 It is strongly recommended that those responsible for the day to day management of licensed premises carry out regular licence compliance checks themselves. To ensure compliance levels, the relevant person(s) should consider the following matters:
- Is the listed DPS current?
 - Has the DPS authorised staff in writing to sell alcohol on their behalf?
 - Do you have a written age verification policy?
 - Are your staff familiar with, and trained in licensing requirements?
 - Can you show records of relevant staff training?
 - Are your staff training records up to date?
 - Is your Part A licence (or certified copy) available for inspection at the premises?
 - Is your Part B (licence summary) prominently displayed at the premises?
 - Is the premises plan accurate and up to date?

If the answer to any of these questions is 'no', remedial actions need to be taken.

[Code of good practice for licensed premises](#)

- 7.7 In order to assist in the general management of licensed premises, the Licensing Authority has created a 'Code of good practice for licensed premises' which is available on the Council's website. It includes some templates of standard documents, as well as some links to useful information and resources. Completing these templates and using the resources provided will help premises to promote the licensing objectives.
- 7.8 The information in the Code of good practice should not be considered as standard requirements for all premises. It is very important that each premises is considered on its own individual merits and only relevant and required actions are requested and / or expected of them. Having said that, it is intended that the document will be used by the following:

Applicants and licence holders

- 7.9 It is important to take a proactive and preventative approach to managing a licensed premises as this will ensure problems either do not occur to begin with, or if they do, are dealt with quickly.
- 7.10 Applicants should therefore read this document before submitting an application. It is considered a good starting point in assessing the potential risks of your premises. The identification of a risk will not necessarily warrant a condition on a licence. Additionally, licence holders should be familiar with this document as it will highlight any additional operational measures they may need to put in place.

The Licensing Authority and Responsible Authorities

- 7.11 This code is not a statutory document but it may be taken into consideration and used:
- When offering advice to applicants pre-application
 - When offering advice to licence holders in general
 - As a starting point to dealing with licensed premises encountering problems, in order to promote the licensing objectives and address issues
 - When enforcement action is required as a result of continued issues with premises not promoting the licensing objectives i.e. reviewing a Premises Licence

Dealing with premises not promoting the four licensing objectives

- 7.12 Where problems or concerns are identified at a licensed premises this will be addressed as early as possible by the Licensing Authority. We aim to work in partnership with licence holders to address issues and we will offer guidance and advice where we can.
- 7.13 The Licensing Authority and Responsible Authorities will agree appropriate measures with licensed premises and this may include points within the Code of good practice. This may be in the form of an 'action plan' and will provide a clear framework for actions to be undertaken. The ultimate aim of the Code and its application is to try and avoid the need for more formal enforcement action such as a prosecution or review.

8. Promotion of the Licensing Objectives

Introduction

8.1 When carrying out its functions and exercising its powers under the Act the Licensing Authority will aim to promote the licensing objectives at all times. In promoting these licensing objectives, the Licensing Authority aims to encourage a safe, crime free environment where everyone can enjoy the full range of licensable activities offered.

8.2 The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

8.3 Each licensing objective is of equal importance and they are the only factors that can be taken into account in determining an application and any conditions attached to a licence.

8.4 The Licensing Authority will require applicants to take appropriate and proportionate measures to promote the licensing objectives. The Council has produced two documents to assist applicants (and existing licence holders) with this and these are the Pool of Conditions and a Code of good practice for licensed premises'. Both of these documents are split into different sections covering each of the different licensing objectives. Additional information can also be found in the section 182 Guidance.

Prevention of Crime and Disorder

8.5 The Licensing Authority will endeavour to reduce crime and disorder throughout the district in accordance with its statutory duty under s.17 of the Crime and Disorder Act 1998.

Partnership working

- 8.6 The Licensing Authority looks to the police as the main source of advice on crime and disorder, but where appropriate, we will also seek to involve the local Community Safety Partnership. It should be noted however that any Responsible Authority under the Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations
- 8.7 In the exercise of its functions, the Licensing Authority seeks to co-operate with the Security Industry Authority (“SIA”) as far as possible and will consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, appear intoxicated by drugs, drug dealers, known sex predators or people carrying firearms do not enter the premises and ensuring that the police are kept informed and / or paramedics called where there are health concerns.
- 8.8 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. The Licensing Authority will work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a Premises Licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Applicant or duty holder’s responsibilities

- 8.9 The applicant should consider factors arising from activities at the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of crime and disorder, including but not limited to:
- Underage drinking

- Drunkenness on premises
- Drugs, including legal highs
- Spiking of drinks
- Violent behaviour
- Anti-social behaviour
- Sexual harassment and discrimination
- Theft
- Alcohol related driving offences

More information on these areas for consideration can be found in the Code of good practice for licensed premises.

Public Safety

- 8.10 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

Fire Safety

- 8.11 Fire precautions and means of escape from licensed premises are particularly important. Large numbers of people, some of whom may be under the influence of alcohol, must be safely contained, managed and, if necessary, evacuated from premises. The attachment of conditions to a Premises Licence or Club Premises Certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform Fire Safety Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. As part of the risk assessment process, the premises / event maximum capacity must be calculated and complied with.

Risk Assessments

- 8.12 When addressing public safety, an applicant or licence holder should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public safety objective. Such steps as are required to deal with these identified issues may be suitable to include within the applicant's Operating Schedule.
- 8.13 It is also recognised that special issues may arise in connection with outdoor and large scale events. Risk assessment must be used to assess whether any measures are necessary in the individual circumstances of any premises.

Disability Equality

- 8.14 Consideration should be given to matters to ensure that:
- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency
 - disabled people on the premises are made aware of those arrangements
- disabled people may have physical and / or mental problems which should be considered

Safeguarding

- 8.15 Protecting children and vulnerable adults from harm and promoting their welfare is everyone's responsibility. An applicant and licence holders will need to demonstrate an ongoing commitment and ability to take appropriate steps to fulfil their safeguarding responsibilities.

It is recommended that persons employed on premises providing entertainment for children and youths complete training in basic child protection and safety and safeguarding, and if appropriate, have necessary DBS checks.

It is important that any safeguarding concerns in relation to children or vulnerable adults are recorded and reported to the Police and/or Devon County Council.

Prevention of Public Nuisance

- 8.16 The Act covers a wide variety of premises, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is important that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants and neighbours against these risks, as far as is practicable.
- 8.17 Public nuisance is not narrowly defined in the Act and retains its broad common law meaning. It may include issues around nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations and accumulations of rubbish and litter.
- 8.18 The Licensing Authority recommends that applicants and licensees apply a higher standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises where:
- They are located in a residential or noise sensitive area
 - They have or are proposing extended open hours
- 8.19 The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence holder can exert over its customers diminishes and individuals who engage in anti-social behaviour are accountable in their own right. The licensing regime is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the licence holder.

However, where nuisance or anti-social behaviour is experienced in the vicinity of a licenced premises, the licensing authority expects the licensee to work in co-operation with the Council's Regulatory Team and the Police to improve the situation.

Protection of Children from Harm

- 8.20 The protection of children from harm objective includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).
- 8.21 The Council expects licensed businesses to work actively to prevent:

- Child sexual exploitation
- The sale or supply of alcohol to persons under the age of 18
- The sale or supply of alcohol to adults seeking to purchase on behalf of persons under the age of 18
- The sale or supply of any other age restricted products to underage persons
- Access by children to gambling activities
- Access by children to any entertainment of a sexual nature

Child Sexual Exploitation (CSE)

- 8.22 Child sexual exploitation involves children being groomed and then sexually abused. The Council recognises that CSE is a major child protection issue across the UK.
- 8.23 The Council takes a strict “zero tolerance” approach in respect of CSE and expects licensed businesses to do the same. Conditions may be added by way of review of a licence if there is a specific CSE issue at a premises.
- 8.24 Measures designed to prevent underage sales and other harmful activities will have the secondary effect of preventing CSE by reducing or removing opportunities for abusers to groom children for sexual purposes.

Underage Sales and Age Verification

- 8.25 The Council expects licenced premises to work rigorously to prevent the sale or supply of alcohol to children. The mandatory licence conditions include a condition which requires all premises which are licensed to sell or supply alcohol to adopt an age verification policy whereby those who appear to be under 18 will be asked to provide photographic ID to prove their age before selling or supplying them with alcohol.
- 8.26 The Council encourages licensed businesses to go further than the requirements of the mandatory conditions and asks premises which are licensed for the sale or supply of alcohol to adopt the voluntary “Challenge 25” scheme. This scheme requires members of staff who carry out sales of alcohol to request photographic ID from anyone who appears to be under the age of 25 years. This does not preclude anyone over the age of 18 from purchasing alcohol, but does provide a much clearer framework for staff members in deciding when to ask for ID.
- 8.27 Applicants for Premises Licences or other permissions to sell or supply alcohol are encouraged to include the challenge 25 scheme within their Operating Schedule and it will be included as a condition, where appropriate.

8.28 Holders of Premises Licences and other permissions to sell or supply alcohol and their DPS must ensure that all staff employed at their premises receive regular training. Training must include child protection issues and the prevention of underage sales and proxy sales.

Children in Licensed Premises

8.29 The Licensing Authority recognises the great variety of premises for which licences may be sought. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from physical, moral or psychological harm.

8.30 When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children include premises:

- where entertainment of an adult or sexual nature is provided
- where there is a strong element of gambling taking place
- with a known association with drug taking or dealing
- where there have been convictions of the current management for serving alcohol to minors or with a reputation for allowing underage drinking
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

8.31 In such circumstances as listed above the Licensing Authority would expect the applicant to suggest restrictions in relation to access for children. If such restrictions are not contained within the Operating Schedule and if relevant representations are made, the Licensing Authority will consider applying conditions deemed necessary to meet the licensing objectives.

8.32 Conditions may be imposed, if not covered in other legislation, on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances.

8.33 The options available for limiting access by children would include:

- a limit on the hours when children may be present
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- access may be limited to parts of the premises but not the whole
- an age limitation (for under 18s)

8.34 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.

Display of Films and Theatrical Entertainment

8.35 In the case of premises giving film exhibitions, the Licensing Authority expects the holders of Premises Licences or other permissions to include in their Operating Schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself.

8.36 In relation to theatrical entertainment, it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions. It may also be necessary where entertainment is provided specifically for children, to consider whether a condition should be attached requiring the presence of a sufficient number of adult staff to ensure the wellbeing of children during an emergency.

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 2 October 2024 at 1.00 pm

Present

Councillors

J Buczkowski, J Cairney, F J Colthorpe,
J M Downes, M Jenkins, S Keable and
L G J Kennedy

Apologies

Councillors

A Cuddy, D Broom and L J Cruwys

Also Present

Officers

Deborah Sharpley (Operations Manager Legal Services and Monitoring), Harriet Said (Team Leader (Commercial), Public Health), Thomas Keating (Specialist Lead (Licensing) Officer) and Angie Howell (Democratic Services Officer)

10 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:24)

Apologies were received from Cllr D Broom, Cllr L Cruwys and Cllr A Cuddy.

11 PUBLIC QUESTION TIME (00:04:48)

There were no public questions.

12 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:04:55)

There were no declarations of interest received.

13 MINUTES OF THE PREVIOUS MEETING (00:05:06)

The minutes of the 28 June 2024 were **APPROVED** and signed by the Chair.

14 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY (00:05:20)

The Committee had before it a report * from the Head of Housing and Health which was presented by the Team Leader, (Commercial) Public Health presenting the Hackney Carriage and Private Hire Policy and the following was highlighted:-

- The report provided an update on the implementation of the Hackney Carriage and Private Hire Policy approved by the Regulatory Committee on 28 June 2024 and adopted by Full Council on 17 July 2024 with the proposed implementation date at the time of adoption being 1 September 2024.
- Delays to the implementation of the new Policy had resulted in this timescale not being met and after seeking advice from the Legal Team a new timeline was proposed.
- The report outlined the proposed implementation timeline which considered key milestones that were required.
- Back office administration updates were needed to bring in the significant changes that were associated with the policy and the guidance documentation for the trade and the new penalty points scheme.
- Work is required in the back office database to ensure that the functionality was there to be able to log when points were issued and to continue to monitor it.
- The revised timeline took into consideration the need to fully engage with the trade in supporting them with the changes and included a workshop which was requested by the trade when the consultation workshops took place.
- Once the associated application forms and guidance had been updated members of the trade would be invited to discuss the changes and to provide advice on the new processes to be followed from January 2025.
- The new Policy brought in additional training requirements for licence holders and for the first 12 months face to face sessions would be held to deliver disability awareness and safeguarding training.
- The first session was planned for December 2024 in readiness to meet the requirements of the new Policy at the point of renewal in order that there would be no disruptions to business and would not put them at a disadvantage when the Policy was implemented.
- A number of more significant changes had also been identified as required in the Policy which were summarised as:-
 - (i) The revised Policy stated that when a driver acquired 6 or more points on their DVLA licence they may be referred to the Regulatory Sub-Committee although the current policy had a trigger value of 7 points. When the policy was reviewed a new template had been purchased from a solicitor who was very prominent in the world of licensing. However, this change had not been identified and consulted on and there was no evidence to say that Mid Devon District Council (the Council) wanted to reduce that threshold. The proposal was to bring that back up to 7 points which would be in line with where the Council were at present.
 - (ii) Within the existing Policy was a requirement for private hire and hackney carriage licenced vehicles to have vehicle tests and that had been maintained in the new Policy. The existing Policy allows tests to be conducted 28 days prior to the due date, whilst still honouring the original due date, similar to the MOT system. It is recommended that this is added into the new policy as this would allow the proprietor of the vehicle to ensure that the test was carried out within proper time and that garages could accommodate their bookings too.
- There were also a number of other minor administrative changes to ensure the Policy was clear and linked with to up to date information at all times. Delegated authority to the Head of Housing and Health make minor changes in future was also being sought.

- The Regulatory Committee would be provided with an update at the next meeting in December 2024.

Discussion took place regarding:-

- The trigger of 7 endorsed points on a drivers DVLA licence and Members sought reassurance that the different offences would potentially trigger reference to a Sub-Committee, without the need to hit the 7 point trigger. Officers confirmed this would be on a case by case basis and dependent on the offence.
- The garages that carry out the vehicle testing and whether they were registered. It was explained that there were currently 4 garages across the District that provided the tests and the Council was in a contractual relationship with them. This meant that they must inform the Council should a vehicle fail. Work was underway to include more garages within the District to carry out the tests. Garages currently located in Tiverton, Cullompton and Crediton.

The Committee **RESOLVED** the following to be recommended to Full Council for approval:

- a) The new proposed timeline for implementation of the Policy at section 2 of the report, and that the existing Policy (implemented 1st January 2019) continue to have effect until such time as the new Policy is fully implemented.
- b) The changes proposed and detailed within section 3 and Annex A of this report.
- c) To delegate authority to make minor amendments to the Policy to the Head of Housing and Health.

(Proposed by the Chair)

Note: * Report previously circulated.

(The meeting ended at 1.20 pm)

CHAIRMAN

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Report for: Regulatory Committee

Date of Meeting:	2 October 2024
Subject:	HACKNEY CARRIAGE AND PRIVATE HIRE POLICY IMPLEMENTATION UPDATE
Cabinet Member:	David Wulff - Cabinet Member for Quality (Cost) of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe, Head of Housing and Health
Enclosures:	Annex A: proposed minor changes to Policy

Summary:

This report provides an update on the implementation of the Hackney Carriage and Private Hire Policy (the Policy) adopted by Full Council on Wednesday 17th July 2024.

Recommendation(s):

That Regulatory Committee approve and recommend to Full Council:

- 1. The new proposed timeline for implementation of the Policy at section 2 of the report, and that the existing Policy (implemented 1st January 2019) continues to have effect until such time as the new Policy is fully implemented.**
- 2. The changes proposed and detailed within section 3 and Annex A of this report.**
- 3. To delegate authority to make minor amendments to the Policy to the Head of Housing and Health.**

1. Introduction

- 1.1 The new Policy was approved by Regulatory Committee on 28th June 2024 and adopted by Full Council on 17th July 2024. The proposed implementation date at the time of adoption being 1st September 2024.
- 1.2 Delays to the implementation of the new Policy have resulted in this timescale not being met. A revised timeline is now proposed at section 2 of this report.

- 1.3 The delays have been a result of high summer workloads, coinciding with some unexpected changes within the Licensing Team that have led to a lack of resource to carry forward the significant work that is involved in bringing in the scale of changes in the new Policy (e.g. the Penalty Points Scheme), within the original timescale that was proposed.
- 1.4 The Policy was originally drafted by an external licensing expert bringing together examples of best practice from multiple sources. This has led to some oversights that were not identified through the consultation process and final preparation of the Policy and report.
- 1.5 Since 17th July 2024 a number of errors and omissions (some administrative) to the Policy have been highlighted. As a result of the logistical delays it was decided to include some changes to the Policy prior to the new implementation programme; these are detailed within section 3 of this report and at Annex A.

2 Proposed implementation timeline

September October	Complete review of all processes, application forms and associated guidance documentation. Write to trade with planned date of implementation and invitation to workshop. During the consultation process the Trade requested a further workshop to discuss the changes that the new Policy were making.
November	Hold trade workshop to talk through changes to processes at renewal and new training requirements that will affect them on renewal. This will include an informal consultation exercise – see 3.2 below.
December	Run first training session for Safeguarding and Disability awareness to enable drivers, due for renewal from January 2025, to meet the requirements of the new policy.
January 2025	New policy fully implemented.

3 Changes to Policy

- 3.1 During the initial stages of implementation, officers have identified a number of questions within the new Policy document that need to be resolved prior to implementation. In addition officers have highlighted a number of sections where they feel applicants need further clarification. These proposed minor changes are detailed in Annex A.
- 3.2 In addition to the minor changes, a number of more significant changes are proposed (see 3.3 and 3.4 below). As these changes are being sought outside

of the previous consultation, we intend to discuss with and seek the opinion of the Trade at the workshop in November 2024.

- 3.3 In the revised Policy at Appendix 3, section 4.1 it states that where a driver acquires 6 or more penalty points on their DVLA licence, they may be referred to the Regulatory Sub-Committee. The existing Policy states that this will occur when 7 or more penalty points are acquired. This change was not identified during the preparation of the new Policy for the consultation exercise. This administrative error has a significant impact on the Policy and there is no evidence to justify a reduction from 7 to 6 points triggering a referral to Sub-Committee at a lesser level.
- 3.4 The existing Policy allows for preservation of the anniversary of the vehicle test if the test is conducted within a specified period of time before it is due. This encourages licence holders to arrange their vehicle tests in a timely manner, and therefore assists with the renewal process. This has not been transferred into the new Policy. It is proposed that this is introduced within Appendix 4, section 4.16, Vehicle tests.

4 Recommendations and next steps

- 4.1 It is recommended that the Regulatory Committee approve and recommend to Full Council:

The new proposed timeline for implementation of the new Policy as set out at section 2 of this report, and that the existing Policy continues to have effect until such time as the new Policy is fully implemented.

The changes proposed and detailed within section 3 and Annex A of this report.

To delegate authority to make minor amendments to the Policy to the Head of Housing and Health. This is referenced in the new Policy at Section 1, Introduction, paragraph 1.9.

A further update on the implementation of the Policy will be brought to the Regulatory Committee on 6th December 2024.

Financial Implications: None that are not contained within existing resources.

Legal Implications: It is necessary that policies meet legislative and regulatory requirements.

Risk Assessment: There is a significant risk of severe service disruption and criticism if we implement the policy before we have the processes and procedures in place to facilitate the changes. By amending the implementation timeline, we create time to ensure that the framework is in place to administer the changes and the tools available to support applicants with the new processes.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community including users of taxis. It therefore contributes to the priority of Community, People and Equalities within the Corporate Plan 2024-28 and in particular objective 2.3 to support the health, wellbeing and safety of our residents.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Stephen Walford
Agreed by or on behalf of the Section 151
Date: 17.9.24

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 17.9.24

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 13 September 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 18 September 2024

Cabinet member notified: Yes

Contact for more Information:

Harriet Said, Team Leader (Commercial), Public Health or Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background Papers:

Hackney Carriage and Private Hire Policy 2023

Annex A: Proposed changes to new Hackney Carriage and Private Hire Policy 2024

Page number	Section	Change required	Reason for change
17	5.7	Change will to may	Change wording from will to may, as this should be decided on a case by case basis depending on the circumstances of the missed appointment.
23	11.5	Add link to application guidance pages	The requirement is ambiguous and more guidance is required for applicants on the detail of how to comply.
27 57	14.2 3.9.1	Include summary medical history	Summary medical history is an acceptable alternative source of information for a medical practitioner to access prior to issuing a medical certificate.
29 & 30 31	15.3 & 16.3 17.4	Basic DBS - delete reference to update service	Basic DBS checks cannot be connected to the update service.
38	D41 & D42	Change 4 to 12 points for failing to provide mobility assistance	Request by the Committee to increase failure to carry an assistance dog to 12 points, and changed others for consistency. Delegated authority had been provided previously to make these changes.
47	2.7.2	Add paragraph on drug testing	In line with statutory standards.
54	3.4.3	Add alternative option of applicant providing DVLA check code	Widely used to carryout online check of DVLA licence status.
54	This is a new paragraph	Insert paragraph to inform applicant that DVLA licence checks are carried out at the time of application and during the life of the licence.	The Policy does not specify that checks will be made as required during the period of the licence.
55	3.5.1	Delete MDDC website and change to Home Office website	Better to have a single and accurate up to date source of information.
56	3.8.1	Provide timescale to new applicants for driving standards assessment within 12 months of date of application	The requirement is ambiguous and clarification of validity period for evidence of driving standards is required.
57	3.9.2	Add paragraph to provide defined standard for medical practitioner	To enable officers to check against a defined standard to consider who is suitably qualified.
57	3.9.3	Insert paragraph	Clarify validity of medical fitness associated with PSV/HGV entitlement.

Annex A: Proposed changes to new Hackney Carriage and Private Hire Policy 2024

80	4.7	Insert paragraph	Need to emphasise that the vehicle specification detail conditions attached to vehicle licenses, it was not felt this would be clear to applicants/Licence holders.
83	4.7.21	Add word 'exterior'	Ambiguous, this is necessary to distinguish between internal and external lights.
84 85	4.8.1 (d) 4.10.1	Remove requirement to provide service history	Requirement there for vehicle to be maintained and serviced but remove the requirement for the full history to be made available for inspection and provided prior to licence issue. This will be an administrative burden and vehicle maintenance standards are established through the vehicle tests.
88	This is a new paragraph	Add paragraph with link to Inspection standards Best Practice Guidance	To provide the reference point for vehicle inspection. This is the same document that was used to specify the current inspection standard.
92	4.23.8	Change wording must to may	We will not always be able to approve the location of taximeters, so this is to ensure we can operate within the requirements of the Policy.
104	4.11.3	Remove the requirement to notify MDDC of action taken by the operator	This is the operators' policy, we will check the records to establish its implementation on inspection, but will not need to receive notifications. This is potentially information that we have no legal justification to hold.
103	4.8.3	Change sentence to specify ceasing to use an address, as they are not permitted to change or add an address without it first being added to the licence. Remove paragraph	This is an error, as the operating address must be detailed on the licence, otherwise the licence is void.
110	5.10	Delete para 5.0.3 and change timescale at 5.11 to 72 hours	Ensure consistency. These conditions contradict each other in terms of timescales for reporting.
104 & 111	5.0.3 & 5.11.1		