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A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 23 April 2025 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 7 May 2025 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
Meeting ID: 387 590 166 475
Passcode: hThfzt

STEPHEN WALFORD
Chief Executive

15 April 2025

AGENDA

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

1 **Councillor Mr Frank Letch MBE**

In memory of Councillor Mr Frank Letch MBE, a minute's silence will take place.

2 **Apologies**

To receive any apologies for absence.

3 **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.

4 **Declarations of Interest under the Code of Conduct**

To record any interests on agenda matters.

5 **Minutes** *(Pages 9 - 27)*

To consider whether to approve the minutes as a correct record of the meeting held on 19 February and 12 March.

6 **Chair's Announcements**

To receive any announcements which the Chair of the Council may wish to make.

7 **Petitions**

To receive any petitions from members of the public.

8 **Notices of Motions**

To receive any notices of motions.

9 **Reports- Minutes of the meetings held between 11 February and 15 April 2025**

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

10 **Cabinet- Reports of the minutes of the meetings held on the 4 March and 1 April 2025** *(Pages 27 - 295)*

4 March 2025 (Pages 27- 140)

(Recommendations to Full Council)

1. **Policy Framework Report**

Cabinet **RECOMMENDS** to Full Council that the Policy Framework be adopted.

2. **Pay Policy Report**

Cabinet **RECOMMENDS** to Full Council that the Pay Policy and appendices be approved.

3. **Mid Devon Housing (MDH) Right to Buy Policy**

Cabinet **RECOMMENDS** to Full Council that the Right to Buy Policy and Equality impact assessment contained in annexes A and B respectively as recommended by the Homes Policy Development Group be adopted.

4. **Mid Devon Housing (MDH) Safeguarding Adults, Children and Young People Policy.**

Cabinet **RECOMMENDS** to Full Council that the Mid Devon Housing (MDH) Safeguarding Adults at Risk, Children and Young People Policy and Equality impact assessment contained in annexes A and B respectively as recommended by the Homes Policy Development Group be adopted.

1 April 2025 (Pages 141-295)
(Recommendations to Full Council)

1. **Artificial Intelligence Policy**

Cabinet **RECOMMENDS** to Full Council that the Draft Artificial intelligence Policy be approved.

2. **Willand Neighbourhood Plan**

Cabinet **RECOMMENDS** to Full Council

The Willand Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the Willand area;

The Willand Neighbourhood Plan Adoption Decision Statement (Appendix 2) is published to meet the publicity requirements in the Regulations.

11 **Scrutiny Committee- Reports of the Minutes of the meetings held on 17 February and 17 March 2025** *(Pages 297 - 325)*

17 February 2025 (Pages 297-305)

17 March 2025 (Pages 307-325)

12 **Audit Committee- Reports of the Minutes of the meetings held on 25 March 2025** *(Pages 327 - 480)*

25 March 2025 (Pages 327- 480)
(Recommendations to Full Council)

1. Review and Revisions of the Financial Regulations

Audit Committee **RECOMMENDS** to Full Council that the revisions to the Financial Regulations are approved.

13 **Community, People and Equalities Policy Development Group - Reports of the Minutes of the meetings held on 25 March 2025** *(Pages 481-491)*

25 March 2025 (Pages 481-491)

14 **Economy and Assets Policy Development Group- Reports of the Minutes of the meetings held on 6 March 2025** *(Pages 493-498)*

6 March 2025 (Pages 493-498)

15 **Homes Policy Development Group- Reports of the Minutes of the meetings held on 18 March 2025** *(Pages 499-510)*

18 March 2025 (Pages 499-510)

16 **Planning, Environment and Sustainability Policy Development Group- Reports of the Minutes of the meetings held on 11 March 2025** *(Pages 499-510)*

11 March 2025 (Pages 511-517)

17 **Service Delivery and Continuous Improvement Policy Development Group- Reports of the Minutes of the meetings held on 10 March 2025** *(Pages 519-524)*

10 March 2025 (Pages 519-524)

18 **Planning Committee- Reports of the Minutes of the meetings held on 12 March** *(Pages 525-537)*

12 March 2025 (Pages 525-537)

19 **Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups** *(Pages 537 - 552)*

To receive the Annual reports (attached) of the Audit Committee, Scrutiny Committee and the five Policy Development Groups.

20 **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.

21 **Special Urgency Decisions**

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

22 **Questions to Cabinet Members**

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

23 **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.

Guidance notes for Members of Mid Devon District Council

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
- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.
- Press your Microphone button and wait for the camera to position and then speak.
- Please ensure your mobile phones are on silent and only used in emergencies.
- Please ensure only Council business is being conducted on your devices at all times.
- Please ensure as members you are presentable at all times.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking. (Please ensure you are presentable at all times whilst on camera and positioned in presentable place)
- 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.

9. WIFI

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

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MINUTES of a **MEETING** of the **COUNCIL** held on 19 February 2025 at 6.00 pm

Present Councillors	F W Letch (Chair) G Czapiewski (Vice-Chair), C Adcock, D Broom, E Buczkowski, J Buczkowski, J Cairney, S J Clist, L J Cruwys, C Connor, F J Colthorpe, J M Downes, M Farrell, B Fish, M Fletcher, R Gilmour, A Glover, C Harrower, B Holdman, M Jenkins, S Keable, L Knight, N Letch, J Lock, J Poynton, R Roberts, A Stirling, L Taylor, H Tuffin, G Westcott, A White, and D Wulff
Apologies Councillors	M D Binks, N Bradshaw, S Chenore, G Cochran, A Cuddy, G Duchesne, S Robinson, N Woollatt and J Wright
Also Present Officers:	Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Dean Emery (Head of Revenues, Benefits & Leisure), Paul Deal (Head of Finance, Property & Climate Resilience), Jan Moreland (Finance Business Partner), Laura Woon (Democratic Services Manager) and Sarah Lees (Democratic Services Officer)
Councillor Online	L G J Kennedy

272 **APOLOGIES**

Apologies were received from Councillors: N Bradshaw, M Binks, G Cochran, S Chenore, A Cuddy, G DuChesne, S Robinson, N Woollatt and J Wright.

273 **PUBLIC QUESTION TIME**

Nick Quinn

Agenda Item 8

The Cabinet meeting on 10th December, being reported to you tonight, considered an officer report on an historical Housing Rents ‘error’ and Cabinet agreed the

actions that officers had set out in the report.

Just to be clear - the mistake, which set the rent too high for 1200 Council properties, was made in 2002 and the Council had been overcharging the Tenants of these properties for the last 23 years.

If a Tenant owes the Council, you say “Pay up, or we will evict you”.

Now the Council owes the Tenants and you should be paying up.

Instead, Officers spent £10,000 on a high priced lawyer and ‘advised’ the Cabinet that the Council could get away without paying Tenants all their money back, by limiting any repayment to 6 years only.

Cabinet agreed to this, but it is not fair.

It was the Council’s mistake and Tenants should not be penalised.

Questions are already being asked about the morality of limiting repayments and the ‘legal advice’ are being queried as well - since the legislation only limits the time the Tenants can come after the Council for the money they are owed - it does not limit Council repayments.

Cambridge City and East Suffolk Councils both had similar issues, got legal advice, and agreed to repay their Tenants what was owed for the whole period.

Probably you all represent Council Tenants. They may ask you: “What are you doing to get the Council to pay the money they owe me?”

Question 1:
Will you please do the right thing, and overturn the Cabinet decision - by formally agreeing that this Council will make a full repayment of all debts owed to Tenants as the result of this mistake?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

Barry Warren

Mr Chairman may I take this opportunity to bring certain matters to the attention of members which were of concern to me and others as to certain behaviours within this administration.
At a recent Committee meeting I had submitted questions in advance and in response to one question the Chair read from a prepared script. In that response were the words; “We can confirm that all over charged tenancies have now been corrected, so your initial statement is factually incorrect”

My opening statement was factual having been prepared from detail given in officer reports, a letter sent to tenants and information shown on the MDDC website. The morning after the meeting the website still displayed the words which supported my

information, but if you look now you would see that it had been updated to correspond with the response read out to me.

Question 1:
Why are Committee Chairs providing responses to questions without checking their facts?

At another recent meeting I raised a number of concerns about an Officer report concerning Freedom of Information (FOI) practices. I could not cover all my concerns in three minutes and so I circulated all Members of the Committee with a detailed brief.

This week the same Committee had another report on the same subject and last Thursday I sent another briefing paper, with a copy spreadsheet, to all Members of the Committee raising questions and concerns. The following day I noted the FOI performance spreadsheets had been renamed and the spreadsheet which I had copied to Members had been removed from public view completely.

That spreadsheet was put back onto the website last Monday. It had been renamed, with numerous alterations to dates and other information and included new additional entries. Both of these spreadsheets, the original and now the revised version, have been published as an accurate representation of how FOI requests were dealt with by MDDC – but they cannot both be right.

Question 2:
How can the public have confidence in any performance figures published by this administration when the information can be removed, altered and republished after public questions had been asked?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

Paul Elstone

If Council Members approve the Council Tax rise this evening it will be yet another year where it was at the maximum of 3% and not the 2.99% as the motion states and without the requirement for a referendum.

There are 164 District Local Authorities in England. Publicly available data reveals this Council has the 21st highest Council Tax charge, or 143 District Councils or 87% ask their residents to pay lower Council Tax than the residents of Mid Devon.

Question 1:
How can this position be justified to the already not very well-off residents of Mid Devon, especially when this Council was repeatedly reporting “mistakes” resulting massive losses of public funds?

Question 2:

In business - senior management salaries are based on company size and performance. Yet in this Council it seems the reverse is true.

Using Statement of Account data, the combined Council Tax and Non-Domestic Tax revenue for North Devon District Council in 2023/2024 was £16.4 million pounds.

For Mid Devon it was £13.5 million pounds.

North Devon's Public Works Loan Board (PWLB) debt is just £1.7 million pounds. Mid Devon's same PWLB debt was over £31 million pounds.

There was just one (1) Senior Officer in North Devon costing over £100,000 pounds per year yet in Mid Devon there were four.

In North Devon there are just ten officers shown as having salaries in excess of £55,000 pounds yet in Mid Devon there are nearly twice as many at eighteen.

Mid Devon's Member Allowances were £6,000, but North Devon Members get £340 less.

Given the significant differences in Council size, revenue and financial performance how could Mid Devon high salary payments be justified to the residents of Mid Devon?

Question 3:
High salaries and allowances should equate to high levels of performance – instead there have been repeat examples of poor governance and decision making, resulting in massive financial loss.

Massive losses involving 3 Rivers, far in excess of the £3.3 million pounds reported more like £7 million. A figure that had increased by at least £250,000 in the last two weeks alone.

A loss on the Post Hill land sale of over £1.4 million pounds.

What should be a real loss in social housing rent revenue calculated at in excess of £6 million pounds – Money of the day?

Grossly excessive prices paid for the ZED PODS developments.

In the real business world, a catalogue of mistakes would come with serious consequences and top down.

Instead, we see expanded role responsibilities, greatly enhanced salaries at over 30 percent, and hear routine "backslapping" by this administration.

How can this whole situation be justified to the residents of Mid Devon?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

274 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

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

Cllr A Stirling referred to the 2025/26 Budget report and confirmed that he had a membership for Mid Devon Leisure.

275 **PREVIOUS MINUTES OF THE MEETINGS HELD ON 18 DECEMBER 2024 AND 8 JANUARY 2025**

The minutes of the meeting held on 18 December 2024 and 8 January 2025 were **AGREED** as a correct record and signed by the Chair.

276 **CHAIR'S ANNOUNCEMENTS**

The Chair had the following announcements to make:

- He enjoyed being Chair of the Council.
- He was very grateful for all the support at the current time.

277 **PETITIONS**

None received.

278 **NOTICES OF MOTIONS**

None received.

279 **CABINET REPORTS- MINUTES OF THE MEETINGS HELD BETWEEN 10 DECEMBER 2024, 7 JANUARY AND 4 FEBRUARY**

The Leader presented the reports of the meetings of the Cabinet held on 10 December 2024, 7 January 2025 and 4 February 2025.

The Leader outlined the following:

- It was disappointing that the housing rent error had come to light and he sympathised with all those that had been impacted.
- He acknowledged the points that were raised by the member of public and where necessary the officer would look into those.
- He thanked officers for their hard work and expertise which ensured that business rates continued to be managed effectively, despite the complexity and frequent changes imposed by Central Government.
- Since 2013 business rates had become an ever more intricate system and today's report reflected another set of changes outside of the Council's control.

- The Government had made a number of adjustments to the Business Rates that would, in some cases, materially alter the amount of rates due from businesses. Changes to some reliefs were 'unfunded' and others funded by Government via s31, an example of this would be Retail, Hospitality and Leisure Relief.
- The key changes taking effect from April 2025 included:
    - A reduction in Retail, Hospitality and Leisure Relief, which would drop from 75% to 40%. This meant businesses in those sectors would see an increase in the amount they were required to pay.
    - Private schools would no longer qualify for Charity Relief, following changes to primary legislation.
    - The restriction preventing councils from awarding discretionary relief more than six months after the end of the financial year had been removed, giving the Council more flexibility but without new funding to give additional relief.
- Those changes could have a significant impact on some businesses, and for those that were affected, the Council would be in contact when annual bills were issued in March 2025.
- These were national decisions not local ones, the government sets the rate, dictates the reliefs and decides how much funding councils received in compensation. The Council's responsibility was to administer the system as fairly and effectively as possible.
- He was pleased to announce this Council would offer open surgeries to help and support those businesses in Mid Devon from these Central Government changes.

1. **Business Rate Tax Base** (Minute 130)

The Leader **MOVED** and seconded by Cllr J Buczkowski:

That the recommendation of Cabinet as set out in minute 130 be **APPROVED.**

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

The Leader outlined the following:

- This was one of the most important decisions this Council would make each year, the approval of its budget for 2025/26.
- The budget was the result of months of hard work, scrutiny and collaboration, and he thanked Officers for the dedication and professionalism throughout this process. In particular, the Deputy Chief Executive (S151) Officer and Head of Finance, Property and Climate Resilience and all of their staff, whose expertise and leadership in finance had been invaluable.
- He also thanked Cabinet Members and the Cabinet Member for Governance, Finance and Risk in particular for their collective contributions despite ongoing budgetary constraints in their own portfolio areas and to all Councillors across the political spectrum including Policy Development Groups (PDG) who had made valid contributions and taken part in meaningful debate. This budget was a testament to the fiscal responsibility of this administration.
- The financial pressures facing local government and the delivery of a fully balanced budget, one that protects vital services, strengthens financial resilience and continued investment in our communities.

- We know Councils across the Country were struggling, years of underfunding, short term financial settlements and increasing service demands had placed immense pressure on local government. But this Council was taking control of it's future, making tough but fair decisions providing assurance that it would continue to deliver for our residents.
- The Council had set aside £2.225 million into earmarked reserves, strengthening the financial position and increased resilience for future challenges.
- An additional £100,000 to help tackle climate change and assurance of proper oversight of development support for young people. Expansion of the apprenticeship scheme creating more opportunities for local young people. The continued investment in affordable housing, ensuring the social housing programme remained on track. The provision of high quality affordable homes.
- Increase in leisure memberships and recycling rates had helped generate additional revenue protection for key frontline services.
- Despite significant financial pressures, the Council had avoided the severe cuts seen in many other Councils and the capital budget also included a fully funded provision for the Cullompton Town Centre Relief Road, a project that had been promised for many years and would finally be delivered under this administration.
- This was a budget that balanced financial prudence with ambition, an assurance to continue to improve services, support communities and prepare for the future. However, the financial outlook remained challenging.
- The government's decision to cut the Rural Services Delivery Grant and Services Grant had left Mid Devon with an 18% reduction in real terms funding, yet the Council was expected to carry on delivering essential services at the same time.
- Devolution and reorganisation were being pitched as a solution to the local government crisis, but the reality was they did not solve the underlying issue of underfunding.
- Instead, it was seeing higher precepts at Town and Parish levels as local Councils were forced to pick up services previously funded by Central Government.
- This Council strived to keep costs low for residents, but it must also ensure that the Council remained financially sustainable.
- This budget included a modest £6.96 increase, 2.99% in Mid Devon's share of Council Tax with the band D charged £239.12, and this was below inflation.

2. **Capital Strategy and 2025/2026- 2029-2030 Capital Programme** (Minute 131)

The Leader **MOVED**:

That the recommendation of Cabinet as set out in minute 131 be **APPROVED**.

The Chair **MOVED** in accordance with Procedure Rule 16.7:

"That the vote in respect of the **MOTION** shall be by Roll Call"

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: C Adcock, D Broom, E Buczkowski, J Buczkowski, J Cairney, S J Clist, F J Colthorpe, C Connor, L Cruwys, G Czapiewski, J M Downes, M Farrell, B Fish, M Fletcher, R Gilmour, A Glover, C Harrower, B Holdman, M Jenkins, S Keable, L Knight, F Letch, N Letch, J Lock, J Poynton, R Roberts, A Stirling, L Taylor, H Tuffin, G Westcott, A White and D Wulff

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

3. Treasury Management Strategy

The Leader **MOVED** and seconded by Cllr J Buczkowski:

That the recommendation of Cabinet as set out in minute 131 be **APPROVED.**

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

4. 2025/2026 Revenue Budget

The Leader **MOVED**:

That the recommendation of Cabinet as set out in minute 131 be **APPROVED**.

The Chair **MOVED** in accordance with Procedure Rule 16.7:

"That the vote in respect of the **MOTION** shall be by Roll Call"

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: C Adcock, D Broom, E Buczkowski, J Buczkowski, J Cairney, S J Clist, F J Colthorpe, C Connor, L Cruwys, G Czapiewski, J M Downes, M Farrell, B Fish, M Fletcher, R Gilmour, A Glover, C Harrower, B Holdman, M Jenkins, S Keable, L Knight, F Letch, N Letch, J Lock, J Poynton, R Roberts, A Stirling, L Taylor, H Tuffin, G Westcott, A White and D Wulff

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

Note:* Report previously circulated

280 **SCRUTINY COMMITTEE- REPORTS OF THE MINUTES HELD ON THE 16 DECEMBER 2024 AND 13 JANUARY 2025**

The Vice-Chair of the Scrutiny Committee presented the report of the meetings held on 16 December 2024 and 13 January 2025.

281 **AUDIT COMMITTEE- REPORTS OF THE MINUTES HELD ON THE 21 JANUARY 2025**

The Chair of the meeting of the Audit Committee presented the report of the meetings held on 21 January 2025.

282 **HOMES POLICY DEVELOPMENT GROUP- REPORTS OF THE MINUTES OF THE MEETING HELD ON 28 JANUARY 2025**

The Vice-Chair of the Homes Policy Development Group presented the report of the meeting held on 28 January 2025.

283 **STANDARDS COMMITTEE- REPORTS OF THE MINUTES OF THE MEETING HELD ON THE 5 FEBRUARY 2025**

The Chair of the Standards Committee presented the report of the meeting held on 5 February 2025.

1. Government Consultation- Strengthening the Standards and Conduct Framework for Local Authorities in England.

The Chair of the Standards Committee **MOVED**, seconded by Cllr M Fletcher:

That the recommendation of the Standards Committee set out in Minute 30 be **ADOPTED.**

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

Note:* Report previously circulated

284 **2025/2026 COUNCIL TAX RESOLUTION**

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

- The extensive collaborative process over the past year, one that had required careful planning, rigorous scrutiny and a shared commitment to delivering a budget that was both balanced and responsible.
- Throughout the process, Members had worked constructively to deliver the best possible outcomes for the residents of Mid Devon through Policy Development Groups (PDGs), Cabinet and Scrutiny Committee.
- They had worked together to identify proposals that allowed the Council to set this budget largely without significant impact on frontline services.
- This was no small feat given the financial pressures faced by Councils across the country. It was a remarkable achievement and one that reflected the fiscal responsibility this administration had restored to this Council.
- He thanked Members from all groups for their active engagement throughout this process. The way that Members had worked together, constructively, collaboratively, with open discussion, robust challenge and a shared commitment to doing what was right for our residents and communities was exactly how local government should work.
- He thanked the finance team and officers across all service areas for their hard work, expertise and dedication. In particular, his gratitude went to the Deputy Chief Executive (S151) Officer, Head of Finance, Property and Climate

Resilience and Head of Revenue, Benefits and Leisure. Their leadership and diligence had been instrumental in ensuring we reached this point.

- The financial reports approved by Cabinet earlier this month, including those ratified earlier this evening, form the basis of the 2025/26 budget.
- The Council Tax requirement for the Council as the billing authority was also our responsibility. Ensuring that Council Tax was set correctly and aligned with the referendum criteria and that it was collected on behalf of Devon County Council, the Police and Crime Commissioner, the Fire and Rescue Authority and Town and Parish Councils.
- The report before Council set out in Appendix A, contained the formal resolution that the Council was legally required to approve.
- It detailed the Council Tax charges across all 8 bands of parish level and the statutory report from the Section 151 officer which provided assurance on the robustness of the budget and the adequacy of our reserves.

The Deputy Chief Executive (S151) Officer highlighted the following:

- This was a statutory report reflecting a process of many months of collaborative work.
- The robustness of the estimates and the adequacy of reserves were self-explanatory. The estimates had been set in a very robust and challenging manner.
- The review of reserve levels were monitored on a regular basis and clearly made sure this Council maintained healthy levels of reserves to weather any financial and operational storms.
- That the Council's funding position and strategic position had probably never been more uncertain at this time of year.
- Regular updates would be provided to Members on how that would impact the Council's financial position.

Cllr J Buczkowski **MOVED** and seconded by Cllr S Clist:

“To approve the formal Council Tax Resolution as laid out in Appendix 1, subject to the approval by each Precepting Authority of its own Precepts as included within this report”

“That the views and recommendations of the Deputy Chief Executive (Section 151 Officer) on the Robustness of the Estimates used within the 2025/26 Budget and that the levels of reserves held had been assessed as Adequate as outlined within Section 4 of this report be **NOTED**”

The Chair **MOVED** in accordance with Procedure Rule 16.7:

“That the vote in respect of this **MOTION** shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: C Adcock, D Broom, E Buczkowski, J Buczkowski, J Cairney, S J Clist, F J Colthorpe, C Connor, L Cruwys, G Czapiewski, J M Downes, M Farrell, B Fish, M Fletcher, R Gilmour, A Glover, C Harrower, B Holdman, M Jenkins, S Keable, L Knight, F Letch, N Letch, J Lock, J Poynton, R Roberts, A Stirling, L Taylor, H Tuffin, G Westcott, A White and D Wulff

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

Note:* Report previously circulated

285 **APPOINTMENT TO OUTSIDE BODIES**

The following appointment to an Outside Body was **AGREED**.

Cllr C Harrower to be appointed as the Council's representative on the Armed Forces Partnership.

Cllr G Czapiewski **MOVED** seconded by Cllr J Lock:

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

286 **TEAM DEVON LOCAL GOVERNMENT JOINT COMMITTEE**

The Council had before it a background report to **NOTE** and agree the nomination of the Leader of the Council to be the Council's representative on the Team Devon Joint Committee.

The Chair **MOVED** that:

"The Council had before it a background report to **NOTE** and **AGREE** the nomination of the Leader of the Council to be the Council's representative on the Team Devon Joint Committee"

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

287 **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.

There were no questions.

288 **SPECIAL URGENCY DECISIONS**

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.

289 **QUESTIONS TO CABINET MEMBERS**

Cllr A White asked the Leader the following questions:

- To give an update on unitary conversation in Devon as far as he was able to.

- Was the Leader able to commit to include unitary status and a plan for the future of this Council at future Council meetings?

The Leader outlined the following:

- On the 8th of January an Extraordinary meeting of this Council was called where a discussion was had about local government reorganisation. At that meeting it was agreed to ask the Government to continue with the planned County Council elections on the 1st of May amongst other recommendations. The Government agreed that the elections for Devon County Council should go ahead.
- This Council and all of those in Devon, including County, Unitary, City and Districts, to submit an initial proposal for local government reorganisation to a single tier unitary authority by the 21 of March 2025. This would be followed by a full proposal on the 28 of November 2025.
- He was working with all leaders across Devon to put together a proposal.
- Whilst we might not all agree on a final joint proposal, he was confident that Mid Devon along with many other Councils in Devon would agree a proposal that he would bring to this Council for agreement before submission cut off on the 21st of March.
- He asked the Chair to call an Extraordinary meeting of the Council for the 12th of March, this would allow time for officers to work on our initial proposal. He also asked the Chair to use his discretion to allow Public Question Time at this important single item meeting.
- In response to the second question from Cllr White, about it being an ongoing item, he was certain that it would be the case as he thought it would be occupying much of the Council's business for the next three years.
- With lots of Town and Parish Councils perhaps not appreciating what the full impact to them could be under a single unitary council, for example, would it mean more responsibility? What would happen with things like swimming pools? At this current time as a Council we do not have the answers to these questions.
- He would like to call the State of the District debate on the local government reorganisation as he thought that it would benefit Town and Parish Councils being involved. However, due to the County Council elections due to take place on the 1st of May a pre-election period would soon be entered into making holding the State of the District Debate before the County Council election inappropriate, as many Members would be campaigning on all sides of political aspirations on local government reorganisation. The State of the District Debate would therefore take place after the 1 May 2025 and it would be open to Town and Parish Councils for an information session.

290 **MEMBERS BUSINESS**

The Chair informed the meeting that were no Members Business.

(The meeting ended at 18.59pm) **CHAIR**

MINUTES of an **EXTRAORDINARY MEETING** of the **COUNCIL** held on 12 March 2025 at 6.00pm

Present Councillors G Czapiewski (Vice-Chair), C Adcock, D Broom, E Buczkowski, J Buczkowski, J Cairney, S J Clist, L J Cruwys, G Cochran, C Connor, F J Colthorpe, A Cuddy, G Duchesne, M Farrell, B Fish, M Fletcher, A Glover, C Harrower, B Holdman, M Jenkins, S Keable, L G J Kennedy, L Knight, J Lock, J Poynton, R Roberts, S Robinson, A Stirling, H Tuffin, G Westcott, J Wright and D Wulff

Apologies Councillors F W Letch, M D Binks, R Gilmour, N Letch and L Taylor

Also Present Officers Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)) and Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Angie Howell (Democratic Services Officer), David Parker (Democratic Services and Policy Research Officer) and Sarah Lees (Democratic Services Officer)

Councillors Online N Bradshaw, S Chenore, J M Downes, N Woollatt and A White

Officer Online Richard Marsh

291 APOLOGIES

Apologies were received from Councillors: M Binks, R Gilmour, F Letch, N Letch and L Taylor.

292 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

The Chair reminded those present that all Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on any matter that related to devolution or Local Government reorganisation in Devon.

293 **MEETING MANAGEMENT**

The Chair advised Council Members that he would allow Public Question Time before the next agenda item using his constitutional discretion as Chair.

He reminded members of the public that their questions and or statements should be specifically in relation to the sole item of business contained in this Extraordinary Council meeting.

294 **PUBLIC QUESTION TIME**

Honorary Alderman Mel Lucas

Thank you for allowing me to have a few moments of your time this evening.

You will be far more privy than I as to what you have in front of you tonight and what you're going to discuss and how you're going to discuss this in your decision. Can I, as a member of the public, an ex Member of this particular Council and a Parish Councillor for over 26 years combined, put my thoughts to you.

I must express my opinions as I have always done in the past. We live, or so I am led to believe in the democracy. Over the last few weeks, we have seen many scenes that we have no longer any right to call democratic in any shape or form and the present organisation in Westminster is trying to do the same thing with this.

I believe fervently in democracy and that is why I served my community for as long as I did without any thought of monetary or any other type of reward. I just served them because I wanted to serve them and I hope all you Councillors feel the same as I do.

What is in front of you today takes away that right, it will take away your right to listen to the people whom you represent and who have given you the right to ask questions on their behalf. Some of those people will not do what I'm doing this evening because they don’t have the courage to do it. Councillors, you know that you represent the people who put you where you are today. Those people look upon you as the conduit between them, the Parish Council and Mid Devon, who then in turn look towards the County Council. I would hope that after I've spoken you'll see where I come from in the context that I am fearful that this is yet another little chip away of the democracy that we so dearly love.

I love it fervently.

I would have no hesitation in telling you now that if push came to shove, then I would be pushing for all my worth to make sure that my people, whom I represented, are still going to be heard.

Mid Devon District Council is peculiar in the fact that it was sprung from a borough. We then became a District Council and it was well worth it. We made mistakes. We are human. We have made errors in the past. We learn hopefully from those errors. If this is allowed to go through without any fight, then we are letting our people who are our neighbours, our friends, our colleagues at work, or whomever, we are letting them down, we need you to still be here next year, the year after and the year after

that, because in all seriousness, the gap between the little people and the people in power is growing day by day, and if we don't make a decision now, to save local democracy, then all I can say councillors is that you may have let your people down.

Thank you most sincerely for letting me have my say as to how I feel about this because Mid Devon District Council, for all its warts, for all its faults, is exactly what we need and want and require and if you can take that message to the people who are supposedly looking after the little people, that is, those people who are at the bottom of everything, then please do so because I would fight side by side with you for the honour of making sure that Mid Devon District Council continues to do its work in the future, no matter what some of the outcome may be. Thank you, Chair.

295 **LOCAL GOVERNMENT REORGANISATION IN DEVON (00:15:00)**

The Council had before it background information and recommendations in relation to Local Government Reorganisation in Devon.

The Leader, who had been unable to attend the meeting in person due to work commitments, had asked the Cabinet Member for Housing and Property Services and Deputy Leader to read out a statement on his behalf:

“Councillors, firstly, my apologies for not being with you this evening at another Extraordinary Council meeting to discuss Local Government Reorganisation.

I leave you tonight in the very capable hands of my two deputies, Councillor Jane Lock and Councillor Simon Clist. Since the announcement by central government in December, things have been moving at speed with the number of meetings I am attending with other local leaders of the Devon District’s, City, Unitary and County Council stacking up.

I want to make it quite clear from the outset that I do not support the move towards unitary and firmly believe that it will impact our resident’s representation and heap heavy responsibility on Councillors. For example currently our individual Councillors represent areas of around 1600 electors and county councillors, around 11,000. Under the reorganisation, one Councillor will represent an area of approximately 5000 electors. That may not seem too bad from the outset, but as a Councillor you will have to deal with issues that you currently face, including social housing, waste collections our vital leisure services, planning applications, licencing and much much more. However, you will also have to deal with issues around the state of our roads, schools, special educational needs, adult social care, public transport and again much much more.

5000 electors might not seem too bad in urban areas and large towns, but how does that impact our rural areas, of which most of Mid Devon is? Let me put this into perspective. That would be one Councillor covering my own ward of Bradninch, Silverton and Cadbury plus all the small hamlets and communities in between. Each with their own individual needs and issues. This will spell the end of local representation, the Councillor you speak to in the street daily or at local events, at the church, or even down at the local pub.

I have prided myself on being a Councillor with a young family and a full time job. Yes, I'm very busy but I can still be a local Councillor. This administration has made

the Council more family friendly with more evening meetings than ever before, and this allows the Council to be far more representative of the residents we serve. Being a local representative should not just be for the retired, self-employed, or the wealthy - it should be a range of individuals and backgrounds. Under a unitary regime it will be daytime meetings and lengthy travelling to meetings. It will also be difficult for the public to attend meetings which is of course a vital part of democracy.

Despite our objections to reorganisation, the current Government have their own ideas and have insisted that initial plans should be put forward by the 21st of March, with more robust plans in place by the 28th of November.

I've already made the case for local representation and firmly believe that a county wide unitary will not serve our residents in the best way. Leaders from across the Districts in Devon have agreed on a more sensible option of splitting Devon, as per the report in front of you. It is still a big area and not ideal, but it does serve our residents better than any other options I have seen.

This is in line with the government's requirements and ensures that the Council is not too big. Just imagine a county wide unitary with over 200 councillors, especially when a roll call is required.

I ask you to support the report and the recommendations tonight as we look to make the best case for our residents supporting the individuality of Mid Devon and call upon the County to support the proposal that has almost all of Devon Council's in agreement."

The Cabinet Member for People, Development and Deputy Leader also provided a statement:

"The Leader asked me to put forward some reflections on our close neighbour's journey to unitary in comparison with Devon.

As many of you know, I previously sat on Somerset County Council and was involved in the run up to going unitary. South Somerset District Council held a referendum and residents were overwhelmingly against the change. However, neither the County Council nor the Government of the time took any notice.

The District Councils in Somerset were financially sound and provided good local services. The County Council were not. Only savage cuts, delivered through an Extraordinary Council meeting, postponed a section 114 notice.

For all their talk of a balanced budget, Devon County Council hovers on the brink of bankruptcy. Their reserves are depleted. Children's Services, including SEND provision and the rising cost of delivering Adult Social Care are driving them further into crisis and I fear for the future of our discretionary services currently available to our communities.

When reorganisation took place in Somerset County, finances were a mess. This year, Government have given permission for a one off Council Tax rise of 7.5%, which will help them through this year but is nowhere near enough to address the now £200 million lost through freezing Council Tax for seven years.

A larger county wide unitary will put huge pressure on services, and whilst Government clearly intends to force Devon down the unitary route, we must proceed with the best of intentions and continue to serve the 80,000 Mid Devon residents who depend on us in the best way we can and work towards decisions that give our area the best opportunity of retaining its individuality. I urge you to support the recommendations tonight as we move forward in partnership with our neighbouring Councils. Thank you."

The Chair then reiterated the 6 recommendations that were before Council.

That Council:

1. Notes the importance of keeping the public informed on this process that central government has mandated of us.

2. Recognises the excellent collaboration across most of the councils in Devon and hopes that this spirit continues over the coming months with a view to effective partnership working and sharing the resource requirements of developing the full proposal.

3. Ensures that meaningful and substantial public engagement and consultation takes place before the submission of any proposal in November.

4. Supports the submission to government of an initial plan for the 21st March deadline outlining the current proposal, which would potentially see an enlarged Plymouth City area with the remaining county geography split in two – achieving the government's requirement of serving approximately 500k population in these two new areas. Such a proposal would see Devon's existing 11 councils reduced to 3; reported locally as the 1,5,4 proposal.

5. Tasks the Leader and Chief Executive with ensuring the best possible submission is presented to government and that any revisions or amendments continue to reflect the districts' best interests; and

6. Writes immediately to Devon County Council to request that they consider submitting this majority-supported proposal as one of the options they intend to look at in future, seeking to work with the new administration after May's elections to achieve better alignment between the efforts of all councils in Devon as we work up full and final proposals.

Cllr G Westcott **MOVED** an **AMENDMENT** which was seconded by Cllr H Tuffin:

To amend recommendation number 4 to read as follows:

That Council supports the submission to government of an initial plan for the 21st March deadline; the submission to emphasize and reflect the importance of geography, and of access and accountability, for the appropriate population size of new authorities in rural areas with sparse settlement; recognizing that for cost-efficiency and effectiveness, the appropriate population size will be considerably smaller in such areas than in those of dense or urban settlements.

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

Discussion continued regarding:

- The importance of learning lessons from elsewhere.
- The need to fight for the best outcome for Mid Devon residents.
- The need for a review of local authorities was overdue but not at the cost of less representation.
- The process had been dictated by Westminster. Collectively the Devon authorities would need to invest up to £50m to support reorganisation. Add to that, the disruption and rising costs which would all lead to a weaker democracy. Communities would be left feeling lost and alone. Where would there be meaningful engagement at a local level in the future? This was ‘restructuring by force’ with decisions already having been made. However, there was a need to be realistic, the Council needed to fight for the best possible outcome based on evidence, transparency and available democracy. Doing nothing would leave local communities voiceless.

The Cabinet Member for Housing, Property Services and Deputy Leader **MOVED**, seconded by the Cabinet Member for People, Development and Deputy Leader that the six recommendations before Council be supported.

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

(The meeting ended at 6.47 pm) **CHAIR**

MINUTES of a **MEETING** of the **CABINET** held on 4 March 2025 at 5.15pm

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	E Buczkowski
Also Present Officers:	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), Simon Newcombe (Head of Housing & Health), 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), Tristan Peat (Forward Planning Team Leader), Kelly Lee (Leisure Business Manager), Ben Snow (Leisure Centre Manager) and David Parker (Democratic Services & Policy Research Officer)
Councillors Online	L Cruwys, G Czapiewski, M Farrell, M Fletcher, A Glover, R Roberts and S Robinson.
Officers Online	Clare Gillard (Finance Business Partner), Andy Mackie (Leisure Services Manager) and Jan Moreland (Finance Business Partner).

137. **APOLOGIES (00:03:12)**

Apologies were received from Cllr N Bradshaw.

138. **PUBLIC QUESTION TIME (0:03:22)**

Paul Elstone a local resident.

Question 1- **Agenda Item 7 Establishment Report – Organisation Charts.**
The Local Government Transparency Code 2015 updated 29 January 2025 Paragraph 44 required that this Council must publish an organisation chart for the top 3 levels that showed:

Contact details.
Salary Ceiling (the maximum for the grade).
Salary in £5,000 brackets.
This amongst other things.

Can it be confirmed that this organisation chart is currently available and if so, where is it published for the public to see?

Question 2 - Agenda Item 8 - Residents Survey.
It is noted that there is nearly a 50% reduction in persons responding to the survey down to just 433 residents this year. Assuming that the 42 Councillors completed this survey that's 10% of the total.

That given the population is 82,800 rightly it is stated that the low number of responses received is not a representative sample.

Has this Council any intention of trying to find out why such a low response?

Question 3
Given the very low response how can any credibility be placed in the percentage shifts? This as the process can be so easily corrupted.

Question 4 - Agenda Item 11 Quarter 3 Monitoring Report
Page 192 Appendix 7 HRA 1063 shows that over £214,000 has been spent on St Georges Court. The public were previously told the work required to make the properties fit for over 60's occupation would cost around £100,000.

What precisely does the increased expenditure relate to?

Question 5.
It is stated that there was no allocated budget at the beginning of the year, but cost has been covered by funding received from 3 Rivers.

It was the understanding that the 3 Rivers books were closed prior to the commencement of the financial year. Therefore, precisely what account has the funding come from?

Question 6
Is this not yet another Council loss incurred on the 3 Rivers account this including a further loss of nearly a quarter of a million pounds on the Haddon Heights site?

Question 7
It is noted that 7 of the ZED PODS projects are showing overspend and one by over £700,000. Can it be fully explained exactly why the overspend and against each project?

Question 8
As stated previously there is no easy way to see what the Housing Revenue Account Project original cost estimate was. Similarly, there is no easy way to see what the current project cost estimate is. This including in the Monitoring Report.

Will this be remedied and for reasons of openness and transparency that we are promised?

The Leader explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided within 10 working days.

Question 9 – **Supplementary** - Question asked after Council Leader said he was proud of what this Administration had achieved in respect of closing down the 3 Rivers business.

Question - The opportunity was given in May 2020 to shut 3 Rivers down, including by at least two Members of this Cabinet. So therefore, why was it not done then?

The Leader responded that there were two Members who are present in this Cabinet. They did not close 3 Rivers in May 2020 because it was a different administration and they went with the advice they received at that time.

139. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:08:26)**

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

140. **MINUTES OF THE PREVIOUS MEETING (0:08:37)**

The minutes of the previous meeting held on 4 February 2025 were **APPROVED** as a correct record and **SIGNED** by the Leader.

141. **POLICY FRAMEWORK REPORT (0:08:57)**

The Cabinet had before it a report * from the Chief Executive on the Policy Framework.

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

- This annual report defined the Policy Framework in accordance with the Constitution for the Council.
- A list of Strategies and Policies covered by the Framework was published in Annexe 1.
- The documents gave dates of when various polices would be coming up for renewal.

RESOLVED that:

The Policy Framework be recommended to Council for adoption.

(Proposed by the Leader)

Note: *Report previously circulated.

142. **PAY POLICY REPORT (0:10:50)**

The Cabinet had before it a report * from the Head of People, Performance and Waste and the Operations Manager for People Services on the Pay Policy report.

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

- The Council was required to publish an annual policy to comply with the legislative requirements of the Localism Act 2011, relating to transparency on senior officer pay, in particular the roles of the Chief Executive, Directors and other senior officers.
- The purpose of having a pay policy was so that the pay and related award structure of the Council was transparent.
- The pay policy was detailed in appendix 1.

RESOLVED that:

The Pay Policy and appendices be recommended to Council for approval.

(Proposed by the Leader)

Reason for Decision:
To have a robust Pay Policy which ensured good use of public money in respect of the salaries of the most senior employees of the Council that was both transparent and visible.

Note: (i) *Report previously circulated.
(ii) Cllr G DuChesne abstained as she had left the meeting during this item. Cllr G DuChesne did not return for the remainder of the meeting.

143. **ESTABLISHMENT REPORT (0:13:02)**

The Cabinet had before it a report * from the Head of People, Performance and Waste and the Operations Manager for People Services regarding the Establishment.

The Cabinet Member for People, Development and Deputy Leader of the Council outlined the contents of the report with particular reference to the following:

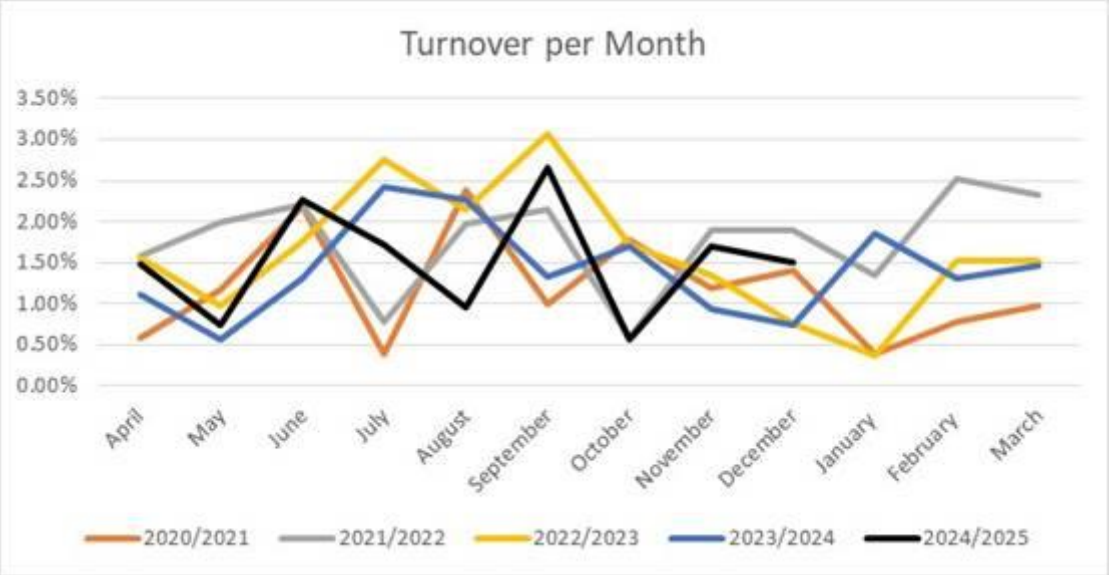
- The report provided Members with an update on both the Establishment of the Council together with its performance.

- The report should be read in conjunction with the functions of individual officers highlighted in the Constitution.
- The report sat within the current Budget and Policy Framework.
- An updated set of structure charts were provided in Appendix 1.
- The graph published on page 65 of the document pack for Cabinet regarding the Establishment report was incorrect. The sickness graph from page 62 had been duplicated on page 65 rather than the correct graph for turnover being presented. The correct graph was circulated to the Cabinet in hard copy. This would be available with the minutes of the meeting (correct graph is shown below) and would be available from Democratic Services. The accompanying statistics presented in points 3.1 and 3.2 of the paper were correct and aligned to the turnover graph.
- The excellent work that the Council was doing with apprentices.
- The pay for apprentices was rising to £12.26 per hour giving people an opportunity to earn while they learn. The Cabinet Member paid tribute to the calibre of apprentices coming forward.

Discussion took place with regard to:

- Sickness days were on a par with the lowest graph over the past five years.

Cabinet **NOTED** the report.



Note: *Report previously circulated.

144. **MID DEVON RESIDENT SURVEY 2024 (0:16:19)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) on the Mid Devon Resident Survey 2024.

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

- The response rate to the Public Survey had been disappointing. However, the request to complete the survey had been sent out to all Parish Clerks, all Members, all council staff, primary schools within the district and the local press. Social media had been used and the survey had been sent to 6,500 people who were subscribers to the Mid Devon District Council E-Bulletins. Posters had been placed at Phoenix House, the Tiverton Pannier Market and the three leisure centres. A lot of work had gone into the survey and whilst it was disappointing to only get 433 responses from over 80,000 electors, it was difficult to get more people to complete the survey without significant extra cost to the tax payer.
- In surveys, perhaps more people were likely to respond if they were unhappy with the service so this could be interpreted in a positive light.
- The survey results that had been received showed that most respondents were fairly satisfied or very satisfied in mid Devon as a place to live.
- There was almost a 10% increase in those who were fairly satisfied or very satisfied with the way the Council ran things.
- There was a 10% decrease in those who were fairly or very dissatisfied, so that could be seen as an improvement.

Discussion took place with regards to:

- The Residents generally seemed content.
- Putting a population size of 88,000 into a sample size calculator using a “Z score” the ideal sample size that was calculated was 383, which was slightly below the 433 the Council received. It showed a 95% confidence level with a margin error of 5%.
- Looking at the cost of the survey it gave relative confidence in the accuracy and the general feeling of the public in mid Devon.
- Whether changing the time of year of the survey would assist in getting a better response rate, however, that would be difficult as the survey impacted on the budget setting process.
- Whether the State of the District Debate would be an excellent forum to engage with the parishes and give them a degree of ownership of the survey.

Cabinet **NOTED** the survey results.

Note: *Report previously circulated.

145. **MID DEVON HOUSING (MDH) RIGHT TO BUY POLICY (0:25:18)**

The Cabinet had before it a report * from the Head of Housing and Health on the Mid Devon Housing (MDH) Right to Buy 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:

- Under the statutory Transparency, Influence and Accountability Standard set by the Regulator of Social Housing (RSH), landlords must be open with tenants and treat them with fairness. Although the terms and processes that enable tenants to acquire their Council homes under Right to Buy (RTB) was largely set by legislation, it was important that Mid Devon Housing (MDH) had a clear point of reference through a specific policy available for tenants.

- There had also been some key recent legal changes to RTB policy nationally which made it timely to have an up to date policy in place. The report therefore, presented a new policy that outlined MDH's approach to managing tenant's right to buy their council homes.
- The report included specific additional scenarios for properties sold under RTB, those were:
  - Right of First Refusal: MDH's process for deciding on repurchase offers for properties resold within ten years of the original RTB purchase.
  - RTB Discount Repayment: The MDH procedure for reviewing requests to waive discount repayments if the property was sold within five years of purchase
  - Covenant Removal: Restrictions to keep former Council properties affordable for local buyers, with removal considered only in exceptional cases.

RESOLVED that the Right to Buy Policy and Equality impact Assessment contained in annexes A and B respectively as recommended by Homes Policy Development Group be recommended to Council for adoption.

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

Reason for Decision:
A decision to buy back a former Right to Buy (RTB) property could only be made if a capital budget was available and approved for this purpose within the Housing Capital Programme.

Note: *Report previously circulated.

146. **MID DEVON HOUSING (MDH) SAFEGUARDING ADULTS, CHILDREN AND YOUNG PEOPLE POLICY (0: 28:20)**

The Cabinet had before it a report * from the Head of Housing and Health on the Mid Devon Housing (MDH) Safeguarding Adults, Children and Young People 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:

- In March 2024, a Consumer Regulation Health check advised that Mid Devon Housing (MDH) establish a dedicated Safeguarding Policy to better manage risks associated with protecting vulnerable adults and children from abuse and neglect. Safeguarding was a crucial legal obligation for MDH. Whilst the existing corporate policy was widely updated in 2024 as an initial policy priority, it lacked detail on the role of MDH as a landlord as required by housing providers. The new MDH specific policy had been developed in the context of updating corporate policy.

Discussion took place regarding:
- In paragraph 12.12 'Having been in Care, Prison or other Institutions'. The Care element should be removed from that line and a new line should read 'having been in the care of a local authority'. It was agreed to be amended within the policy.

RESOLVED that the Mid Devon Housing (MDH) Safeguarding Adults at Risk, Children and Young People Policy and Equality impact Assessment contained in annexes A and B respectively as recommended by Homes Policy Development Group be recommended to Council for adoption.

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

Reason for Decision:
The policy contributed to Objective 3.4 outlined in the Corporate Plan: "We will work closely with our tenants to ensure they feel safe, secure and happy in their homes".

Note: *Report previously circulated.

147. **2024/2025 QUARTER 3 MONITORING REPORT (0:32:37)**

Cabinet had before it a report * from the Deputy Chief Executive (S151) and the Head of Finance, Property and Climate Resilience on the 2024/2025 Quarter 3 Monitoring report.

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

- The report provided a comprehensive overview of the Council's financial position as they approached year-end, highlighting key variances, challenges, and opportunities.
  General Fund & Financial Resilience
- The Council continued to maintain a strong and stable financial position, with the projected year-end outturn now forecasting a £293k underspend. This remained a significant improvement on budget and compared to the financial position in previous years, and was a testament to the Council's sound financial management and fiscal responsibility. Importantly, it allowed the Council to build resilience for the future.
- If this forecast held, the General Fund reserve would increase to £2.318m, well above the Council's agreed minimum balance of £2m. This was not just about ending the year in a good position—it was about preparing for the future.
- As outlined in the Council's recently approved Medium-Term Financial Plan (MTFP), the financial landscape ahead remained uncertain. With ongoing pressures, potential changes to local government funding, and no clear long-term settlement from Westminster, it was essential that the Council strengthened their reserves now—essentially, fixing the roof while the sun was shining, (to weather any financial storms that may be heading their way).
  Income & Expenditure
- The Council's income performance remained a mixed picture—some areas were exceeding expectations, while others faced economic headwinds. Planning and Building Control income continued to be affected by a stagnant housing market, but those shortfalls were more than offset by strong performance in Waste and Leisure, where recyclate prices remained high and membership numbers had grown.
- On the expenditure side, staff costs remained the most significant driver of variances.

- The Council had managed budgets prudently in departments like Finance, HR, and Legal, creating underspends.
- However, challenges in key areas such as ICT and Environmental Enforcement had resulted in overspends.
- In some services, the Council were still reliant on agency staff due to difficulties filling long-term vacancies, particularly in Finance, Legal, and Planning Enforcement. Encouragingly, though, overall reliance on agency staffing continued to decline year-on-year.

Housing Revenue Account (HRA)

- The HRA remained in a healthy position, with a forecast underspend of £174k. However, this was lower than in Quarter 2, reflecting the financial impact of the historic rent calculation error. While tenant income had been affected, significant underspends in staffing and lower-than-expected borrowing costs had helped to maintain an overall positive financial outlook. That said, the Council were closely monitoring investment yields and the rising costs associated with void properties.

Capital Programme

- The Council's capital programme forecasted a £12.7m variance, primarily due to the slippage of £10.1m for the Cullompton Town Centre Relief Road. With funding now secured, the project was progressing well.
- Other key variances included:
    - Increased investment in Disabled Facilities grants, exceeding government funding.
    - Expansion of the Exe Valley Combined Heat and Power Plant (CHP) project to incorporate battery storage, allowing the Council to capture excess energy.
    - Mixed performance in HRA development projects, with some schemes accelerating ahead of schedule while others faced delays due to utility company coordination and road closures.
    - Further details on service variances, income, and staffing trends were outlined in Appendices B, C, and D.

3Rivers Update

- The formal closure of 3Rivers was completed on 26 November 2024. Meanwhile, work at St George's Court was nearing completion, with the first over-60s community residents moving in. However, progress at Bampton remained slow, despite price reductions stimulating new interest. While viewings had increased, no offers had been received yet, and the Council continued to assess the best course of action.

Conclusion

- In summary, Mid Devon's finances remained in a robust position despite external economic pressures. The Council's prudent management meant that the Council were not just balancing the books—they were building resilience for the future, ensuring that the Council were well-placed to handle economic shocks, funding uncertainties, and the ever-changing landscape of local government finance.
- The Council could not predict the future, but it could prepare for it—and that responsible approach ensured that the Council did exactly that.

RESOLVED that:

a) The financial monitoring information for the income and expenditure for the nine months to 31 December 2024 and the projected outturn position be **NOTED**;
b) The use of Waivers for the Procurement of goods and services as included in Section 8 be **NOTED**;
c) The completion of the closure of 3Rivers Developments Ltd be **NOTED**.
d) The revisions to the 2024/25 Treasury and Prudential Code Indicators (para 6.1.1 and 6.1.2) be **APPROVED**.

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

Reason for Decision:
Good financial management and administration underpinned the entire document. A surplus or deficit on the Revenue Budget would impact on the Council's General Fund balances. The Council's financial position was constantly reviewed to ensure its continued financial health.

Note * Report previously circulated.

148. **LOCAL DEVELOPMENT SCHEME (0:38:25)**

Cabinet had before it a report * from the Director of Place and Economy on the Local Development Scheme.

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

- The report was about the need for an amended timetable for preparing a new Local Plan for Mid Devon.
- Local Planning Authorities were required to prepare and keep up to date a development plan for their area. The Mid Devon Local Plan was adopted in July 2020 and work had commenced with preparing a new Local Plan that would cover the period to 2043.
- There was a legal requirement to maintain a Local Development Scheme (LDS). The LDS was the project plan for preparing the Local Plan and included a timetable which set out the key milestones for each step of plan preparation. A new LDS was needed now. This followed a Government requirement for all local planning authorities to produce an updated LDS and submit those by no later than 6 March this year.
- A new LDS had been prepared and was included in Appendix 1 to the report. The preparation of the new LDS had involved consideration of a number of important matters, including:
    - Progress already made with preparing a new Local Plan and remaining work needed,
    - Government reforms to the planning system, including:
        - a new National Planning Policy Framework,
        - new standard method for calculation housing need and increased number of new homes that needed to be planned for in Mid Devon,

        - a deadline for submission of Local Plans under the current system and the forthcoming introduction of a new plan making system,
    - Resources and capacity available,
- The report included a detailed evaluation of 4 options for progressing the new local plan:
  Option 1 - Prepare the Local Plan under the current 2004 Act system through the two staged approach to plan making including a second Regulation 18 consultation on Draft Policies and Site Options consultation and Regulation 19 publication (proposed submission) stage plan.
  Option 2 - Prepare the Local Plan under the current 2004 Act system through moving straight to a Regulation 19 publication (proposed submission) stage plan.
  Option 3 – Move to the reformed plan making system once this had been introduced and front load the process now though progressing technical studies, evidence gathering and develop emerging spatial development strategy and site development options.
  Option 4 - Stop production of a new Local Plan and wait for the Government to introduce new regulations for preparing plans under the Levelling Up and Regeneration Act 2023 expected in the summer 2025.
- The merits of each option had been carefully considered and it was recommended that Option 3 was taken forward.
- Option 3 was the most practicable option to produce a new Local Plan that provided sufficient opportunity for early public engagement and for the Mid Devon community to have a say on emerging proposals before the draft Local Plan was finalised. It would also provide more time to complete the preparation of the new Local Plan and the technical work that was needed to inform it, which would increase the likelihood of the Local Plan being found sound at its examination. While the forthcoming plan making regulations were not expected until the summer 2025, the Government confirmed on the 27 February its intention to progress the implementation of plan making reforms, including a requirement to prepare Local Plans in 30 months, included ‘gateway’ checks and also included two mandatory stages of public engagement. Risks could also be mitigated through frontloading work now that there was core to plan-making, including an emerging spatial development strategy and site options.
- A new Local Development Scheme was included in Appendix 1, which included updated key milestones.

Discussion took place with regard to:

- Risks and Mitigations of Option 3 and whether there was any chance of the current Local Plan timing out under that option. The current Local Plan would become five years old in July 2025 at which point the Standard Method would be applied to calculating housing need within the District. There would be a high probability that that would result in the Council no longer being able to demonstrate a 5 year deliverable housing land supply. That would happen irrespective of the options presented. The Government had announced on 27 February 2025 that it did intend to carry forward the proposals for a 30 month timetable for the production of local plans as part of its proposed reforms to the plan making system. This would include gateway checks and two mandatory stages for public consultation at the two key stages of plan

preparation. This announcement gave the Council a much greater degree of confidence in what the new plan making system would look like, where the regulations for the new system had not yet been published. A locally produced and derived Spatial Development Strategy coupled with a locally produced and derived set of site development options would remain core to the new Local Plan under the new system and this work had already been progressed.

- If the Government had not changed the National Planning Policy Framework or increased the Council's housing targets by 67% then the Council would have been on track to deliver a new local plan for Mid Devon for submission by December 2026.
- The requirement for two mandatory stages for public consultation would provide an early opportunity for the public and Parish Councils to comment on and help shape the emerging policies of the new local plan before it was finalised for submission for its independent examination.

RESOLVED that:

1. The Local Development Scheme 2025 based on option 3 in Table 1 in this report and which was included in Appendix 1 and published on the Council's website be **APPROVED**.
2. A copy of the Local Development Scheme 2025 (Appendix 1) be submitted to the Ministry of Housing, Communities and Local Government by the Government's deadline of the 6 March 2025.

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

Reason for Decision:
The new Local Development Scheme, set out a timetable for a new Local Plan, which would set the strategy for guiding new development in the district, allocate sites for housing and economic development, the provision of infrastructure, as well as policies for the protection of the environment and managing development.

Note * Report previously circulated.

149. **UNPAID CARERS- ACCESS TO LEISURE (0:52:18)**

Cabinet had before it a report * from the Head of Revenues, Benefits and Leisure and the Leisure Services Manager on the Access to Leisure for Unpaid Carers.

The Cabinet Member for Service Delivery and Continuous Improvements outlined the contents of the report with particular reference to the following:

- Unpaid carers played an essential role in our community, providing invaluable support to family members, friends, and loved ones who required care due to age, illness, or disability. Their dedication often went unnoticed, yet their contributions were estimated to save billions of pounds annually in social care costs. Despite their selflessness, many unpaid carers faced financial strain, social isolation, and challenges in maintaining their physical and mental well-being. It was vital that the Council recognised their efforts and explored ways to support them.
- The report presented a pilot scheme aimed at addressing one critical area of support—access to leisure facilities. Recognising the positive impact of

exercise and social engagement on well-being, this initiative offered discounted leisure memberships to our local carers and free access for young carers. By easing financial barriers and providing opportunities for relaxation and respite, the Council hoped to enhance carers' overall health and quality of life. This initiative built upon the success of a previous trial and aligned with the Council's broader commitment to community well-being and inclusivity.

- The report outlined the details of this proposed pilot, including eligibility criteria, financial considerations, and evaluation methods. It sought Cabinet approval to proceed with this initiative, not only to support unpaid carers in Mid Devon but also to potentially serve as a model for other district councils across Devon. By demonstrating the benefits of improved leisure access for carers, this trial had the potential to inform future countywide strategies and encourage broader adoption of similar schemes. By investing in carers' well-being through this initiative, the Council took an important step towards building a more inclusive and supportive community, both locally and across the wider region.

Discussion took place with regard to:

- The Council were fortunate that Cllr F Letch (Chair of the Council) had done a lot of work with the Carers Group in Devon and in particular there was a lot of discussion about young carers.
- It should be noted that the Council had already given free access to leisure centres to Care Leavers.
- Hopefully this initiative would encourage more people and in particular young carers to come forward and register as young carers and so take advantage of the scheme.
- The Council was working quite closely with Devon County Council and the Care Ambassadors as well to encourage carers to step away from their responsibilities occasionally and to give them the confidence and the permission to join the sports and leisure facilities as something for themselves.
- The beneficial nature of the networking that may be a further benefit to carers from this initiative.
- The Council was meeting with Devon Carers to agree the best means of promoting this initiative widely to all carers.

RESOLVED that Cabinet:

a) The pilot as detailed within this report be **APPROVED.**

b) That adult carers received a 25% discount on membership, or a 20% discount on casual sessions. Additionally, carers under the age of 18 would be granted free access to the facilities be **APPROVED;**

c) Delegation to the Deputy Chief Executive (s151) in consultation with the Cabinet Member for Service Delivery and Continuous Improvement to make any minor changes as required to enable the pilot to proceed be **APPROVED.**

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

Reason for Decision:
The proposed pilot project to support unpaid carers by providing access to leisure services was likely to have several positive equalities impacts. However, it was

essential to consider potential disparities and ensure that the project was inclusive and accessible to all carers.

Note * Report previously circulated.

150. **ACCESS TO INFORMATION- EXCLUSION OF PRESS & PUBLIC (1:00:35)**

The Leader indicated that discussion with regard to the following items, may require the 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 interest in disclosing the information, outweighed the public interest in disclosing the information.

It was **RESOLVED** that the meeting remain in Part 1.

151. **AWARD OF DRAINAGE WORKS CONTRACT FROM HOUSING REVENUE ACCOUNTS PROPERTIES 2025-2029 (1:01:19)**

Cabinet had before it a report * from the Head of Housing and Health on the Award of Drainage Works Contract from Housing Revenue Accounts Properties 2025-2029.

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

- To advise Cabinet Members on the results for the tendering of the Drainage Works Contract for Housing Revenue Account Properties 2025 – 2029 and confirm the award of the contract.

RESOLVED that:

- The new four year Drainage Works Contract for HRA Properties 2025 - 2029, be awarded to Contractor 1.

- Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing, Assets and Property Services) to complete the associated Drainage Works Contract for HRA Properties 2025-2029.

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

Reason for Decision:
To contribute towards meeting our obligations relating to the Decent Homes target by making best use of the existing stock.

Note * Report previously circulated

152. **AWARD OF INTERNAL PAINTING CONTRACT FOR HOUSING REVENUE ACCOUNT (HRA) PROPERTIES FOR 2025-2029 (1:03:27)**

Cabinet had before it a report * from the Head of Housing and Health on the Award of Internal Painting Contract for Housing Revenue Account (HRA) Properties for 2025-2029.

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

- To advise Cabinet Members on the results for the tendering of the Internal Painting Contract for HRA Properties 2025–2029 and confirm the award of the contract.

Discussion took place regarding:

- Where there were a number of similar scores in the evaluation process, were there any other factors that were taken into account before awarding the contract? The main areas focussed on were quality and price. However, to be accepted as a valid tender there were a number of other requirements which had to be met in terms of company due diligence, environmental performance etc. There was quite a wide area within the base threshold to have the tender accepted in the first place.

RESOLVED that:

- The new four year Internal Painting Contract for HRA Properties 2025 - 2029, be awarded to Contractor 7.

- Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing, Assets and Property Services) to complete the associated Internal Painting Contract for HRA Properties 2025-2029.

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

Reason for Decision:
To contribute towards meeting our obligations relating to the Decent Homes target by making best use of the existing stock.

Note * Report previously circulated

153. **THE COUNCIL INSURANCE AWARD (1:07:21)**

Cabinet had before it a report * from the Deputy Chief Executive (S151) on the Council Insurance Award.

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

- The report was on the award of the Council's insurance contracts for the period 1 April 2025 to 31 March 2028, with an option to extend for a further two years.

- The expiry of the Council's current agreement required a public tender process, which had now been successfully completed.
- The process had resulted in a competitive selection of insurers across key categories, ensuring robust coverage for the Council's assets, liabilities, and operations. The recommendations before Cabinet represented a balanced approach—delivering essential protections while maintaining financial responsibility.
- Notably, the new contracts provided an expanded range of risk management support and aligned with the Council's procurement principles.
- While this award did create a financial pressure of around £78k, it was a necessary investment to safeguard the Council against unforeseen risks.

Discussion took place with regard to:

- The Council had had to make a number of claims on their insurance policies over the past few years. However, whenever a claim was made, the officers would do a lessons learned exercise, all services would be informed so that the Council could minimise their exposure as much as possible. Knowledge learned was also shared among neighbouring local authorities and received from them so that all could learn from best practice.
- The increase in insurance premium was reflective of the current market conditions.
- There was brokerage support in putting together the new insurance contracts.

RESOLVED that:

- The new insurance contracts for the period 1 April 2025 – 31 March 2028 be awarded to:
  Insurer 3 – Lot 1 – General Properties
  Insurer 3 – Lot 2 – Industrial and Commercial Property
  Insurer 4 – Lot 3 – Casualty and Crime
  Insurer 5 – Lot 4 – Motor Fleet
  Insurer 4 – Lot 5 – Personal Accident and Travel
  Insurer 4 – Lot 6 – Engineering Insurance and Inspection
  Insurer 3 – Lot 7 – Leasehold Right to Buy

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

Reason for Decision:
The award of this contract would realise a pressure of £78,314.08 against existing insurance premium and a £23,828.04 pressure against 2025/26 budget. This contract award protected the Council and its services from the financial risk of liability claims.

Note * Report previously circulated

154. **NOTIFICATION OF KEY DECISIONS (1:11:41)**

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 Blackdown Hills National Landscape Management Plan had moved from May to the meeting in June 2025.
- The Council Tax Rebate Policy to be added to the meeting in December 2025.
- A Digital Transformation verbal update to be added to the meeting in May 2025.

Note: * Key Decisions Report previously circulated.

(The meeting ended at 6.28 pm) **LEADER**

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Report for:	**CABINET**
Date of Meeting:	4 March 2025
Subject:	**Policy Framework**
Cabinet Member:	Cllr Luke Taylor, Leader of the Council
Responsible Officer:	Stephen Walford, Chief Executive
Exempt:	None
Wards Affected:	All
Enclosures:	Annexe 1

Section 1 - Summary and Recommendation(s)

Summary:

Endorsement of the Policy Framework is required so that the Council is able to align its policies to corporate objectives and make efficient use of its resources. It is also required by the Constitution.

Recommendation:

Cabinet to recommend to Council that the Policy Framework be adopted.

Section 2 – Report

1.0 **Introduction/Background**

1.1 The Policy Framework consists of both statutory documents that have to be adopted or approved by the Council as well as locally determined policies and strategies that form an integral part of the decision making process and their subsequent implementation.

1.2 A list of Strategies and Policies covered by the Framework is attached at Annexe 1.

1.3 It is recommended that these Strategies and Policies be formally approved as the Council's Policy Framework in accordance with the Constitution so far as they still apply and are relevant.

1.4 As new policies are approved by Council they will automatically be added to the Policy Framework.

2.0 **Way Forward**

2.1 Under the Budget and Policy Framework Procedure Rules, the Cabinet will be responsible for the implementation of the Budget and Policy Framework.

2.2 The purpose of this report therefore is to inform the Cabinet of their role in the implementation of the budget and policy framework, and highlighting to the Audit Committee, Policy Development Groups, Licensing and Regulatory Committees their work for the coming and future years.

2.3 The Policy Framework covers all strategic rather than operational policies and highlights those which are for Cabinet only approval and those which require full Council approval.

Financial Implications: None arising from this report.

Legal Implications: The report is required by the Constitution.

Risk Assessment: Not updating the strategic policies of the Council would result in policies not being aligned to corporate objectives and an inefficient use of resources.

Impact on Climate Change: Several policies within the Policy Framework have a direct link to climate change.

Equalities Impact Assessment: There are no concerns with regard to equalities impact relating to the content of this report.

Relationship to Corporate Plan: An efficient and effective policy framework helps provide the infrastructure to deliver the corporate plan

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 18.02.2025

Statutory Officer: Maria De Leiburne
Agreed on behalf of the Monitoring Officer
Date: 18.02.2025

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive
Date: 14.02.2025

Performance and risk: Stephen Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 18.02.2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Stephen Walford, Chief Executive or Laura Woon, Democratic Services Manager (Email: lwoon@middevon.gov.uk)

Background papers: None

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Community People and Equalities Policy Development Group							
Policy	**Director**	**Last Approved**	**Group/Committee to review/develop**	**Expected date for next approval**	**Approval required from**	**Frequency to be reviewed**	**Notes**
Air Quality Action Plan	Director of Place & Economy	Nov-21	Community PDG	Mar-25	Cabinet	4 yearly	
CCTV Policy	Deputy Chief Executive (S151)	Dec-24	Community PDG	Dec-27	Cabinet	3 yearly	
Community Engagement Strategy (including Action Plan)	Deputy Chief Executive (S151)	Jun-23	Community PDG	Jun-25	Cabinet	2 yearly	
Community Safety Partnership Policy	Head of Housing and Health	Mar-24	Community PDG	Mar-25	Cabinet	Annually	
Contaminated Land Cost Recovery Policy	Head of Housing and Health	Sep-20	Community PDG	Feb-30	Cabinet	10 yearly	
Corporate Health and Safety Policy	Chief Executive	Mar-24	Community PDG	Mar-27	Cabinet	3 Yearly	
Corporate Anti Social Behaviour Policy	Director of Place & Economy	Mar-21	Community PDG	Nov-25	Cabinet	3 yearly	
Enforcement Policy	Director of Place & Economy	Sep-20	Joint PDG	Sep-30	Cabinet	10 Years or When required	
Grant payments to external organisations (the strategic grants review process)	Director of Place and Economy	Nov-23	Community PDG	Nov-25	Cabinet	2 yearly	
Town and Parish Charter	Director of Place and Economy	Jun-24	Community PDG	Jun-27	Cabinet	3 yearly	
Regulation of Investigatory Powers	Director of Legal, People and Governance	Dec-24	Community PDG	Dec-25	Cabinet	Annually	
Safeguarding Policy	Head of Housing and Health	Jun-24	Community PDG	Apr-27	Cabinet	3 yearly	
Serious Violence Duty Policy	Head of Housing and Health	Mar-24	Community PDG	Mar-26	Cabinet	2 yearly	
Single Equalities Policy and Equality Objective	Director of Legal, People and Governance	Mar-24	Community PDG	Mar-25	Cabinet	Annually	
Public Health Food Safety Service Plan	Head of Housing and Health	Jun-24	Community PDG	Jun-25		Annually	
Unauthorised Encampment Policy	Deputy Chief Executive (S151)	Jun-22	Community PDG	Jun-25	Cabinet	3 yearly	This now reports to the Community PDG

Planning, Environment and Sustainability Policy Development Group							
Policy	**Director**	**Last Approved**	**Group/Committee to review/develop**	**Expected date for next approval**	**Approval required from**	**Frequency to be reviewed**	**Notes**
Enforcement Policy	Director of Place & Economy	Sep-20	Joint PDG	Sep-30	Cabinet	10 Years or When required	
Climate Strategy and Action Plan	Deputy Chief Executive (S151)	Nov-24	Planning, Environment & Sustainability	Dec-28	Cabinet	4 yearly	
Tree Policy	Deputy Chief Executive (S151)	May-21	Planning, Environment & Sustainability	May-26	Cabinet	5 yearly	
Planning Enforcement Policy	Director of Place & Economy	Dec-24	Planning, Environment & Sustainability	Dec-29	Cabinet	5 yearly	Last approval through PPAG then to Scrutiny before Cabinet
Biodiversity Duty Policy Framwork and Action Plan	Director of Place & Economy	Dec-24	Planning, Environment & Sustainability	Dec-29	Cabinet	5 yearly	
Infrastructure Funding Statement	Director of Place & Economy	Dec-24	Planning, Environment & Sustainability	Dec-25	Cabinet	Annual	

Economy and Assets Policy Development Group						
Policy	**Director of Place**	**Last Approved**	**Group/Committee to review/develop**	**Expected date for next approval**	**Approval required from**	**Frequency to be reviewed**
Destination Management Plan for Mid Devon	Director of Place & Economy	Mar-18	Economy & Assets PDG	Mar-25	Economy PDG - Cabinet	Every 5 years
Economic Strategy 2024 - 2029	Director of Place & Economy	Feb-19	Economy & Assets PDG	Mar-25	Economy PDG - Cabinet	5 yearly
Shopfront Enhancement Schemes (£15k non-key)	Director of Place & Economy	Nov-22	Economy & Assets PDG	Nov-25	Economy PDG - Cabinet	3 yearly

Service Delivery and Continuous Improvements							
Policy	**Director**	**Last Approved**	**Group/Committee to review/develop**	**Expected date for next approval**	**Approval required from**	**Frequency to be reviewed**	**Notes**
Artificial Intelligence (AI) Policy	Deputy Chief Executive (S151)	NEW	Service Delivery & Continuous Improvement PDG	Mar-25	Cabinet and Council as a new policy	tbc	
Customer Care Policy	Deputy Chief Executive (S151)	Mar-24	Service Delivery & Continuous Improvement PDG	Feb-26	Cabinet	2 yearly	
Enforcement Policy	Director of Place & Economy	Sep-20	Joint PDG	Sep-30	Cabinet	10 Years or When required	
National Assistance Burial Procedure	Deputy Chief Executive (S151)	Dec-24	Service Delivery & Continuous Improvement PDG	Dec-29	Cabinet	5 yearly	
Open Space and Play Area Strategy (2013 - 2033)	Deputy Chief Executive (S151)	Jan-15	Service Delivery & Continuous Improvement PDG	Jan-33	Cabinet	18 yearly	Now aligned with the Local Pan review
Parks and Open Spaces 10 Year Management Plan and Design Principles	Deputy Chief Executive (S151)	Nov-17	Service Delivery & Continuous Improvement PDG	Nov-27	Cabinet	10 yearly	
Play Area Safety Inspection Policy	Deputy Chief Executive (S151)	Jul-22	Service Delivery & Continuous Improvement PDG	Jul-25	Cabinet	3 yearly	
Environment Educational Enforcement Policy	Director of Place & Economy	Jan-24	Service Delivery & Continuous Improvement PDG	Jan-27	Cabinet	3 yearly	

Homes Policy Development Group						
Policy	**Director**	**Last Approved**	**Group/Committee to review/develop**	**Expected date for next approval**	**Approval required from**	**Frequency to be reviewed**
The Neighbourhood and Community Standard						
ASB Policy	Director of Place & Economy	2023	Homes PDG	2028	Cabinet	5 yearly
Car Park Management	Director of Place & Economy	2020	Homes PDG	Jan-30	Cabinet	10 yearly
Garage, GGRP & Parking Spaces Policy	Director of Place & Economy	2024	Homes PDG	Jan-34	Cabinet	10 yearly
Pets & Animals Policy	Director of Place & Economy	2024	Homes PDG	Jan-34	Cabinet	10 yearly
Hoarding Policy	Director of Place & Economy	2024	Homes PDG	Oct-29	Cabinet	5 yearly
Neighbourhood Management Policy	Director of Place & Economy	2023	Homes PDG	Aug-27	Cabinet	4 yearly
CCTV Policy	Director of Place & Economy	2022	Homes PDG	Sep-27	Cabinet	5 yearly
The Transparency, Influence and Accountability Standard						
Tenant Compensation Policy	Director of Place & Economy	Nov-24	Homes PDG	Dec-29	Cabinet	5 yearly
Tenant Involvement Strategy	Director of Place & Economy	2021	Homes PDG	Mar-25	Cabinet	4 yearly
Service Standards	Director of Place & Economy	2024	Homes PDG	Nov-29	Cabinet	5 yearly
Income Management Policy	Director of Place & Economy	2024	Homes PDG	Jul-29	Cabinet	5 yearly
Vulnerability Policy	Director of Place & Economy	2022	Homes PDG	2026	Cabinet	5 yearly
Data Policy (NEW)	Director of Place & Economy	N/a as new	Homes PDG	Sep-25	Cabinet / Council	Tbc
MDH Safeguarding Adults at Risk, Children and Young People Policy	Director of Place & Economy	Mar-25	Homes PDG	Mar-30	Cabinet	5 yearly
The Quality and Safety Standard						
Aids and Adaptations	Director of Place & Economy	2021	Homes PDG	Apr-26	Cabinet	5 yearly
Void Management Policy	Director of Place & Economy	2023	Homes PDG	Jan-28	Cabinet	5 yearly
Tenant Alterations and Improvements to Council Properties	Director of Place & Economy	2024	Homes PDG	Nov-29	Cabinet	5 yearly
Damp & Mould Policy	Director of Place & Economy	2023	Homes PDG	Sep-33	Cabinet	10 yearly
Recharges Policy	Director of Place & Economy	2023	Homes PDG	Sep-33	Cabinet	10 yearly
Homes Safety Policy	Director of Place & Economy	2024	Homes PDG	Jul-29	Cabinet	5 yearly
Repairs and Maintenance Policy	Director of Place & Economy	2024	Homes PDG	Oct-29	Cabinet	5 yearly
The Tenancy Standard						
Allocations Policy	Director of Place & Economy	2022	Homes PDG	2026	Cabinet	4 yearly
Tenancy Management Policy	Director of Place & Economy	2022	Homes PDG	2026	Cabinet	4 yearly
Leseholder Management Policy	Director of Place & Economy	2022	Homes PDG	2026	Cabinet	4 yearly
Decant Policy	Director of Place & Economy	2022	Homes PDG	2026	Cabinet	4 yearly
Tenancy Inspection Policy	Director of Place & Economy	2023	Homes PDG	Dec-28	Cabinet	5 yearly
Right to Buy Policy (NEW)	Director of Place & Economy	Jan-24	Homes PDG	2034	Cabinet	10 yearly
Tenancy Strategy	Director of Place & Economy	2012	Homes PDG	Nov-25	Cabinet	5 yearly
Housing Strategy 2021 - 2025	Director of Place & Economy	2021	Homes PDG	Mar-25	Cabinet	4 yearly
Housing Assistrance Policy	Director of Place & Economy	2023	Homes PDG	2026	Cabinet	3 yearly
Asset Management Strategy	Director of Place & Economy	2024	Homes PDG	Dec-29	Cabinet / Council	5 yearly

Licensing & Regulatory Committees							
Policy	**Responsible Officer**	**Last Approved**	**Group/Committee to review/develop**	**Expected date for next approval**	**Approval required from**	**Frequency to be reviewed**	**Notes**
Hackney Carriage and Private Hire Policy and Conditions	Head of Housing and Health	Jul-24	Regulatory Committee	Jul-27	Council	3 Yearly	
Licensing Policy	Head of Housing and Health	Oct-24	Licensing Committee	Oct-29	Council	5 yearly	
Sex Establishment Policy	Head of Housing and Health	New Policy January 2011	Licensing Committee	Dec-19	Council	5 yearly	MDDC do not have any Sex Establishments and this Policy is not a priority due to officer capacity.
Statement of Principles for Gambling Act 2005	Head of Housing and Health	Oct-24	Licensing Committee	Oct-27	Council	3 Yearly	
Mobile Homes Fit and Proper Person Fee Policy	Head of Service for Housing and Health	Sep-23	Regulatory Committee	Sep-24	Council	Annual	This is currently being reviewed and due to come before the Regulatory Committee in June 2025.
Animal Welfare Policy	Head of Service for Housing and Health	Jul-20	Regulatory Committee	Jul-23	Council	3 Yearly	This is currently being reviewed and due to come before the Regulatory Committee in June 2025.

Audit Committee						
Policy	**Director**	**Last Approved**	**Group/Committee to review/develop**	**Expected date for next approval**	**Approval required from**	**Frequency to be reviewed**
Annual Governance Statement and Governance Framework	Deputy Chief Executive (S151)	Jan-25	Audit Committee	Jul-25	Audit Committee	Annually
Anti-fraud and Corruption and Anti-Money Laundering Policies	Deputy Chief Executive (S151)	Mar-24	Audit Committee	Mar-26	Audit Committee	2 yearly
Corporate Recovery Policy	Deputy Chief Executive (S151)	Mar-21	Audit Committee	Sep-25	Cabinet	4 yearly
Data Quality Policy	Deputy Chief Executive (S151)	Nov-22	Audit Committee	Nov-26	Audit Committee	4 yearly
Financial and Contract Procedure Rules	Deputy Chief Executive (S151)	Feb-24	Audit Committee	Feb-27	Audit Committee - Full Council	3 yearly
Four year Strategic Audit Plan and Work Programme	DAP	Mar-24	Audit Committee	Mar-25	Audit Committee	Annually
Internal Audit Charter and Strategy	DAP	Mar-24	Audit Committee	Mar-25	Audit Committee	Annually
Risk Management Strategy	Director of Legal, People & Governance	Mar-24	Audit Committee	Mar-25	Audit Committee	Annually
Whistleblowing Policy	Director of Legal, People & Governance	Mar-21	Audit Committee	Mar-25	Audit Committee	4 yearly

Cabinet						
Policy	**Director**	**Last Approved**	**Group/Committee to review/develop**	**Expected date for next approval**	**Approval required from**	**Frequency to be reviewed**
Statement of Community Involvement	Director of Place & Economy	Aug-20	PPAG	when required	Council	As and when required
Area of Special Control for advertisements	Director of Place & Economy	Dec-11	PPAG	Linked to the Local Plan	Council	When required
Asset Management and Capital Strategy Plan 2016-2020	Deputy Chief Executive (S151)	Mar-21	Cabinet	Mar-25	Cabinet	4 years
Community Infrastrure Levy	Director of Place & Economy	Jan-21	PPAG	As and when required as part of the Local Plan	Council	As and when required as part of the Local Plan
Complaints and Feedback policy	Deputy Chief Executive (S151)	Jun-24	Cabinet	Jun-27	Cabinet	3 years
Corporate Recovery Policy	Deputy Chief Executive (S151)	Mar-21	Audit Committee	Apr-25	Cabinet	4 yearly
Corporate Plan	Chief Executive	Apr-24	Cabinet	Apr-28	Council	4 yearly
Council Tax Reduction Scheme	Deputy Chief Executive (S151)	Dec-16	Cabinet	When Required	Cabinet	When required
Customer Care Policy	Deputy Chief Executive (S151)	Mar-24	Cabinet	Mar-26	Council	2 yearly
Data Protection Policy	Deputy Chief Executive (S151)	Oct-22	Cabinet	Oct-25	Cabinet	3 yearly
Discretionary Rate Relief Scheme	Deputy Chief Executive (S151)	Feb-19	Cabinet	awaited	Cabinet	Annually
Enforcement Policy	Director of Place & Economy	Sep-20	Joint PDG	Sep-30	Cabinet	10 Years or When required
The Establishment	Director of Legal, People and Governance	Mar-23	Cabinet	Mar-24	Council	Annually
Freedom of Information Policy & EIR Policy	Deputy Chief Executive (S151)	Oct-22	Cabinet or Cabinet Member	Oct-26	Cabinet	4 yearly
ICT Strategy	Deputy Chief Executive (S151)	Feb-19	Cabinet	TBC	Cabinet	5 yearly
Information Security and Information Security Incident Policies	Deputy Chief Executive (S151)	Jan-25	Cabinet	Nov-27	Cabinet	3 yearly
Leisure Pricing Policy	Deputy Chief Executive (S151)	Oct-24	Cabinet	Oct-25	Cabinet	Annually
Local Development Scheme	Director of Place & Economy	Jan-22	PPAG	Mar-25	Cabinet	As and when required as part of the Local Plan
Local Enforcement Plan (replaces Development Control Enforcement Policy)	Director of Place & Economy	Jan-18	PPAG	awaited	Council	3 yearly
Media and Social Media Policy		Feb-23	Cabinet	Feb-27	Cabinet	4 yearly
Local Plan	Director of Place & Economy	Jul-20	Cabinet	Jul-25	Council	5 Yearly
Medium Term Financial Strategy	Deputy Chief Executive (S151)	Nov-24	Cabinet	Nov-25	Cabinet	Annually
Pay Policy	Chief Executive	Feb-24	Cabinet	Mar-25	Council	Annually
Records Management Policy	Deputy Chief Executive (S151)	Oct-22	Cabinet	Oct-26	Cabinet	4 yearly
Treasury Management Strategy and Annual Investment Strategy	Deputy Chief Executive (S151)	Feb-24	Cabinet	Feb-25	Council	Annually

Report for:	Cabinet
Date of Meeting:	4 March 2025
Subject:	**Pay Policy**
Cabinet Member:	Cllr Luke Taylor, Leader of the Council
Responsible Officer:	Matthew Page – Head of People, Performance & Waste James Hamblin – Operations Manager – People Services
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1 – Pay Policy 2024 Appendix 2 – Pay Supplement Policy Appendix 3 – Delegation Scheme

Section 1 – Summary and Recommendation(s)

To comply with the legislative requirements of the Localism Act 2011 relating to transparency on senior officer pay, in particular the roles of the Chief Executive, Directors and other senior officers. The Localism Act 2011 requires an annually published Pay Policy which has been adopted by Full Council.

Recommendation(s):

That Cabinet review the Pay Policy and appendices and recommend to Council to approve

Section 2 – Report

1.1 The Localism Act required that all local authorities publish a Pay Policy on an annual basis. The Policy should be agreed by a meeting of the Council and be published on the Council's website.

1.2 The purpose of having a Pay Policy is so that the pay and related awards structure of the Council are transparent. The Pay Policy is detailed in Appendix 1.

1.3 At the present time, the Chief Executive is appraised on an annual basis by a group of Members as set out in the Constitution. The Leader consults a review panel which includes the Deputy Leader, the Chairman and Chair of Scrutiny on the objectives to be set and these are agreed with the Chief Executive.

1.4 Cabinet and Leadership Team meet on a monthly basis to monitor progress within each service area. Cabinet Members can raise issues with the Chief Executive and Directors on performance in any area of the Council.

1.5 A commitment was made to regularly review the content of the Pay Supplement Policy. It is attached in Appendix 2 for information. We also have a scheme of delegation as required by law to authorise potential agreements should a situation arise where they be seen as necessary. This is attached in Appendix 3.

1.6 Following the change in the Leadership Team structure referenced in last year's report, further restructures have taken place. This has seen the removal of one post and five new roles implemented. This is outlined in Appendix 1.

1.7 The Cost of Living rise agreed between the LGA and the Unions gave each employee (up to SCP43, inclusive) a rise of £1,290 regardless of their role or grade (pro rata for part time staff). For those on SCP44 and above, the award saw an increase of 2.5% on all pay points. This was awarded in October and was paid on the 22 November 2024.

1.8 This increase has resulted in the annual mean pay of all employees increasing from £31,713 in 2022/2023 to £33,749 in 2023/2024. It has also resulted in the pay multiple of the Chief Executive to both the mean salary and the lowest paid FTE employee in the Council decreasing from 2023/2024.

1.9 The gender mean pay gap is -0.30% for the Council compared to 7% nationally. We are therefore in a considerably stronger position than many other organisations.

Financial Implications

None arising from this report.

Legal Implications

In accordance with the Council's Constitution.

Risk Assessment

The risk to the Council of not complying with its legislative requirements are mitigated by this report and having robust performance management systems in place.

Impact on Climate Change

No climate change issues are highlighted in this report.

Equalities Impact Assessment

Considerations are given to specific policy and decisions with regards to equality impact assessments.

Relationship to Corporate Plan

To have a robust Pay Policy which ensures good use of public money in respect of the salaries of the most senior employees of the Council that is both transparent and visible. To ensure the Council is able to recruit and retain staff of a sufficiently high quality and who are able to deliver the objectives of the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 18.02.2025

Statutory Officer: Maria De Leiburne
Agreed on behalf of the Monitoring Officer
Date: 18.02.2025

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 17.02.2025

Performance and risk: Stephen Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 18.02.2025

Cabinet member notified: Yes

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

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

Section 4 - Contact Details and Background Papers

Contact: Matthew Page, Head of People, Performance & Waste
James Hamblin, Operations Manager – People Services
Email: MPage@middevon.gov.uk
JHamblin@middevon.gov.uk
Telephone: 01884 234919
01884 234203

Background papers: Previous Pay Policy Reports taken to Scrutiny Committee, Cabinet and PDG

People Services Policy

Version Control Sheet

Title: Pay Policy 2024

Reference No: **HR/**

Purpose: The Localism Bill requires that all local authorities publish a Pay Policy on an annual basis. The Policy should be agreed by a meeting of Council and be published on the Council's website.

The purpose of having a Pay Policy is so that the pay and related rewards structure of the Council is transparent.

Owner: Matthew Page - Head of People, Performance and Waste
mpage@middevon.gov.uk

Date: February 2025

Version Number: 9

Status: ***Final***

Review Frequency: ***Every year***

Next review date: ***February 2026 to be published by March 2026***

Pay Policy

1. INTRODUCTION

Local authorities must publish a pay policy statement for each financial year. This must be approved by a Council resolution before 31 March each year. The Act specifies a number of elements that must be covered by the statement including: the level and elements of remuneration for each chief officer, remuneration of chief officers on recruitment, increases and additions to remuneration for each chief officer, the use of performance-related pay for chief officers, the use of bonuses for chief officers, the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and the publication of and access to information relating to remuneration of chief officers.

The specific part of the Localism Act 2011 relating to a pay policy is Section 38 (1). Pay is an emotive issue for staff, Councillors and also for the public at large. Transparency in what and how we pay our senior staff particularly, but also all council employees is of paramount importance.

A pay policy statement will be updated and taken to full Council each year, in this way a clear view of the salaries and benefits paid to the most senior staff at the Council can be tracked.

2. REFERENCES

Equal Pay Act 1970
Equality Act 2010
Localism Act 2011

3. SCOPE

This policy applies to:-

- Chief Executive Officer including Head of Paid Service responsibilities
- Directors (including Monitoring Officer responsibilities and Section 151 Officer responsibilities) and our Corporate Management Team.
- Employees earning over £50k per annum

4. POLICY

Clarity in the provision of pay and other benefits is essential to ensure that the Council can attract and retain high-quality employees at all levels.

In the context of managing scarce public resources, remuneration at all levels within the Council needs to be adequate to secure and retain high-quality employees dedicated to the service of the public, but at the same time needs to avoid being unnecessarily generous or otherwise excessive.

This pay policy statement applies specifically to chief officers (a term which includes both statutory and non-statutory chief officers which for the purposes of this policy are the Directors (including Monitoring Officer responsibilities and Section 151 Officer responsibilities)), the Corporate Management Team and addresses the legal requirement to set out how the policy for agreement of chief officer remuneration differs to that of other Council employees. For the purposes of this statement this includes:

- Chief Executive Officer (Head of Paid Service)
- Deputy Chief Executive (Section 151)
- Director of Legal, People and Governance (Monitoring Officer)
- Director Of Place
- Corporate Management Team
- Service Leads

The definition of chief officers (as set out in section 43(2) of the Localism Act 2011) is not limited to Directors, Heads of Paid Service or statutory chief officers. It also includes those who are their direct reports (who may or might not be statutory chief officers and those who report directly to non-statutory chief officers (deputy chief officers)).

The metric used for pay dispersion is the multiple of chief executive to mean earnings. Tracking this multiple will ensure public service organisations are accountable for the relationship between the pay of their executives and the wider workforce. Through this pay policy statement Mid Devon District Council will track this multiple annually. This is shown as Officer Remuneration in the accounts and includes;

- the level and elements of remuneration for each chief officer
- the remuneration of the lowest paid employees
- the relationship between the remuneration of its chief officers and other officers
- other specific aspects of chief officer remuneration.

In respect of Officer Remuneration Note in the accounts: It should be noted that the below information will relate to the previous year as shown in the annual accounts.

- Salary, fees and allowances
- Bonuses
- Expenses allowance
- Compensation for loss of employment
- Employers pension contribution
- Any other emoluments

Pay multiple

This is calculated by comparing all taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of benefits in kind) for the Chief Executive compared to mean earnings and the lowest paid in the organisation.

Specific Policy Areas

The National Joint Negotiating Committee has previously emphasised that 'it is good governance that local authorities can demonstrate that decisions on pay and reward packages for chief executives and chief officers have been made in an open and accountable way.'

The Leader of the Council may recommend to Full Council changes to the remuneration package following an annual review. Any structural changes to the remuneration packages of the Chief Executive or Directors will be subject to Full Council approval.

Salary increases in relation to cost of living will be made in line with National Joint Council recommendations.

The use of market supplements may be applied in certain circumstances.

At present, there are no additional payments made to senior officers which specifically relate to performance such as performance bonuses; neither is there an element of pay which can be enhanced for performance. Performance issues will be dealt with through the achievement of agreed objectives and the appraisal review process.

Any termination payments to chief officers on ceasing office will comply with Mid Devon District Council's Redundancy Policy.

Through this policy the pay multiple of the Chief Executive will be monitored annually. Should the multiplier between the annual salary paid to a full time employee on the lowest spinal column point and the annual salary paid to the Chief Executive be greater than 10, this will be reported by the Leader of the Council to Full Council for consideration.

Our support for apprenticeships, which may be considered a temporary employment measure, will not be used to skew the pay multiple metric and will therefore be excluded from the calculation. In order to ensure complete transparency however we have also included the salary of apprentices.

There are no arrangements currently in place for tax and national insurance payments for employees to be paid other than through the normal channels, i.e. through the normal PAYE route for all officers of the Council.

5. PAYMENT OF RETURNING OFFICER

Additional payments are set by various election authorities and made to officers carrying out additional duties at elections. These payments will only be received when elections take place and although fixed, do vary according to the type of election for which the payment is made. These payments are not within the scope of this policy.

6. OUTCOMES

In having this policy, Mid Devon District Council will ensure that the process for setting pay at a senior level is transparent. This policy will be reviewed annually to track the relationship of chief officer pay with the rest of the workforce.

7. PERFORMANCE MONITORING

Annual monitoring of this policy will take place in February. Monitoring of the Chief Executive's performance takes place through an annual appraisal process.

8. POLICY/STRATEGY CONSULTATION

This policy will be agreed with the Council's Leadership Team, Cabinet and Full Council.

9. EQUALITY IMPACT CONSIDERATIONS

The principles of equal pay are integral to this policy. 'Equal work' is defined as:

- Like work where the woman and the man are doing the same job or
- Work rated as equivalent where the 2 jobs are different but have been evaluated by the employer's job evaluation scheme (JES) at the same level/grade or
- Work of equal value where the jobs are again different but an argument is made that both jobs should be regarded as being of equal value or worth.

10. RESPONSIBILITIES

The Head of People, Performance and Waste will be responsible for this policy and for updating information on an annual basis.

11. RECORDS

Documents and records generated as a result of the application of this policy will be held electronically and retained as legally required.

All records will be maintained and processed in compliance with the Data Protection Act.

12. DOCUMENT HISTORY

Date	Version	Update
10/02/2017	1	Pay Policy
05/04/2018	2	Pay Policy
07/02/2019	3	Pay Policy
13/02/2020	4	Pay Policy
Feb 2021	5	Pay Policy
Feb 2022	6	Pay Policy
Feb 2023	7	Pay Policy
Feb 2024	8	Pay Policy

1. **The level of remuneration for all Senior Officers earning over £50,000 is shown below:**

Post Title	Remuneration	
	2024/25	2023/24
Chief Executive	£125,765	£122,698
Deputy Chief Executive (S151)	£107,625	£105,000
Director of Place and Economy (Formally Director of Place)	£99,425	£97,000
Director of Legal, HR & Governance (Monitoring Officer) (New Post 01/01/2024)	£99,425	£97,000
Head of Housing and Health Acting up from 01/06/23 (per annum)	Grade P £73,136 to £77,486	Grade N £61,189 to £64,813 £8694
Head of Finance, Property & CR(Dep S151) Acting up from 01/06/23 (per annum)	Grade P £73,136 to £77,486	Grade N £61,189 to £64,813 £8694
Head of People, Performance & Waste Acting up from 01/06/2023 (per annum)	Grade O £67,720 to £71,741	Grade N £61,189 to £64,813 £8694
Head of Digital Transformation & Customer Engagement	Grade O £67,720 to £71,741	Grade N £61,189 to £64,813
Corporate Manager Property, Leisure & Climate Change (Post holder left 17/05/2023 not replaced)		Grade N £61,189 to £64,813
Head of Revenues, Benefits and Leisure Acting up from 18/05/2023 (per annum)	Grade O £67,720 to £71,741	Grade N £61,189 to £64,813 £6481.32
Building Control Manager	Grade M £58,101 to £61,530	Grade M £56,684 to £60,029

Operations Manager Street Scene & Open Spaces	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Operations Manager Revenues, Benefits and Recovery	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Operations Manager Building Services	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Strategic Manager Growth, Economy & Delivery	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Operations Manager for Public Health	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Operations Manager for Property Services	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Development Management Manager	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Operations Manager for ICT Services	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Operations Manager for People Services	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Operations Manager for Performance & Governance	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611

Operations Manager for Leisure Services	Grade L £53,855 to £57,001	Grade L £52,541 to £55,611
Operations Manager for Finance Post started 15th August 2024	Grade L £53,855 to £57,001	
Operations Manager for Legal Post started 29th April 2024	Grade L £53,855 to £57,001	
Ops Manager (Waste and Transport)	Grade K £49,764 to £52,805	Grade K £48,474 to £51,515

2. The full time remuneration of the lowest paid employee.

Post Title	**Remuneration**		**Other Allowances**	
	2024/25	**2023/24**	**2024/25**	**2023/24**
Recreation Assistant (FOH) or Refuse Loader	£24,790	£23,500	None	None
Apprentice	£23,653	£18,135	None	None

The lowest paid employees in the 2023/2024 tax year were the Recreation Assistants (FOH) in the Leisure Service and the Refuse Loaders in Street Scene. The apprentice rate has been uplifted to £9.40 per hour for the 2023/24 tax year, and to £12.26 per hour from 1 December 2024.

3. **The multiplier of the remuneration of the Chief Executive based upon taxable earnings.**

Category	Total Remuneration	
	2024/25	**2023/24**
Pay multiple of Chief Executive to Mean	3.73	3.87
Pay multiple of Chief executive to lowest paid FT employee	5.07 (based on Recreation Assistant)	5.22 (based on Recreation Assistant)
	5.32 (based on apprentice rate)	6.77 (based on apprentice rate)

Category	Total Remuneration	
	2024/25	**2023/24**
Annual Mean Pay of all employees (Total Salaries/Total FTE)	£33,749	£31,713

Officer Remuneration Note in Accounts

Publication of Officers Remuneration

We are required to publish the following information in respect of officer remunerations:

a) The number of employees whose remuneration in the year was greater or equal to £50,000, grouped in rising bands of £5,000.

b) An analysis by job title of the remuneration and employer's pension contributions in respect of senior employees whose salary is £50,000 or more per year (or by name and job title where the salary is £150,000 per year)

4. Officers' Emoluments

This table includes all statutory and non-statutory posts whose overall remuneration exceeds £50k excluding pension contributions and non-taxable allowances as published in MDDC Statement of Accounts 2023 24

Remuneration Band	2022/23 Number of Employees	2023/24 Number of Employees
£50,000 - £54,999	9	3
£55,000 - £59,999	1	9
£60,000 - £64,999	6	1
£65,000 - £69,999	2	-
£70,000 - £74,999	-	4
£75,000 - £79,999	-	-
£80,000 - £84,999	2	1
£85,000 - £89,999	1	1
£90,000 - £94,999	-	-
£95,000 - £99,999	-	1
£100,000 - £104,999	-	-
£105,000 - £109,999	-	-
£110,000 - £114,999	-	-
£115,000 - £119,999	1	-
£120,000 - £124,999	-	1

The Council had no officers earning at or in excess of £150,000 in 2023/24.

5. Termination Benefits

2023/24 Exit Package Cost Band	Number of compulsory redundancies	Number of other departures agreed	Total number of exit packages by cost band	Total cost of exit packages in each band £'000
£0 - £19,999	-	6	6	14
£20,000 - £39,999	-	-	-	-
£40,000 - £59,999	-	-	-	-
£60,000 - £79,999	-	-	-	-
Total	-	6	6	14

During 2023/2024 14 agreements were made. These were associated with service restructures and changes, included in order to reduce future employee costs. This helps match ongoing expenditure against the well documented cuts in funding.

6. Gender Pay Gap

6.1 Pay Quartiles by Gender

The Mid Devon District Council figures set out below have been calculated using the standard methodologies used in the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

Quartile	Males	Females	Description
1	62.24%	37.76%	Includes all employees whose standard hourly rate places them at or below the lower quartile
2	45.45%	54.55%	Includes all employees whose standard hourly rate places them above the lower quartile but at or below the median
3	46.15%	53.85%	Includes all employees whose standard hourly rate places them above the median but at or below the upper quartile
4	42.66%	57.34%	Includes all employees whose standard hourly rate places them above the upper quartile

6.2 Mid Devon District Council's Gender Pay Gap

	Mean Average Hourly Rate	Median Average Hourly Rate
Male	£16.48	£14.91
Female	£16.53	£15.43
HMRC % gap	**-0.30%**	**-3.49%**

The mean gender pay gap for the whole economy (according to the ONS Annual Survey of Hours and Earnings (ASHE) figures) is **7.0%**; at Mid Devon District Council's mean gender pay gap is **-0.30%,** therefore, significantly lower than that for the whole economy.

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PAY SUPPLEMENT POLICY

Purpose & Scope:

This Policy applies to all Mid Devon District Council employees. Supplements are only considered where all reasonable methods to improve recruitment or retention have been exhausted, and / or there is considerable risk to service delivery. Pay supplements will always be considered against the needs of the specific role as opposed to the post holder.

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Page 5 – HONORARIUM PAYMENTS
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Page 7 – RESPONSIBILITIES
Page 8 – RECORDS

Related Documents & Further Reading (including but not limited to):

A set of links redirecting managers to different information available on the SharePoint.

- Staff Charter
- Nolan Principles
- Line Manager Toolkit

1. Introduction

This Policy contains the agreed approach to be taken in the application, monitoring and review of pay supplements within Mid Devon District Council.

Pay supplements incorporate mechanisms for managing recruitment, retention and market related issues by temporarily increasing the total pay awarded to a post (without altering the job evaluation determined grade for that post) when it can be shown that the salary range attached to the grade is significantly lower than those offered by a competitor and therefore it impacts adversely on the ability to recruit or retain staff. They also cover methods of recognition and reward.

During times of specific upheaval and change, it may be necessary to secure the delivery of key services and moreover, to retain a particular skill set within the authority using retention payments, market supplements, acting up payments and honorarium.

The objectives of this Policy are:-

- To recruit the best possible staff for each post and enable the Council to mitigate against any adverse impact on its ability to compete in the local labour market by looking at pay supplement payments

- To facilitate flexibility to resource the Council whilst ensuring compliance with equal pay legislation, achieving transparency and adopting best practice.

- To secure the consistent delivery of key services to the public that may be at risk by giving the ability to retain key post holders.

- To manage the usage of pay supplements responsibly with an aim to ensure that it does not create excessive or unnecessary pay disharmony.

This policy will be attached to the annual Pay Policy which is a statutory submission each year to be approved by both the Cabinet and Full Council.

2. Market Supplements

A market supplement payment is paid in addition to basic salary for a specific individual post or cluster of identical posts. It may be paid where a post has been identified as 'hard to fill' and the Council is prevented from being able to recruit and/or retain existing staff on the salary determined by the Council's job evaluation scheme.

Payment will be:

- used in exceptional circumstances only
- mindful of any equal pay/value considerations, in order to avoid/minimise the potential for challenge on this point
- made as a clearly identified supplement with properly documented supporting reasons, for the amount of payment
- time limited in its application ie the guaranteed period will be up to a maximum of 12 months
- subject to regular monitoring and review
- pensionable
- applicable to all individuals appointed to the post

Any case for the payment of a market supplement must be properly justified, with supporting evidence from the following range of criteria:

- Evidence of a difficulty to recruit or pay related retention difficulties, together with market pay data
- Turnover rates
- Market based salary comparisons with competing local/regional/national employers (both public and private sector)

- Evidence that other retention initiatives have been explored/exhausted (e.g. learning and development opportunities, promoting non-pay benefits)
- Assessment of the impact of a failure to maintain adequate staffing levels in order to ensure service delivery requirements are met
- Consideration of the impact on other existing staff within the defined job group
- Robust budget impact assessment

In addition to the criteria above, account should be taken of the wider employment context applicable to the occupational group and whether the payment of the market supplement will address the particular issues underlying the retention difficulties, or whether alternative/additional actions are required.

For example:

- Are the difficulties an indicator of other issues of concern within the service/occupational group, which can be more appropriately resolved by other management action and/or non-pay measures?
- Is there a regional/national shortage for which new/alternative training schemes would be a more appropriate solution?
- Are there more appropriate ways of resourcing/delivering the service rather than through an in house workforce?

The amount of the market supplement will not be greater than 15% of the top of the salary range for the post.

Market supplements, and the conditions applicable to them, shall be clearly set out and separately identified in any job advertisement and offer/appointment letter.

Market supplement reviews will be undertaken in the following circumstances:

- At least three months prior to the end of the guaranteed period, Human Resources will instruct the Line Manager to commence the review of the market place related to that post and present the findings to the Pay and Grading Group no later than six weeks prior to the end of the guaranteed period.
- If a review indicates that the market supplement is no longer justified, it will be withdrawn. Employees will receive a minimum of one months' notice if the market supplement is being withdrawn and the reasons for this decision.

Failure to present the findings of the review to the pay and grading group within six weeks of the end of the Guarantee Period will result in the withdrawal of the pay supplement with 1 months' notice.

3. Retention Payments

Deferred retention payments are paid after an agreed period of employment has been completed, and will only be authorised on the basis of the provision of robust evidence amounting to a material factor (suitable for defending any potential equal pay claims).

The following evidence will be required as a minimum:

- defined skills or knowledge of an individual not available elsewhere within the authority which are deemed essential to service delivery, or other equitable material differential
- a written offer of employment with another employer, including details of the terms and conditions being offered
- reasons for leaving are clearly related to remuneration / job security, and not other factors such as dissatisfaction with role, manager, team or organisation
- evidence that other measures have been explored, together with the impact on the team.

Payments may be made at the end of a given period, or staggered throughout the specified period of retention.

Requests can only be brought by management, and will have to satisfy the Pay and Grading Group that there is not an Equal Pay issue. A clear business case detailing the significant impact on service delivery will be required for submission to the Pay and Grading Group following authorisation by Director or the Chief Executive.

Managers will also need to include information in their business case as to why a retention payment is more applicable than a market supplement before any payment can be approved.

Retention payments will be subject to the appropriate contractual conditions being met, e.g. remaining within the Council's employment for a specified period and/or the completion of specific tasks. Individuals will be required to sign an agreement to this effect.

The amount of a deferred retention payment will not be greater than 10% of substantive salary.

These payments will made in addition to the individual's normal salary but will be subject to the normal income deductions in respect of tax and National Insurance. They are not pensionable.

If a deferred payment is made in stages and not at the end of the period and an individual leaves the Council within the agreed period of operation of the payment, the individual will be required to pay back all monies received under the scheme, except in the circumstances set out in below.

If an individual leaves the Council because of illness, injury, disability or redundancy, the member of staff will not be required to refund payment

During the specified period when a retention payment is being made a Manager will be required to manage the risk of the employee leaving by undertaking the necessary measures such as ensuring the employee shares their knowledge with other colleagues and/or undertaking recruitment to the role.

If a retention payment is being proposed that relates to a Director then the CEO, the Leader of the Council, the relevant Cabinet Member and the Corporate Manager with responsibility for People will need to agree and sign off any proposal. This will then be sent to SW Councils for independent evaluation and ratification.

If a retention payment is being proposed that relates to the CEO, then the Leader of the Council, the relevant Cabinet Member, Chairman and the Corporate Manager with responsibility for People will need to agree and sign off any proposal. This will then be sent to SW Councils for independent evaluation and ratification.

4. Incremental Progression

The Council's financial rules provide Operational Managers and above with delegated powers to place an individual on the spinal column point of their choosing, provided it is within the evaluated grade for the post, and follows satisfactory performance.

In support of this delegated authority, and in order to ensure that equal pay is maintained the determination of an individual spinal column point either at the commencement of employment in the job role or at any other time will be based on objective material factor criteria as follows:-

- Possession of skills, knowledge, experience or qualifications beyond those which are essential to the job which will enhance performance in the role
- Demonstrable accelerated growth in the role beyond that expected (attainment of skills/knowledge/experience).
- An alternative to a retention payment or market supplement where the criteria for such payments is met.

In the event that an employee has not met their performance targets in line with their annual appraisal or has not been working to the required standard of work they will not be awarded a pay increase, and this will be reviewed again in the following year.

For appointments effective between 1 October and 31 March inclusive, the next increment will be six months after the effective date and then 1 April thereafter.

Subsequent increments are achieved when there has been a demonstration of high performance against the expectations of the role. Any incremental pay progression will be awarded to employees once this has been evidenced through the annual pay review.

The annual performance review is an opportunity for managers and their staff to review performance throughout the year and make a judgement as to whether a pay increase will be awarded. If a pay increase is not awarded then the manager will be required to give specific details about any performance shortfalls, and provide the employee with specific targets and support. In certain circumstances where an informal process has not reached a solution this may proceed to a capability process.

Any incremental pay increases will be payable on 1 April. Pay increases will no longer be awarded once the employee has reached the top of the pay scale for their role.

5. Honorarium Payments

An honorarium payment may be made to an employee who is undertaking duties of a higher level than those for which they are graded. This can be related to:

- covering a vacancy
- covering an ongoing absence within the department (such as long term sickness, but not annual leave)
- undertaking work on an ongoing basis which is over and above that expected for the grade of the post
- *a special project/activity – work outside normal scope of duties*

Any honorarium paid should not only be for a justifiable reason, but also clearly calculated. The payment, which is pensionable, should be calculated as follows:-

Extra responsibilities for between 6-8 weeks

For the first 6-8 weeks this is considered as a development opportunity offered without payment. As with any request for a staff member to take on extra responsibilities the extent of the duties will need to be clearly confirmed, and the member of the staff has the right to decline the opportunity. It is crucial that this aspect is confirmed in advance of any extra responsibilities being proposed.

Extra responsibilities for over 8 weeks

Any staff who have responsibilities longer than 8 weeks should receive an acting up allowance to the equivalent of 10% of their current salary if it is work at their grade. If duties are belonging to a role of a higher grade the staff member will receive 10% of the salary of the role being covered.

*Payments being awarded in respect to the above should be for no longer than 12 months as per the CMT principle adopted in 2020.

Extra responsibilities for a period longer than 12 months

If there is a requirement for additional duties to be taken for a period longer than 12 months then a formal evaluation of the staff members role will need to be considered which may lead to a formal restructure within the department.

In accordance with the Council's financial rules, the Line Manager must obtain approval prior to the confirmation of any honorarium by making a request using the Honorarium Payment Approval Form, which must be completed and signed off by themselves and the Operational Manager/Director. This should then be forwarded to Human Resources. Staff are not able to put themselves forward for an honorarium.

6. Process for Approval

In order to maintain the integrity of our Job Evaluation scheme, requests for market supplements, retention payments, and honoraria are all subject to additional approval by the Pay and Grading Group. Any such requests will be submitted for consideration at the next available meeting of the Pay and Grading Group following receipt of the authorised request.

All requests must be made on the appropriate application form and all supporting documentation must be attached. Business cases which propose market supplements, retention payments and honorariums must be robust in order to provide a defence against an equal pay claim.

7. Responsibilities

Managers are responsible for making the business case, including carrying out any research, completing the necessary application form and obtaining the necessary level of authorisation prior to submitting the request to Human Resources.

Managers are responsible for ensuring that any proposals in respect of incremental progression and honoraria can be met from their own budget. There will be a central budget for market supplement/retention payments, which will be controlled by Human Resources.

The Pay and Grading Group are responsible for approving market supplements, retention payments and honoraria.

Human Resources will ensure that all the necessary paperwork and information has been submitted, provide the check and balance arrangements in respect of that supporting evidence, ensure that any payments are supported with an objective justification, and will specifically be responsible for identifying reasons for leaving upon receipt of requests for retention payments. Human Resources will review this policy annually to ensure continued relevance.

Human Resources will be responsible for providing an annual summary of:

- the number of applications under each strand of this Policy
- the number of applications approved under this Policy
- the breakdown of applications approved by gender

to the Pay and Grading Group. Data monitoring the application of incremental progression will be reported to each Pay and Grading Group meeting, and annually to the Corporate Negotiation and Joint Consultative Committee.

8. Records

Documents and records generated as a result of the application of this policy will be retained permanently on the individuals personnel file. Records of will be held

permanently on the Council's HR and Payroll information systems. All records will be maintained and processed in compliance with the Data Protection Act.

Appendix 3 – Scheme of Delegation

Special Severance Payments

In line with guidance published in 2022 by the Department for Levelling Up, Housing & Communities, Mid Devon District Council has the following approval process for payments deemed 'Special Severance Payments'.

Monetary Amount	**Approval By**
> £100,000	Approved by a vote of full council, as set out in the Localism Act 2011
> £20,000 but < £100,000	Must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment
< £20,000	Must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments

At Mid Devon District Council our local scheme of delegation for Special Severance Payments requires approval and sign off by our Head of Paid Service and S151 Officer, with advice sought from the Monitoring Officer where appropriate.

Where the proposed payment is to the Head of Paid Service (Chief Executive), to avoid a conflict of interest it is expected that the payment should be approved by a panel including at least two independent persons.

As part of their duties, an authority's S151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance.

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Report for: **Cabinet**

Date of Meeting:	4 March 2025
Subject:	**MID DEVON HOUSING RIGHT TO BUY 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
Wards Affected:	All
Enclosures:	Annex A – Right to Buy Policy Annex B – Right to Buy Policy Equality Impact Assessment

Section 1 – Summary and Recommendation(s)

Under the statutory Transparency, Influence and Accountability Standard set by the Regulator of Social Housing (RSH), landlords must be open with tenants and treat them with fairness. Although the terms and process that enable tenants to acquire their council homes under Right to Buy (RTB) is largely set by legislation, it is important that Mid Devon Housing (MDH) have a clear point of reference through a specific policy available for tenants.

There have also been some key recent legal changes to RTB policy nationally which makes it timely to have an up to date policy in place.

This report therefore presents a new policy that outlines Mid Devon Housing's (MDH) approach to managing tenants' RTB of their council homes. It also covers specific additional scenarios for properties sold under RTB, including:

- **Right of First Refusal**: MDH’s process for deciding on repurchase offers for properties resold within ten years of the original RTB purchase

- **RTB Discount Repayment:** The MDH procedure for reviewing requests to waive discount repayments if the property is sold within five years of purchase
- **Covenant Removal:** Restrictions to keep former council properties affordable for local buyers, with removal considered only in exceptional cases

Recommendation:

That Cabinet recommends to Council to adopt the Right to Buy Policy and Equality Impact Assessment contained in Annexes A and B respectively as recommended by the Homes Policy Development Group (PDG)

Section 2 – Report

1 Introduction

1.1 Under Part V of the Housing Act (1985), RTB allows secure council tenants to purchase their rented homes with a discount based on caps set nationally and tenancy duration.

1.2 MDH has a dedicated team that takes receipt of and processes applications for the RTB of Council housing stock. This is done in-conjunction with the Council's Legal services team who lead on all conveyancing matters on behalf of the Council.

1.3 While MDH adheres to national legal requirements, this report clarifies discretionary elements to ensure consistent and efficient handling.

1.4 The Housing (Right to Buy) (Limits on Discount) (England) Order 2024 was introduced by the Government and came into force on 21 November 2024. This set a limit on the amount of discount that would be awarded to tenants. For Mid Devon (South West) tenants the maximum discount which can be applied is £30,000 and represents a significant reduction in available discount in comparison with previous legislation.

1.5 The maximum discount a MDH tenant can now get is whichever the lower is of:

- 70% of the value of the property
- the maximum discount for the region

2 Right of First Refusal

2.1 Properties sold under RTB since 2005 carry a right of first refusal covenant, requiring owners to offer their home back to the Council if they sell within ten years.

2.2 In all cases, MDH's decision to make use of its powers to buy properties will be determined by the following factors:

a) The property must previously have been sold by the council under the RTB and be available for purchase free of encumbrances;

AND

b) Purchase of the property would free up land or enable access to a site suitable for the development of more council housing or other affordable housing;

OR

c) Housing need and demand is established for the type of property being offered and in the area in which it is located; and

d) The initial cost of any refurbishment work required to bring the property up to MDH's lettable standard is relatively minimal; and

e) The property has a potential positive overall financial impact on the HRA Business Plan in the long-term

2.3 There may be additional, property specific circumstances were a decision is made to buy-back a previous RTB property e.g. acquiring a leasehold property where the Council already holds the property freehold and other residential units within the block.

2.4 Where the Council wishes to purchase a property it has been offered, it must agree the market value with the owner through a competent, independent property valuation. If a price cannot be agreed through this process it will be determined by the District Valuer (the Government will pay the costs of employing a District Valuer).

2.5 The Operations Manager assesses repurchase proposals in line with policy criteria, with final approval sought from the Head of Housing and Health in consultation with the Cabinet Member for Housing and Property.

3 Repayment of Discount

3.1 Discount repayment may be waived in exceptional cases, such as:

- Medical conditions requiring relocation
- Financial hardship that limits ability to repay the discount

3.2 Applicants must provide relevant financial or medical documentation for review.

3.3 The Operations Manager or the Head of Housing and Health makes waiver decision recommendations following policy guidelines, again in consultation with the Cabinet Member for Housing and Property.

4 Removal of Covenant

4.1 MDH will not normally waive its right to a covenant and potential Right to Buy and owners should be aware that the restrictions imposed may affect the future sale of their home which may not sell at full market value or take longer than average to sell.

4.2 If a property with such a restriction has remained unsold for 12 months or more, MDH may consider relaxing the restriction if it is shown that the covenant is the reason the property remains unsold. MDH will not consider relaxing the restriction if the property has been unsold due to an inflated market valuation.

4.3 The Operations Manager or the Head of Housing and Health will make a determination on whether the covenant may be removed. If so approval will be sought from the Corporate Manager in consultation with the Cabinet Member for Housing and Property.

5 Historical Information

5.1 It should be noted that purchases can take many months or over a year to complete.

5.2 No. of RTB Applications received in 2023/24 = 22

- 10 have been sold and 1 application is still active
- 2 Applications were denied
- 9 Applications were withdrawn

5.3 No of RTB Applications received to date in 2024/25 = 53

- 4 have been sold and 38 are still active
- 3 Applications were denied
- 8 Applications were withdrawn

5.4 No of RTB Applications received post 21/11/2024 = 3

NB: Two of these applications came in on 21/11/2024 so just missed the cut off for consideration under the old legislation and just one application has been received after 21/11/2024.

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 In addition to those legal changes already recently introduced, it is noted that the Government is undertaking a wider review of national (England) policy on RTB which may result in further changes. As such, this policy will be automatically reviewed once the national review has concluded.

6.3 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 on any non-legislative changes.

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 Right to Buy Policy and Equality Impact Assessment be adopted (Annexes A and B respectively).

Financial Implications

A decision to buy back a former RTB property can only be made if a capital budget is available and approved for this purpose within the Housing Capital Programme.

Decisions to waive some or all of the RTB discount will be made in consultation with Operational Managers, Corporate Managers and the Cabinet Member for Housing and Property as this will result in a net cost to the Housing Revenue Account.

Legal Implications

The RTB scheme is governed by the Housing Act 1985 and subsequent amendments, with regulations for repurchase and discount limits. MDH complies with the Housing (Right of First Refusal) Regulations 2005 and the recent discount cap introduced in November 2024.

Risk Assessment

A clearly defined policy minimises the risk of legal and financial repercussions by ensuring MDH meets legislative timeframes.

Impact on Climate Change

There is no impact on Climate Change

Equalities Impact Assessment

MDH's housing policies ensure fair and consistent service delivery, addressing tenant diversity to meet regulatory standards. Information is available in accessible formats, and multiple routes for complaints are provided per the Housing Ombudsman's guidelines.

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

Relationship to Corporate Plan

The Corporate Plan includes advocating for changes to RTB policies, though MDH complies fully with current laws and must support tenants wishing to exercise this right.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 15 January 2025

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 15 January 2025

Chief Officer: Richard Marsh
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 14th January 2025

Performance and risk: Stephen Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 09 January 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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

Background papers:

Right to Buy – Owning your Council Home

Housing Act 1985 – Part V

The Housing (Right to Buy) (Limits on Discount) (England) Order 2024

Right to Buy 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 Housing Act 1985 (as amended) gave secure social housing tenants certain rights to buy their council homes.

1.2 This policy provides Mid Devon Housing's (MDH) approach to Right to Buy and details the statutory requirements.

2 Aims and Objectives

Aim

To provide tenants who wish to exercise the right to buy their council home details of what is involved and covenants that will be placed on the sale of any home owned by Mid Devon Housing.

Objective

To provide tenants with a balanced view on the expectations and restrictions which may occur when they exercise their right to buy.

3 Legal Framework and Context

3.1 The Regulatory Framework for Social Housing is made up of regulatory requirements, codes of practice and regulatory guidance that must be met by registered providers of social housing, which is governed by the Regulator of Social Housing (RSH).

3.2 The Social Housing (Regulation) Act 2023 has impacted the regulatory framework for social housing and introduced a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the Act was to ensure that providers of social housing, such as the Council treats is tenants fairly and with respect.

3.3 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and for them to see exactly how well their landlord is performing by giving tenants a stronger voice.

3.4 The RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on a number of tenant perception surveys setting out tenants views on our performance.

3.5 The TSM's associated with this Policy are:

- TP01 – Overall Satisfaction
- TP08 - Agreement that the landlord treats tenants fairly and with respect
- TP09 - Satisfaction with the landlord's approach to handling of complaints

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4 Relevant Legislation

- Housing Act 1985 (as amended) Part V – Right to Buy
- Housing (Preservation of Right to Buy)(Amendment) Regulations 1999
- Housing (Right of First Refusal)(England) Regulations 1999
- The Fraud Act 2006
- Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
- The Leasehold Reform Act 2022
- The Housing (Right to Buy) (Limits on Discount) (England) Order 2024

5 Help with Right to Buy

5.1 There are a number of resources available to support tenants who wish to exercise their right to buy their Council home. These include:

- GOV.UK website: Right to Buy: buying your council home
- Own Your Home website including an eligibility quiz, discount calculator tools and FAQs
- The Knowledge Hub
- The Right to Buy Team email address: mailto:RTB@levellingup.gov.uk
- Citizens Advice

5.2 MDH also signpost tenants to the Right to Buy Agent service, which is the official government helpline:

- Right to Buy: Contact an agent
- Email: mailto:enquiry@righttobuyagent.org.uk
- Telephone: 0300 123 0913

5.3 The Right to Buy Agent service offers free advice on:

- the Right to Buy and Preserved Right to Buy process;
- the eligibility criteria;
- how to complete the Right to Buy application form;
- where tenants can get financial and legal advice;
- what tenants can do if their application is delayed.

5.4 MDH provides all new secure tenants with a Right to Buy information document and provides the document to all secure tenants every 5 years.

5.5 The Right to Buy Information document provides tenants with:

- The circumstances in which the Right to Buy can and cannot be exercised;
- The exceptions to the Right to Buy;
- The procedure for claiming to exercise the Right to Buy;
- The price payable for the dwelling-house by a tenant exercising the Right to Buy;

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- Delay notice procedures for landlords and tenants set out in sections 140, 141, 153A and 153B of the Housing Act 1985;
- The fact that initial costs are likely to be incurred by a secure tenant exercising the Right to Buy, with specific reference to costs in respect of:
- Stamp duty.
- Legal and survey fees.
- Valuation fees and costs associated with taking out a mortgage.
- The fact that a secure tenant will be likely to have to make regular payments as an owner of a dwelling-house, with specific reference to payments in respect of:
- Any mortgage or charge on the dwelling-house.
- Building insurance, life assurance, and mortgage payment protection insurance.
- Council tax.
- Water, sewerage, gas, electricity, and other utility services.
- The risk of repossession of the dwelling-house if regular mortgage payments are not made;
- The fact that in order to keep the property maintained and in good repair, the owner of the dwelling-house will be likely to have to incur expenditure, which may include payment of service charges in respect of major works.

6 Exemptions from Right to Buy

6.1 Not all tenants have the right to buy the MDH home they live in. Schedule 5 of the Housing Act 1985 provide that the following circumstances are exempt from the tenant's right to buy:

a) where the landlord is a trust or certain type of housing association;
b) where the landlord does not own the freehold and the remaining lease is:

- 21 years or less if your home is a house/bungalow; or
- 50 years or less if it is a flat/maisonette. (in both cases, this relates to the date when the tenant serves the RTB1 (application form)

c) where the property is within the boundaries of a building held by the landlord for purposes other than housing and was let to the tenant (or a predecessor) for the purposes of employment;
d) where the property is let for the purpose of housing disabled persons or elderly persons or persons with a mental disorder; and has substantially different features to ordinary dwellings;
e) where the property is held by the landlord on a tenancy from the Crown;
f) where a final demolition notice is in place.

6.2 There are some circumstances where tenants themselves are exempt from exercising their right to buy. These are:

a) if the tenant or someone they hold the tenancy with is subject to an order of the court for possession of the property

b) if the tenant or someone who is joining in the Right to Buy with them:

- is subject to a bankruptcy order;
- has a bankruptcy petition pending;
- is an undischarged bankrupt;
- has made an arrangement with a creditor the terms of which remain unfulfilled;
- benefits from a moratorium period under a debt relief order; or
- is subject to a suspension period under an order made under section 121A of the Housing Act 1985 due to anti-social behaviour.

7 Discounts

7.1 The Housing (Right to Buy) (Limits on Discount) (England) Order 2024 was introduced by the Government and came into force on 21st November 2024. This set a limit on the amount of discount that would be awarded to tenants. For Mid Devon tenants the maximum discount which can be applied is £30,000.

7.2 The maximum discount tenants can get is whichever is lower:

- 70% of the value of your property
- the maximum discount for your region

7.3 A secure tenant of a house will accrue a discount of 35% after they have been a public sector tenant for between 3 and 5 years. After 5 years the discount will go up 1% every year that they have been a public sector tenant, until a maximum of 70% of the property value, up to a maximum of £30,000.

7.4 A secure tenant of a flat will accrue a discount of 50% after they have been a public sector tenant for between 3 and 5 years. After 5 years the discount will go up 2% every year that they have been a public sector tenant, until a maximum of 70% of the property value, up to a maximum of £30,000.

7.5 The discount figure can consist of partial years added together with joint tenants exercising their right to buy. The monetary value of this percentage is deducted from the market valuation of the property.

7.6 Where a tenant has exercised their right to buy in the past, or where one joint tenant has exercised their right to buy in the past, the discount shall be reduced to take into any previous discount awarded under section 130 of the Housing Act 1985.

7.7 If, in order to meet the minimum tenancy period to qualify for the Right to Buy, an application has relied on the qualifying years of a joint tenant who has chosen not to join in the Right to Buy, that tenant may only use their own qualifying years when calculating their discount entitlement.

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8 Admitting or denying an application

8.1 The first stage of the Right to Buy process begins with the receipt of an application form Notice Claiming the Right to Buy (RTB1) from a tenant. MDH are required to respond to the tenant with a Section 124 notice Right to Buy: Notice in Reply to a Tenant's Claim (RTB2) advising them whether their application has been accepted or denied.

8.2 The date that the RTB1 is received by MDH is referred to as the 'relevant time' and sets the date for valuation and calculation of the sale price. It is also the date used to calculate the admittance or denial statutory timescale.

8.3 MDH must admit or deny an application within 4 weeks of receiving the application or within 8 weeks, if the tenant has had a tenancy with any other landlord.

8.4 If MDH do not meet the statutory timescale for accepting or denying an application, the applicant is entitled to use the delay procedures to claim compensation for any delay caused by MDH.

9 Making the Offer to Sell

9.1 Once an application has been admitted and MDH have sent a Section 124 notice (RTB2) to the tenant telling them they have the Right to Buy, MDH must send a Section 125 offer notice which gives the purchase price and the terms and conditions of the sale.

9.2 The time limit for this is normally 8 weeks for a freehold property (house/bungalow). If the property is leasehold (flat/maisonette) the time limit is 12 weeks. In a few cases, houses and bungalows are also leasehold and the time limit of 12 weeks will also apply where this is the case.

9.3 If MDH do not meet the timescale set down in legislation, the applicant can use the delay procedure to claim compensation for any delay caused by MDH.

9.4 Once the applicant's Right to Buy has been admitted, MDH will need to calculate the sale price for the property (section 126) and to do this we will need to:

- Establish a value for the property;
- Calculate the level of discount to be applied;
- Establish any applicable leasehold charges; and
- Identify any previous public sector discounts which the applicant(s) may have received.

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9.5 MDH will determine any Cost Floor amount which may affect the discount entitlement. As part of the calculation of the sale price of the property MDH will need to determine the Cost Floor figure. This is the amount spent on an individual property in the 30 year period prior to receipt of RTB1 regardless of when the property was built or acquired.

9.6 A Cost Floor amount should include the costs of:

a) The construction of the dwelling, including site development works and acquisition of land;

b) The acquisition of the dwelling;

c) Those works initially required following the acquisition of the dwelling by the landlord to put it into good repair, or to deal with any defects (exceptions apply where the property was acquired under Part XVI of the ACT);

d) Those works of repair or maintenance: or works to deal with any defect affecting the property (except works in paragraph c above). Costs can only be included in the Cost Floor where the aggregate of those costs exceeds the sum of £5500: the figure that is included in the costs is the amount in excess of £5500 (i.e. the first £5500 cannot be included in the Cost Floor Calculation).

9.7 Once MDH have all this information MDH will then be able to complete and issue a Section 125 Offer Notice which is the formal offer to sell the property under the Right to Buy scheme.

9.8 Should a tenant wish to escalate a dispute or challenge following receipt of their Section 125 offer, they will need to place this request in writing. MDH will then escalate this request onto the Valuation Agency Office (District Valuer) who will progress with their dispute.

9.9 Following receipt of the outcome decision from the District Valuer, MDH will then reissue the tenants S125 Offer Notice in accordance to the valuation figure supplied. The tenant will then have a further 12 weeks from the date of their reissued offer to decide if they wish to purchase.

10 Delay Procedure

10.1 If an applicant has applied to exercise the Right to Buy their home and believes that their landlord is in some way delaying the process, they are able to use the delay procedures prescribed in legislation.

10.2 The tenant can use the procedure at any time when the landlord is causing delay. There are statutory timescales set for the first two stages in a Right to Buy sale where the delay process may become relevant.

10.3 Once the tenant has applied to exercise their Right to Buy, MDH must send them a Section 124 notice (RTB2) telling them whether or not they have the Right to Buy. We must do this within 4 weeks of receiving their application or within 8 weeks if the tenant has not been our tenant for the full qualifying period.

10.4 Once it has been established that the applicant has the Right to Buy, MDH must send a Section 125 Offer Notice which gives the purchase price and the terms and conditions of sale. The statutory timescale allowed for this is 8 weeks for a freehold property and 12 weeks for a leasehold property, from the date the RTB2 was served.

10.5 Once the tenant has received the Section 125 Offer Notice, they must tell MDH whether they wish to go ahead with the Right to Buy sale.

10.6 If the tenant decides to go ahead, MDH will pass the file to the Council's legal services to complete the sale of the property when the offer has been accepted by the tenant.

10.7 Once the Right to Buy application has been approved and the process is in progress, the Council will only perform emergency repairs. The property will be excluded from any capital projects, and all scheduled works will be suspended.

11 Conditions, Covenants and Rights

Conditions

11.1 There are two types of conditions which are applied to all sales of council homes under the right to buy legislation. Only one of these will be applicable to the property and is dependent upon whether the property is located in a rural area or one of the three main towns in Mid Devon, i.e. Tiverton, Crediton or Cullompton

- For properties outside Tiverton/Crediton/Cullompton (these are designated rural areas by the Secretary of State), a restriction under section 157 of the Housing Act 1985 limiting the class of person (see below explanation) to whom the property can be resold and to whom it may be leased or licenced in the interim.

- The condition is a prohibition on disposals without the consent of the Council until such time as it may notify the purchaser that it is waiving its rights under the covenant, if it ever chooses to waive these rights. Consent is not to be withheld if the disposal is to a person who has, throughout the period of three years preceding the application for consent (a) has their place of work and/or (b) has their only or principal home in the region of Devon.

- MDH may consider consenting to a sale to a person who does not meet these criteria, on a discretionary basis. For example, in situations where a seller is able to demonstrate with sufficient evidence that they have not been able to sell their property for a significant amount of time, but they have found a potential buyer who resides close to the border of Mid Devon.

- For properties in Tiverton/Crediton/Cullompton a condition that there is no transfer or lease of the registered estate within 10 years of the date of the original sale unless the transfer or lease complies with the requirements of section 156A Housing Act 1985 which relates to the right of first refusal (detailed in section 14 of the Policy).

11.2 In both of these situations a restriction will automatically be registered against the title register of the property when it is registered into the tenant's name by their solicitor at the Land Registry.

Covenants

11.3 Additional covenants might be imposed which relate to the current and future enjoyment of the property. These may include:

- Not to use the property other than as a single private dwelling-house;
- Not to carry on any trade or business upon the property;
- Not to obstruct estate roads, footpaths, lay-bys or entrances to car parking areas;
- Not to use parking areas for any purpose other than the parking of a single motor vehicle;
- Not to park a motor vehicle on the property except in a proper garage or on a hardstanding properly constructed to the satisfaction of the Council;
- Not to park any trailer, caravan, boat or item of mechanical plant or equipment on the property without the previous written consent of the Council;
- Not to allow any wall fence hedge or gate associated with the property to fall into a state of disrepair;
    - To maintain open plan gardens as an open plan feature;
    - To repair and maintain nominated boundary features;
- Where applicable to pay a maintenance charge comprising a reasonable proportion of the expenditure which the Council has incurred or will incur in:
    - maintaining and keeping in repair roads, paths, lay-bys, parking areas and any other areas referred to in the transfer including amenity/grassed areas maintained by the Council; and
    - works and management including (but not limited to) maintaining, repairing, emptying, renewing, replacing and relocating any septic tank/treatment plants benefitting the property
- To indemnify the Council against breach of any covenants or other matters to which the Council's title to the property may be subject;
- To maintain in good repair order and condition any wall fence hedge or gate on a boundary marked with an inward facing "T" on the Plan;
- To maintain cleanse repair renew and relay when necessary all conducting media serving the Property and laid in on over or under the Property and to bear with the owners of the adjoining properties in equal proportion the costs charges and expenses of maintaining cleansing and repairing renewing and relaying any

Conducting Media and any other things used in common as need shall require. Please note that this includes sewage treatment plants;

- Not to dispose of the property or any part of it or grant any interest in it to any person to occupy it without obtaining from such person covenants in favour of the Council to observe and perform the covenants in the Transfer. A restriction will also be placed on the property to ensure future owners are bound by this provision.

Rights Granted and Reserved

11.4 The property may be granted permanent rights which a tenant currently enjoys in connection with their use of the property, such as pedestrian access over shared footpaths, vehicular access over roads and parking areas. These rights may be subject to a fair proportion of future contributions by the purchaser towards its upkeep and maintenance by the Council.

11.5 The property may be sold subject to rights that are being reserved by the Council, for example, a property may be sold with a footpath included in the boundary of it which is subject to rights being reserved for shared access by the Council and neighbouring occupiers/owners. These rights will be subject to a fair proportion of future contributions by the Council towards their upkeep and maintenance by the purchaser.

Flats

11.6 Where a top floor flat is purchased under the right to buy the loft space does not form part of the property being sold. It remains within MDHs ownership as with the other common parts of the building. Tenants are not permitted to use, access or obstruct access to these areas.

12 Solar Panels

12.1 If a tenant exercises their Right to Buy (RTB) and have Solar Panels (PV or Photovoltaic Panels) installed on their roof which belong to a third party solar panel provider, they will need to be aware of the following:

12.2 The tenants of houses with solar panels will have three choices when they come to exercise the right to buy

- They can grant a lease of the roof space to the solar panel provider (currently Anesco Mid Devon) for the period left on the current lease with MDH. The tenant will continue to receive the benefit of the free electricity supply.
- They can buy the solar panels outright from MDH; they then become the tenant's property and their responsibility. The tenant will still receive free electricity and also an income called a Feed in Tariff which would help pay back for their investment.
- They can have the solar panels removed. They will no longer receive the free electricity supply that they currently benefit from. The removal of the panels will take place before completion of the purchase, but only when a completion date has been agreed.

12.3 Tenants of flats will not have an option to grant a lease, purchase or remove the panels when exercising their right to buy. This is because the roof space of all MDH blocks of flats remains in the ownership and control of MDH. Owners of flats will continue to receive the benefit of the free electricity supply.

12.4 If a tenant exercises their RTB and have Solar Panels (PV or Photovoltaic Panels) installed on their roof which belong to the Council, the solar panels will be valued as part of the property during the application stage and they will be included in the sale. There is no option to remove the solar panels from properties where the equipment is owned by the Council.

Further information can be found in our Questions and Answers leaflet.

13 Requests for Permission under a Covenant and/or Removing a Covenant

13.1 Covenants are imposed on sold properties in order to protect the general amenity of the area in which a property is situated and used and enjoyed by other occupiers in the estate.

13.2 MDH will not normally waive its right to a covenant and potential right to buy owners should be aware that the restrictions imposed may affect the future sale of their home which may not sell at full market value or take longer than average to sell.

13.3 Some covenants may specifically allow an owner to proceed with certain proposals, such as parking a vehicle on their property, with the prior written consent of the Council. A tenant will be advised on the effect of the covenants being imposed in their offer notice and by their solicitor. MDH will take a consistent and reasonable approach when considering requests to waive or remove a covenant affecting a property and it will take into account the effect the removal of the covenant may have on the Council's retained estate.

13.4 In order to apply for consent under a covenant, or for the permanent removal of a covenant which is absolute, an application with full proposals, plans and specifications will need to be submitted to MDH for consideration. An example of a covenant which is absolute is '*not to use the property as anything other than a single private dwellinghouse'*. This type of covenant prevents owners from building second dwellings within their property and there is no scope for the Council providing written consent. In this situation a formal application to remove or waive the covenant will need to be submitted to the Council.

13.5 Where a covenant states that permission from the Council is required, an administration fee will be payable on submission of the application. A legal fee will be payable if formal consent is granted at a later stage. The fee will be determined by the nature and effect of the application.

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13.6 Where a covenant is absolute and the request is for its removal, a formal valuation using an accredited RICS Surveyor is required in order to assess the impact the removal of the covenant will have on the Council's retained estate and this may result in a payment to the Council. The Surveyor's fee will be met by the owner and will be payable on submission of the application in addition to the administration fee.

13.7 The Operations Manager(s) will make a determination on whether the covenant will be removed. If so approval will be sought from the Corporate Manager in consultation with the Cabinet Member for Housing and Property.

13.8 An application for permission under, or for the removal of a covenant can be made on the Council's website.

14 Repayment of Discounts and Requests to Waive Repayment of a Discount

14.1 Right to Buy homeowners will have to pay back some or all of the discount received if they sell their Right to Buy home within 5 years of buying it. The total amount of pay back is:

- 1 year – 100%
- 2 years – 80%
- 3 years – 60%
- 4 years – 40%
- 5 years – 20%
- +5 years – 0%

14.2 The amount paid back depends on the market value of the property at the time it is being sold. However, if the home's value has increased due to carrying out improvements since the Right to Buy purchase, these should be disregarded and not reflected in the property value when considering how much discount must be repaid.

14.3 The requirement to repay the discount will only be waived in exceptional circumstances and the decision is investigated by the Operations Manager. A two part test will be considered when assessing an application to waive all or part of a discount in accordance with Government Guidance on the use of discretionary powers on the repayment of discounts.

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14.4 The Operations Manager(s) will make a determination on whether the discount will be waived in line with the guidance referred to at 13.3. If so approval will be sought from the Corporate Manager in consultation with the Cabinet Member for Housing and Property.

15 Statutory Buy Backs

15.1 All council properties sold under the Right To Buy which are situated in one of the three main towns i.e. Tiverton, Crediton or Cullompton (or sold voluntarily at a discount by the Council) are subject to the covenant of the 'right of first refusal'.

15.2 If an owner wishes to sell their property within 10 years of purchase, they must first offer the property back to the Council by submitting a formal offer notice.

15.3 In all cases, MDH's decision to make use of its powers to buy properties will be determined by the following factors:

a) The property must previously have been sold by the Council under the Right To Buy and be available for purchase free of encumbrances;

AND

b) Purchase of the property would free up land or enable access to a site suitable for the development of the affordable housing;

OR

c) Housing need and demand is established for the type of property being offered and in the area in which it is located; and

d) The initial cost of any refurbishment work required to bring the property up to MDH's lettable standard is relatively minimal; and

e) The property has a potential positive financial impact on the Housing Revenue Account Business Plan in the long-term.

15.4 There may be additional, property specific circumstances were a decision is made to buy-back a previous RTB property e.g. acquiring a leasehold property where the Council already holds the property freehold and other residential units within the block.

15.5 Whilst the Council is not obliged to buy back properties offered to it in this way, it will determine whether or not a property will be repurchased by considering the following factors:

- Capital funds are available;
- Purchase of the property supports wider regeneration or development objectives;
- Purchase of the property will avoid a future compulsory purchase order (CPO);

- Housing need and demand is established for that property type in the locality it is being offered;
- Assists in meeting housing need for those requiring supported living such as bringing bungalows or other level access properties into Housing Revenue Account stock;
- Supports the Council's wider objectives as a landlord of social housing for making best use of stock and meeting housing need;
- Where it is being added to MDH's portfolio of Council housing, additional costs for refurbishment work to bring it up to the Decent Homes Standard is minimal;
- Purchase of the property offers value for money.

15.6 Where the property is available for purchase the decision to proceed would be subject to the property being sold with vacant possession.

15.7 The process for offering a property back to the Council is governed by the Housing (Right of First Refusal) (England) Regulations 2005. It requires the owner to make a formal offer to be made to the Council.

15.8 If the Council decides that it does not wish to purchase the property, it will serve a rejection notice on the owner before the expiry of eight weeks following receipt of the offer notice. The owner is then permitted to sell the property as they see fit.

15.9 If the owner does not sell the property before the expiry of twelve months following service of the rejection notice, and the property is still subject to the ten year restriction, the owner must offer the property back to the Council again before they are able to sell it. The right of first refusal process will start again from the beginning.

15.10 If the Council decides to accept an offer (following a valuation and/or survey, as appropriate), it will serve an acceptance notice on the owner before the expiry of eight weeks following receipt of the offer notice. The Council may decide to nominate another eligible social/authorised landlord to accept the offer on the Council's behalf.

15.11 An acceptance of an offer is not a legally binding contract. The Council is under no obligation to proceed with a purchase until a binding contract has been entered into.

15.12 A contract will only be entered into once the purchase price has been agreed between both parties, or it has been determined by the District Valuer. The purchase price as stipulated in section 158 of the Housing Act 1985 is the current market value. If there is any discount repayment due to the Council it will be deducted from the purchase price.

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15.13 If the Council fails to serve either an acceptance notice or a rejection notice on the owner before the expiry of eight weeks following receipt of the offer notice, the owner is entitled to dispose of the property as they see fit. If the owner is still the owner of the property following the expiry of one year after the original eight week deadline, and the property is still subject to the ten year restriction, the owner must offer the property back to the Council again before they sell it. The right of first refusal process will start again.

15.14 An offer form can be obtained by the Council by emailing mailto:housingfpt@middevon.gov.uk

15.15 The Operations Manager will make a determination on whether the property will be repurchased in line with the criteria set out at 14.3 and 14.4. If so approval will be sought from the Corporate Manager in consultation with the Cabinet Member for Housing and Property.

16 Complaints

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

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

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

16.3 When 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.

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

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

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

16.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, 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.

16.7 MDH's complaints procedure is detailed on Council's website: Feedback and Complaints

17 Equality Impact Assessment

17.1 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.

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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 Right to Buy Policy
Job title of the person(s) undertaking the assessment:	MDH Policy Officer
Council service:	Mid Devon Housing
Date of assessment:	
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?	
This policy provides Mid Devon Housing's (MDH) approach to Right to Buy and details the statutory requirements. The aim is to provide tenants who wish to exercise the right to buy their council home details of what is involved and covenants that will be placed on the sale of any home owned by Mid Devon Housing. The objective is to provide tenants with a balanced view on the expectations and restrictions which may occur when they exercise their right to buy.	
Who may be affected by the policy/ decision?	All tenants
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	Consultation exercise was undertaken between 1st February 2024 – 1st March 2024 which included: • 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	☒	☐	Having a clearly defined policy ensures consistency of approach and ensures that no tenant or resident is treated more fairly or unfairly than any other.
2. Advance equality of opportunity	☐	☐	
3. Foster good relations between different groups	☐	☐	

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	☐	☐	☒	

Characteristic	Positive	Negative	Neutral	Comments
Age	☐	☐	☒	
Disability	☐	☐	☒	
Religion or Belief	☐	☐	☒	
Race	☐	☐	☒	
Sexual Orientation	☐	☐	☒	
Gender reassignment	☐	☐	☒	
Pregnancy/ maternity	☐	☐	☒	
Marriage and Civil partnership*	☐	☐	☐	

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

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

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.

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.

Where a tenant is considered vulnerable MDH will collaborate closely with them to avoid possession action where possible, and each case will be referred to the Neighbourhood Team Leader Income and/or other support services before any eviction order is sought.

EIA Screening Complete

Section 2: Equality Impact Assessment

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

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

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
No Impacts/Issues or opportunities identified			
Age			
No Impacts/Issues or opportunities identified			
Disability			
No Impacts/Issues or opportunities identified			
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 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. 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

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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: 03 January 2025

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Report for:	Cabinet
Date of Meeting:	4 March 2025
Subject:	**MID DEVON HOUSING (MDH) SAFEGUARDING ADULTS, CHILDREN AND YOUNG PEOPLE 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
Wards Affected:	All
Enclosures:	Annex A – MDH Safeguarding Adults at Risk, Children and Young People Policy Annex B – MDH Equality Impact Assessment Safeguarding Adults at Risk, Children and Young People Policy

Section 1 – Summary and Recommendation

In March 2024, a Consumer Regulation Health check advised that MDH establish a dedicated Safeguarding Policy to better manage risks associated with protecting vulnerable adults and children from abuse and neglect. Safeguarding is a crucial legal obligation for MDH. Whilst the existing corporate policy was widely updated in 2024 as an initial policy priority, it lacks detail on the role of MDH as a landlord as required by housing providers. This new MDH specific policy has been developed in the context of the updated corporate policy for consistency.

Recommendation:

That Cabinet recommends to Council to adopt the MDH Safeguarding Adults at Risk, Children and Young People Policy and Equality Impact Assessment

contained in Annexes A and B respectively as recommended by the Homes Policy Development Group (PDG)

Section 2 – Report

1 Introduction

1.1 The current MDDC corporate safeguarding policy addresses safeguarding generally across council services but lacks specific clarity on legal provisions outlined in the Care Act 2014 and the responsibilities of social landlords.

1.2 A comprehensive safeguarding policy for both children and vulnerable adults is necessary to ensure MDH meets its specific statutory obligations under Section 11 of the Children Act 2004 and the Care Act 2014.

1.3 Under the revised, statutory consumer standards issued by the Regulator of Social Housing (RSH) there is a greater emphasis on supporting our tenants and protecting their wellbeing. In the context of safeguarding, the Transparency, Influence and Accountability Standard requires MDH to consider the diverse needs of our tenants in relation to the housing and landlord services we provide and any matters of hate crime, discrimination or risks to vulnerable tenants. Furthermore, the Neighbourhood and Community Standard specifically sets out that landlords should understand the significant impact that domestic abuse and other safeguarding matters can have both on tenants experiencing it and their household members. In achieving this outcome MDH should have a victim-centred approach to assisting tenants who experience abuse.

1.4 Safeguarding is therefore an essential part of MDH's housing responsibilities.

1.5 The new MDH policy includes distinct sections focused on both adults and young people.

2 Current practice

2.1 MDH is committed to actively safeguarding vulnerable adults residing in its properties by collaborating openly with other agencies. This multi-agency approach is intended to prevent abuse, exploitation, and neglect of vulnerable adults.

2.2 Effective safeguarding is integral to our work practices and not seen as an "additional" task. Staff interacting with tenants play a crucial role in safeguarding, so mechanisms are established for them to report concerns confidently, supported by clear documentation and follow-up processes.

2.3 Staff are provided with training and internal procedures for managing safeguarding matters, including relevant referral forms.

3 Historical information

3.1 The following information provides detail of safeguarding referrals raised by MDH staff and contractors;

2023-24

MDH started central collation of information on referrals made by MDH staff and contractors from September 2023

14 Safeguarding cases

Cases relate to: self-neglect, hoarding, financial & material abuse, sex abuse and other (mental health)

2024-25

3 Safeguarding cases

Cases relate to: other mental health, suicidal thoughts and neglect & acts of omission

4 Recommendation

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

That the PDG recommends that Cabinet recommends that Council adopt the MDH Safeguarding Adults at Risk, Children and Young People Policy and Equality Impact Assessment contained in Annexes A and B respectively

Financial Implications

While the policy has no direct financial implications, it is suggested that staff receive in-person training to enhance awareness and understanding of safeguarding roles and best practices. East Devon District Council has found this approach effective, and training will be delivered by the MDDC Specialist Lead in Community Safety & Safeguarding.

Legal Implications

As a registered social housing provider, MDH has a statutory responsibility to safeguard the welfare of children and vulnerable adults in line with the Children Act 2004 and the Care Act 2014.

Risk Assessment

Maintaining an up-to-date safeguarding policy is essential, as MDH are legally obligated to ensure adequate procedures are in place. A failure to meet statutory duties could expose MDH to legal consequences if a safeguarding incident occurs without the appropriate measures being followed. This would represent a wider failure to protect vulnerable tenants and other household members from harm.

Impact on Climate Change

This policy or report will have no direct impact on climate change.

Equalities Impact Assessment

The safeguarding policy is designed to protect the entire community, with particular emphasis on vulnerable individuals who may be at greater risk due to age, disability, or other support needs.

Relationship to Corporate Plan

The policy contributes to Objective 3.4 outlined in the Corporate Plan: “We will work closely with our tenants to ensure they feel safe, secure and happy in their homes”.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 15 January 2025

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 15 January 2025

Chief Officer: Richard Marsh
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 14th January 2025

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 09 January 2025

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:
mddc-corporate-safeguarding-policy.pdf
Care Act 2014
Children Act 2004

Safeguarding Adults at Risk, Children and Young People Policy

This policy was produced in 2024 and is version 1.00

This policy was adopted by Council on 23rd April 2025

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 This Policy aims to compliment and work in tandem with the Mid Devon District Council Corporate Safeguarding policy and guidance.

1.2 It draws on and reflects the relevant legislation and guidance on safeguarding for both children and adults at risk and sets out the housing management service's aims, role and responsibilities for ensuring effective safeguarding in partnership with other agencies. It includes:

- Definitions of safeguarding and those who may be at risk.
- Types of abuse and neglect.
- Responsibilities for Safeguarding within the Council and Housing Service.
- How we will respond to instances of abuse and neglect.
- How we will share information and work with others.

2 Aims and Objectives

2.1 The aims of the Policy are to clarify the roles and responsibilities of Housing Officers and contactors employed by MDH when dealing with concerns about safeguarding of tenants or anyone living in or visiting our homes.

2.2 The objective is to provide employees and contractors with the processes needed to promote the welfare of and action to enable all children, young people and adults with care and support needs who live in or visit our homes to have the best life outcomes.

3 Legal Framework and Associated Policies

3.1 As a social housing provider working with children, young people, and families, MDH have specific statutory duties under Section 11 of the Children's Act 2004, to promote the welfare of children and young people, and ensure they are protected from harm. MDH also have statutory responsibilities for safeguarding adults, for example from the Human Rights Act (1998); the Mental Capacity Act (2005), and the Care Act (2014).

3.2 This policy should be read in conjunction with the following documents:

- MDDC Corporate Safeguarding Policy
- MDDC Disciplinary Procedure
- MDDC Grievance Procedure
- MDDC Whistleblowing Policy
- MDDC IT Acceptable Use Policy
- MDDC Equality and Diversity Policy
- MDDC Complaints & Feedback Procedure
- MDDC Dignity at Work Policy
- MDDC Health & Safety at Work guidance
- MDDC Disclosure & Barring Policy

3.3 Additional online resources:

Home - Devon Safeguarding Adults Partnership
Report your concern - Devon Local Authority boundaries - Devon Safeguarding Adults Partnership
The Devon Safeguarding Children Partnership (Devon SCP)
Devon has a duty to keep vulnerable adults safe and away from harm
Domestic violence and abuse - Domestic and Sexual Violence and Abuse
Safeguarding - MIDDEVON.GOV.UK

4 Definitions of Safeguarding

4.1 The NHS definition of safeguarding states:

'Safeguarding means protecting a citizen's health, wellbeing and human rights; enabling them to live free from harm, abuse and neglect. It is an integral part of providing high-quality health care. Safeguarding children, young people and adults is a collective responsibility,

4.2 Those most in need of protection include:

- Children and young people
- Adults at risk, such as those receiving care in their own home, people with physical, sensory and mental impairments, and those with learning disabilities.

5 Types of Abuse and Neglect

5.1 Physical abuse- the use of force that results in pain, injury or deterioration in the person's physical state. Examples include: Punching, hitting, pinching, burning, and misuse of medication, excessive restraint and forced feeding.

5.2 Sexual abuse- sexual activities when the individual does not want the activity, or they have not consented, they do not understand/have the capacity to understand or they are under 16 years old. Examples include: rape or sexual assault, inappropriate touch, sexual teasing or innuendo, sexual harassment, indecent exposure and sexual photography or forced use of pornography.

5.3 Psychological abuse- has a harmful effect on the emotional, health and/or development of an adult or child at risk. Examples include: threats, intimidation, humiliation, bullying, harassment, verbal abuse, enforced isolation, preventing access to services, preventing choice and opinion and addressing someone in an infantile or patronising way. This can include psychological abuse suffered by children who witness the abuse of a parent, guardian or carer.

5.4 Financial or material abuse- using property, assets, income of adults who are vulnerable without their consent and making financial transactions for adults who do not have mental capacity. Examples include: theft of money or possessions, fraud, preventing a person access to their own money, pressure or threat in connection with money, loans, wills or property.

5.5 Discriminatory abuse- service or care given influenced negatively by an aspect of the individuality of the adult at risk. Examples include: a) unequal treatment based on age, disability, gender, reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation. b) verbal abuse, derogatory remarks, exclusion. c) hate crime, antisocial behaviour.

5.6 Neglect and acts of omission- not meeting basic or specific social and medical needs. Examples include:

a) Failure to provide food, shelter, clothing, heating, personal or medical care.
b) Withholding medication as prescribed.
c) Failure to allow choice i.e. visitors, meeting cultural or religious needs.
d) Ensuring privacy and dignity.

5.7 Institutional abuse- the mistreatment of people brought about by poor or inadequate care or support. Examples include: lack of leadership and supervision, lack of respect and dignity, not providing assistance with activities of daily living, not offering choice or promoting independence and failure to respond to complaints.

5.8 Self-neglect- this covers behaviour relating to neglecting to care for one's health, personal hygiene and surroundings, and behaviour like hoarding.

5.9 Modern Slavery – when an individual is exploited by others, for personal or commercial gain. Whether tricked, coerced, or forced, they lose their freedom. This includes but is not limited to human trafficking, forced labour and debt bondage. This can also include individuals who are forced to work in pop up brothels.

5.10 County Lines - a term used to describe networks of gangs and organised crime groups, who use children, young people and vulnerable adults to carry out illegal activity on their behalf.

6 Responsibilities for Safeguarding

6.1 Every member of staff, including contractors, are responsible for raising any safeguarding concerns they have and making sure that they are alert to issues.

6.2 MDH will ensure that where safeguarding concerns have been raised that we put the safety and wellbeing of victims at the heart of everything we do.

6.3 MDH recognises that we cannot manage safeguarding concerns in isolation and we will seek assistance from partners and professionals in a timely manner when required to do so. This is an important consideration for the council which owns and manages housing across the local authority area.

6.4 MDH will work alongside our partner agencies Care Direct, Devon County Council via Early Help, multi-agency safeguarding hub (MASH) and other branches, Doctors and the Police to ensure the best outcome that we can for victims.

6.5 As a provider of social housing and support services we will build and maintain partnerships and effective referral procedures with other local authorities, agencies and organisations to safeguard children and adults at risk.

7 Contractors and Service Providers

7.1 Contractors and service providers for frontline services on our behalf need to make sure their staff:

- Are suitable to provide frontline services;
- Comply with contractual requirements; and
- Are aware of who to contact with any safeguarding concerns.

7.2 Contractors must also:

- Notify us of all safeguarding concerns; and
- Fully co-operate with any investigation into received allegations within reason and whenever possible.

7.3 They are responsible for working with employees of the council, to the same standard, in ensuring the safety and well-being of children and adults with care and support needs within their scope.

7.4 They are responsible for participating in any training or development opportunities offered to them to improve their knowledge of skills in this area where practicable.

8 Staff Recruitment and Training

8.1 MDH ensures that it recruits trustworthy and reliable staff who are capable of managing these delicate and sensitive issues. We have clear and robust safer recruitment practices in place that support our approach to safeguarding adults and children.

8.2 At recruitment, MDH assesses the skills, experience and previous training of the applicant in order to appoint the most suitable person for the job. Training needs are reviewed at the recruitment of new starters and then formally on an annual basis during appraisals.

8.3 All employees will be inducted in the contents of this Policy with particular emphasis on their personal responsibilities.

8.4 All new employees also receive a mandatory general safeguarding induction. This will either take the form of an E-learning course or will be delivered by a Team Leader. This training is required irrespective of whether the individual has undertaken recent similar training in another role.

8.5 Where an individual takes on specific safeguarding responsibilities, for example Safeguarding Champions, they will receive relevant safeguarding training in these responsibilities.

8.6 All staff will be required to undertake mandatory refresher training every three years.

9 Staff and Contractor Behaviour

9.1 The Children Act 2004 places a duty upon organisations to promote the wellbeing of children and young people. All adults have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people and adults at risk, with whom they work or come into contact with. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the general public and of their colleagues.

9.2 Staff and those who work on our behalf, working with our residents, may have contact with children, young people and adults at risk. They are responsible for their own actions and behaviours and should avoid any contact which could lead to someone questioning their motives and intentions or allegations being made.

9.3 It is acknowledged that people may have concerns about the possibility of an allegation being made against them, and for that reason it is important that they familiarise themselves with behaviours that may be considered as constituting misconduct or gross misconduct, and those which would be considered illegal.

9.4 Circumstances where misunderstandings may arise:

- Dress and appearance
- Gifts, rewards, and favouritism
- Communication with individuals (including the use of technology and /or social media platforms)
- Social contact
- Physical contact
- Sexual contact
- Children, young people, and adults at risk in distress

10 How we will respond

10.1 We aim to action each report of safeguarding as appropriate. This is monitored by the Safeguarding Champions and a quarterly report is produced and discussed to identify trends and put in place supportive actions.

10.2 We will provide a tailored approach where possible to each individual concern and all persons involved. This will include the provision of specific communication methods where required. If MDH is not able to assist, the appropriate sign posting to other organisations will be provided.

10.3 Emergency cases, for example life at risk or if a member of staff feel the need for urgent action will be immediately referred to the Police and/or Ambulance Service whether or not the victim has consented to a referral.

10.4 If a member of staff feels that urgent action is required they are encouraged to seek support whether or not they have gained consent of the person.

11 Children and Young People at Risk

11.1 Provided it is safe to do so, we will always talk to the family at risk about their concerns before making a safeguarding referral, involving the family in decisions about them and taking their views and wishes into account. We will consider the individuals capacity to understand the safeguarding concern.

11.2 The exception is when we believe that contacting the parent/carer could place a child or another adult at risk of harm. In these exceptional circumstances, or if consent is refused or cannot be obtained, we will contact the multi-agency safeguarding hub for advice.

11.3 Consent is not required when considering making a safeguarding referral for a Child, however in the appropriate circumstances, speaking with the parent/guardian prior to referrals is seen as best practice. We recognise the importance of the wishes and feelings of a child, however these may sometimes be contradicted in order to act in the child's best interests.

12 Adults at Risk

12.1 The Care Act 2014 The Act sets out six key principles that underpin all adult safeguarding work:

- Empowerment- personalisation and the presumption of person-led decisions and informed consent
- Prevention- it is better to take action before harm occurs
- Proportionality- proportionate and the least intrusive response appropriate to the risk prevented
- Protection- support and representation for those in greatest need
- Partnership- local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse

- Accountability- accountability and transparency in delivering safeguarding

12.2 At risk includes those who are unable to take care of or protect themselves; and whose independence and well-being is at risk without support because they are vulnerable through:

- Age;
- Having a long-term limiting illness or condition;
- Being in an abusive relationship;
- Having a physical, learning or mental health disability;
- Frailty;
- Having been in care in any local authority; or
- Having been in prison or other institution.

12.3 An adult under the scope of this policy means any person who is 18 years of age or over, and who is or may be in need of community care services by reason of for example. a physical or mental disability, a learning difficulty, reduced physical or mental capacity due to old age, dependency on drugs, alcohol or medication and who is or may be unable to take care of him/herself, or unable to protect him/herself against significant harm or serious exploitation.

12.4 Provided it is safe to do so, we will always talk to the adult at risk about our concerns before making a safeguarding referral, involving the adult in decisions about them and taking their views and wishes into account. An officer can raise a safeguarding concerns if they feel that the adult does not have capacity to agree to a safeguarding referral.

12.5 Consent is a legal requirement for safeguarding adults, unless the adult either lacks capacity; is at significant risk of harm; a crime could be prevented or an employee is an alleged perpetrator of the suspected abuse.

12.6 Where significant risk exists an update to the Care Act in 2018 allowed referrals to be made without consent. For example:

- If there is a risk to other people (including children or other adults at risk);
- If a crime has been committed, or action is needed to prevent a crime being committed;
- If seeking their consent would put them at further risk;
- The adult lacks mental capacity to understand the risks to them, and it is in their best interests to take action;
- If we believe the person is refusing support because they are being influenced or coerced by someone else; or
- There has been abuse or neglect by a person in a position of trust, such as a carer or health professional.

12.7 If verbal consent has not been received from a vulnerable adult at risk, consent should be sought before sharing information outside the organisation such as via a referral. If consent is not given, the colleague should discuss with their line manager if risks to the person's safety or another person are high. This may make it appropriate to override the need for consent. A record should be kept of the conversation and the reasons for overriding consent.

13 Whistleblowing

13.1 Mid Devon District Council has robust whistleblowing and disciplinary procedures and would take action to investigate where staff are or are alleged to be engaged in any form of abuse or exploitation of adults or children at risk.

13.2 There may be exceptional instances when a staff member is involved in the abuse of an adult at risk or a child. All staff members take responsibility to report any concerns immediately via the MDDC Whistleblowing Policy. Normal disciplinary procedures would apply to investigate any allegation.

13.3 In addition, if any staff member has a concern regarding a colleague and their wellbeing they should report immediately to their line manager, or another available manager.

14 The Local Authority Designated Officer (LADO) process

14.1 The LADO is a statutory role which sits within Devon County Council Children Services. The LADO is responsible for co-ordinating the response to concerns that an adult who works with children may have caused them or could cause them harm. The LADO also gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people. Included in this group are volunteers, agency staff and foster carers as well as people who are in a position of authority and have regular contact with children.

14.2 The LADO should be alerted to all cases in which it is alleged that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed, a child;
- Possibly committed a criminal offence against children, or related to a child;
- Behaved towards a child or children in a way that indicated they may pose a risk of harm to children; or
- Behaved or may have behaved in a way that indicates that they may not be suitable to work with children.

14.3 Allegations of non-recent abuse should be referred in the same way as contemporary concerns.

14.4 If a Council staff member or Member becomes aware of a situation as outlined in 14.2 above they should immediately alert the Corporate Safeguarding Lead (and in his absence the Chief Executive or a Director) and either:

- The Corporate Manager for People, Governance & Human Resources where a member of staff is involved, or
- The Monitoring Officer where an elected member is involved, or
- The Head of Housing and Health (where different to the Corporate Safeguarding Lead) in cases which involve a licence issued by the Council,

who will then inform the LADO within 1 working day.

14.5 Having assessed the referral the LADO may arrange one or more Managing Allegations Meetings liaising with the police and other agencies as necessary. Attendance at a LADO Managing Allegations Meeting should be always be made by two officers together to ensure that if total confidentiality is required (e.g. to safeguard an ongoing police investigation) the weight of responsibility does not fall to one officer alone.

15 Sharing Information

15.1 MDH will process personal information in connection with tenants in accordance with the Data Protection Act 2018 and UK GDPR 2020.

15.2 MDH will ensure that all housing management staff understand government guidance for sharing information with other professionals and that information is shared effectively and efficiently to support early identification and assessment of any concerns.

15.3 MDH will ensure the information it shares is necessary for the purpose for which we are sharing it, it is shared only with those who need to have it, is accurate and up to date and shared securely.

15.4 MDH will be open about what and with whom information will or could be shared unless by doing so puts the adult at increased risk of harm, seeking consent and respecting confidentiality except where we consider safety or wellbeing of the adult or others to be at risk.

16 Complaints

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

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

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

16.3 When 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.

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

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

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

16.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, 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.

16.7 MDH's complaints procedure is detailed on Mid Devon District Council website: Feedback and Complaints

17 Equality Impact Assessments

17.1 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:	Safeguarding Adults at Risk, Children and Young People Policy
Job title of the person(s) undertaking the assessment:	MDH Policy Officer
Council service:	Mid Devon Housing
Date of assessment:	1st January 2025
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?	
In essence the Council has a duty to work with other agencies and the policy reminds us of the Council's responsibility under the Children's Act 2004, the Care Act 2014 and other legislation, which is essentially to ensure that our functions are discharged with regard to the need to safeguard and promote the welfare of children and other vulnerable groups. We have a shared responsibility with a variety of statutory agencies to protect children and vulnerable adults from harm, ensure their safety, and prevent impairment of their health or development. As a partner agency we appreciate that safeguarding is not just the duty of Devon County Council Adult Social Care and child protection specialists. The aims of the Policy are to clarify the roles and responsibilities of Housing Officers and contactors employed by MDH when dealing with concerns about safeguarding of tenants or anyone living in or visiting our homes. The objective is to provide employees and contractors with the processes needed to promote the welfare of and action to enable all children, young people and adults with care and support needs who live in or visit our homes to have the best life outcomes.	
Who may be affected by the policy/ decision?	The Policy gives guidance and policy framework for staff and Members, and our contractors and volunteers, based on our legal obligations, good practise and local organisational arrangements in Devon. The policy will support our own staff and Members who may find themselves at risk or vulnerable. The policy supports our service users (including tenants) particularly those who are vulnerable adults with care needs, and children and young people under 18 where we have specific legal duties.
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	Tenants and Members were consulted between 29 November and 31 December 2024. The MDDC Specialist Lead for Community Safety & Safeguarding was consulted to ensure that this policy aligns with the Corporate Policy.

Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	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.

To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:			
	Yes	No	Details
1. Eliminate unlawful discrimination	☒	☐	
2. Advance equality of opportunity	☐	☒	
3. Foster good relations between different groups	☐	☒	

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	☒	☐	☐	The Policy covers domestic violence and abuse which has a disproportionate impact on women.
Age	☒	☐	☐	The purpose of the Policy is to demonstrate the Council's commitment to safeguarding from harm all children, young people and adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the Council, our partners and contractors.
Disability	☒	☐	☐	The Policy has two key purposes, one of which is to demonstrate the Council's commitment to safeguarding from harm all adults with care and support needs using any Council services and involved in any of their activities, and to treat them with respect during their dealings with the Council, our partners and contractors.
Religion or Belief	☐	☐	☒	No specific impacts

Characteristic	Positive	Negative	Neutral	Comments
Race	☒	☐	☐	The Policy includes actions to protect people experiencing cultural issues such as forced marriage and Female Genital Mutilation which tend to affect young people from ethnic minority backgrounds disproportionately.
Sexual Orientation	☐	☐	☒	No specific impacts
Gender reassignment	☐	☐	☒	No specific impacts
Pregnancy/ maternity	☐	☐	☒	No specific impacts
Marriage and Civil partnership*	☐	☐	☒	No specific impacts

*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?

No

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

The Policy is overwhelmingly positive in terms of equalities with no negative impacts identified. It specifically sets out how the Council will meet its legal duties and also apply best practice in safeguarding vulnerable children and adults.

EIA Screening Complete

Section 2: Equality Impact Assessment

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

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

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
Age			
Disability			
Religion or Belief			
Race			
Sexual Orientation			
Gender Reassignment			

Pregnancy/ maternity			
Marriage and Civil partnership (Applies only to Employment and the duty to give regard to the elimination of discrimination)			

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

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

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

Mid Devon Housing Website

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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: 03 January 2025

MINUTES of a **MEETING** of the **CABINET** held on 1 April 2025 at 5.15 pm

Present

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

Also Present Councillor(s) E Buczkowski

Also Present Officer(s): Andrew Jarrett (Deputy Chief Executive (S151) Officer), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Dean Emery (Head of Revenues, Benefits & Leisure), Matthew Page (Head of People, Performance & Waste), Lisa Lewis (Head of Digital Transformation & Customer Engagement), Simon Newcombe (Head of Housing & Health), Tristan Peat (Forward Planning Team Leader), Sam Barnett (Housing Initiatives Officer) and Laura Woon (Democratic Services Manager)

Councillors Online G Czapiewski, L Knight and S Robinson

Officers Online E Girling (Senior Information Officer), C Oliphant (Housing Policy Officer) and S Richardson (Customer Engagement Coordinator)

155. **APOLOGIES**

There were no apologies received.

156. **PUBLIC QUESTION TIME**

Paul Elstone

Question 1:
My first question relates to an error in the minutes of the previous Cabinet Meeting.

Why has the Council failed to publish the written answers to the questions I asked at the last Cabinet meeting? This in compliance with the Constitution?

Question 2:
On examining the newly published Transparency Code data on the Council Website it shows that the MDDC Social Housing stock to be around 2,900 properties.

Given that it is understood that the tenants of around 1200 properties have been overcharged rent and that the tenants of around 1600 properties have been undercharged rent. This effectively means just about every MDDC social home property has been subject to an incorrect rent being applied and going back to 2002.

The public are being told that the rent calculation mistake was due to an averaging error being made and related to property valuations.

Was this error due to a single average property value being used when completing the rent formula calculation in 2002, with the same valuation being applied to every MDDC social property irrespective?

If not, what was the precise error?

Question 3:
Very precisely what was average property value used when setting the social housing rents in 2002?

Question 4:
Has the identified rent error required this Council to undertake a complete revaluation of all of its 2900 social home properties?

Question 5:
As additional social homes have been added to the MDDC social homes portfolio and since 2018 have they also suffered from the same rent calculation error?

Question 6:
Are there any affordable rent homes rentals impacted by the rent calculation error?

Question 7:
If so, how many?

Question 8:
We are told that all the revised rent calculations are now complete. On this basis what is the full amount of the rent overcharges going back to 2002?

A ballpark figure will do.

Question 9:
What is the full amount of the undercharges going back to 2002?

A ballpark figure will do.

Question 10:
Has this Council been able to identify if any Council or for that matter any Housing Association has made the exact same housing rent calculation error?

Question 11:

If so, can you please provide full details?

The Leader stated that Mr Elstone would receive a written response to his questions in the usual way.

Later on in the meeting the Leader responded to Mr Elstone's question 1 with the following:

The Leader apologised by stating that although the responses were sent to him within the time frame, the system was not updated on the website, however he confirmed that they had now been published as a supplementary agenda item.

157. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

At item 18 Cllr S Clist declared he had a other registerable interest in that he knew the letting agent company in regards to personal business dealings and would abstain from voting on this item.

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

158. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 4 March 2025 were **APPROVED** as a correct record and **SIGNED** by the Leader.

159. **COMPLAINTS AND FEEDBACK POLICY**

The Cabinet had before it a report * from the Head of Digital Transformation and Customer Engagement on the Complaint and Feedback Policy.

The Cabinet Member for Service Delivery and Continuous Improvement outlined the contents of the report with particular reference to the following:

- The Complaints and Feedback policy (Appendix 1) was last reviewed in 2024.
- The policy sets out the standards and response timescales that customers would expect when providing feedback to the authority. It also provided standards for staff in dealing with complaints and feedback received.
- As a result of discussions at the Scrutiny Committee on the Annual Complaints report and Freedom of Information processing at the committee meetings of 25 November and 16 December respectively, the Scrutiny Committee had recommended delegating authority to the Head of Digital Transformation & Customer Engagement to amend the Complaints and Feedback policy.

Discussion took place with regards to:

- The change from the original recommendation.
- How any changes would be reported back to Members?

- What other mechanism were in place for Scrutiny Committee, such as the call-in.

RESOLVED that:

- Delegated authority be given to the Head of Digital Transformation and Customer Engagement to make minor legislative changes to the Complaints and Feedback Policy.

- That the Scrutiny recommendation to Cabinet be widened to give delegated authority to the Head of Digital Transformation and Customer Engagement to make changes to the Complaints and Feedback Policy in line with legislation and best practice.

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

Reason for Decision:
The Complaints and Feedback policy underpins the core values of the Council relating to People and Performance and outlines the process to measure its success with service delivery.

Note: *Report previously circulated

160. **ARTIFICIAL INTELLIGENCE (AI) POLICY**

The Cabinet had before it a report * from the Head of Digital Transformation and Customer Engagement on the Artificial Intelligence (AI) Policy.

The Cabinet Member for Quality of Living, Equalities and Public Health outlined the contents of the report with particular reference to the following:

- The rapid emergence of Generative AI technologies, such as Chat GPT, Gemini, and Microsoft Co-pilot had marked a profound shift in the way information was created, analysed, and consumed.
- These tools present significant opportunities for improved service delivery, enhanced communication, and greater efficiency. However, they also introduced a new category of risk that must be proactively managed.
- This Council had a clear framework to govern the use of AI responsibly and ethically across the organisation. At present, the Council had no formal policy in place, leaving a gap in guidance for staff and Members who may be using or exploring AI tools.
- The policy aimed to:
    - To safeguard Council data and services, by prohibiting the use of confidential or personal data in external Generative AI tools. This was particularly important to the Council where it held and processed vast amounts of very sensitive data every day. By using the Council's licensed Copilot tool for sensitive data where authorised to do so to ensure the data stays within the Council's control;
    - To enhance transparency and accountability, especially where AI tools were used to generate content or influence decision-making;

- To ensure human oversight remained central—no AI tool should independently make decisions about residents or services without a human in the loop;
- To identify roles and responsibilities for AI policy compliance, including the Head of Digital Services & Customer Engagement, line managers, the ITIG Board, and others;
- And to provide clear guidance for acceptable use, training requirements, and risk mitigation, particularly as AI tools became embedded into more software platforms.

- This policy aligned with the Council's Corporate Plan commitments to digital transformation and service excellence. It demonstrated the Council's readiness to engage with innovation—not passively, but safely, ethically, and proactively.
- Staff would receive appropriate training on governance, ethics, and risk management in relation to AI.
- A comprehensive risk review would be undertaken and added to the Councils risk register. The legal implications of inappropriate or unauthorised use of AI may expose the Council to risks such as data breaches, copyright infringement, or biased decision-making. Procurement procedures would be updated to include safe routes for acquiring AI-enabled tools.
- The Council would ensure that Equalities Impact Assessments were completed where AI was used to support or automate service delivery.
- It was important to stress that the policy included a shorter than usual review period. This was by design—reflecting the pace at which AI capabilities, use cases, and legal considerations were developing. Delegated authority to the Deputy Chief Executive and SIRO would allow necessary amendments to be made swiftly, with full oversight through the ITIG Board.
- While embracing the opportunities presented by AI, the Council must also recognise there were concerns as well: AI systems, especially generative models, carry risks of bias and misinformation both from human sources and through hallucinations, and they had a high environmental impact due to their energy use and supply chains.

Discussion took place with regards to:

- Concerns around mitigating the risks and being proactive enough.
- Limit to paid services with Artificial Intelligence (AI) this may narrow the benefits and limit the staff.
- How does the Council know we have the right AI for all departments?
- How would Members know the training had been suitable for the staff in their role?
- Would the policy come back to Cabinet in 6 months as it develops?

RESOLVED that:

- That Cabinet recommend to Full Council the approval of the draft AI policy.

- That Cabinet approve the delegation of the AI Policy to the Deputy Chief Executive and Senior Information Risk Owner (SIRO), in consultation with the IT & Information Governance (ITIG) Board, due to the necessity for ongoing

review of policy and guidance in response to the rapid advancements in technology.

(Proposed by Cllr D Wulff and Seconded by Cllr S Clist)

Reason for Decision:
The AI policy supports the delivery of the Council's commitment to improve and transform its services and ensure the public had a good understanding of Council services and that they were satisfied that the services were efficient and effective.

Note: *Report previously circulated.

161. **CORPORATE PERFORMANCE Q3**

The Cabinet had before it and **NOTED** a report * from the Head of People, Performance and Waste and the Corporate Performance and Improvement Manager on the Corporate Performance Report and Performance Dashboard Quarter 3.

The Head of People, Performance and Waste outlined the contents of the report with particular reference to the following:

- The Corporate performance report related to performance up to December 2024 and was structured into the five themes within the Corporate plan.
- Corporate Plan priorities and targets were managed and scrutinised on a regular basis using appropriate performance indicators as detailed in this report.
- The Policy Development Groups (PDGs), Planning committee and Cabinet received Performance Dashboards quarterly. These Dashboards presented performance, finance, and risk information together to enable simultaneous consideration of these related aspects.

Discussion took place with regards to:

- Could the feedback from the PDGs be included within the report to Cabinet in the future?

Reason for Decision:
The Council had a duty to understand its residents, user groups and customers. Customer feedback (e.g. complaints) could help the Council identify any groups of people who may potentially be experiencing a less satisfactory level of service.

Note: *Report previously circulated.

162. **CORPORATE RISK REPORT**

The Cabinet had before it and **NOTED** a report * from the Head of People, Performance and Waste and the Corporate Performance and Improvement Manager on the Corporate Risk Register.

The Head of People, Performance and Waste outlined the contents of the report with particular reference to the following:

- The corporate risks were presented on a risk matrix (heat map), Appendix 1. Information on each risk was presented in a standard template, Appendix 2.
- These risks had been determined by the Council's Leadership Team in consultation with Corporate Managers and other council officers.

Discussion took place regards to:

- CR2- Cyber Security given the high risk rate of 20, do we have any reassurance that the internal team was fully resourced to manage incident in partnership with the provider?
- CR19- Devolution, the risk rate was 20, how confident were the Council that Members, staff and residents were being kept informed of the democratic legitimacy of future proposals.

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

Note: *Report previously circulated.

163. **SINGLE EQUALITIES SCHEME AND EQUALITY OBJECTIVE**

The Cabinet had before it a report * from the Head of People, Performance and Waste and the Corporate Performance and Improvement Manager on the Single Equalities Scheme and Equality objectives.

The Cabinet Member for People and Development and Deputy Leader outlined the contents of the report with particular reference to the following:

- The Equality Objectives for 2025/26 were arranged by six themes, and proposed measurement was provided in parentheses. They had been discussed by the Equality, Diversity and Inclusion (EDI) Group and reviewed by Leadership Team.
- Progress to meet the Council's Equality Objectives would continue to be monitored by the EDI Group and be reported annually to the Community, People and Equalities PDG. Progress to meet the Council's Equality Objectives in 2024/25 was detailed at Appendix 2.

Discussion took place with regards to:

- Adjusting the equality objective relating to financial drop in sessions for tenants to an annual cost of living event, how would the Council encourage the engagement for this?
- There was currently no impact on climate change but things may need to be considered in the future.
- Concerns around the 4.74% of Mid Devon housing reporting of damp and mould.

- The issues with damp and mould was to do with ventilation.
- To be clearer on the young carers discounts for leisure services.

RESOLVED that:

- The Single Equality Scheme together with the Equality Objectives for 2025/26 as recommended by the Community, People and Equalities Policy Development Group be approved.

(Proposed by Cllr J Lock and Seconded by Cllr G Duchesne)

Reason for Decision:
The Single Equality Scheme contributed to the Council complying with the Equality Act (2010). Failure to adopt Equality Objectives or to collect relevant data could lead to the Council being in breach of the Equality Act 2010.

Note: *Report previously circulated.

164. **REPLACEMENT PVCU DOUBLE GLAZED UNIT / ENTRANCE DOORS**

The Cabinet had before it a report * from the Head of Housing and Health on the Replacement UPVC Double Glazed Unit / Entrance Doors.

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 results for the tendering of the Replacement UPVC Windows and Doors programme 2025–2030 for Housing Revenue Account (HRA) properties and to confirm the award of the contract.

RESOLVED that:

- The Replacement UPVC Windows and Doors Contract for HRA Properties 2025 - 2030, be awarded to Anglian Building Products
- Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing, Assets and Property Services) to complete the associated Replacement UPVC Windows and Doors Contract for HRA Properties 2025 – 2030.

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

Reason for Decision:
The budget for the works was £400,000.00 per annum. Capital investment in the MDH stock would result in a lower revenue cost in the coming years, which would enable the repairs service to operate more effectively and manage future maintenance costs.

Note: (i)*Report previously circulated.
(ii) * Cllr N Bradshaw abstained from voting.

165. **WILLAND NEIGHBOURHOOD PLAN**

The Cabinet had before it a report * from the Director of Place and Economy on the Willand Neighbourhood Plan.

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

- The outcome of a recent local referendum held for the Willand Neighbourhood Plan and the need for the Council to make a decision about the adoption of this plan.
- The Willand Neighbourhood Plan was subject to a local referendum held on Thursday 27th February 2025, at which persons eligible to vote in the neighbourhood plan area (Willand Parish) were asked the following question:

"Do you want Mid Devon District Council to use the neighbourhood plan for Willand to help it decide planning applications in the neighbourhood area?"

The result of the referendum was as follows:

Ballot papers	Votes Recorded
Number cast in favour of a Yes	269
Number cast in favour of a No	29
Number of spoilt ballot papers	1
Total number of votes cast	299
Electorate: 2,793	Turnout: 10.7%

- Since 90% of voters who voted were in favour of the Willand Neighbourhood Plan, the plan had become part of the statutory development plan for the area. It had attained the same legal status as a local plan (and other documents that form part of the statutory development plan). Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Policies of the Neighbourhood Plan would be used alongside policies in the adopted Mid Devon Local Plan, and the Devon Minerals and Waste Plans, to help guide planning applications submitted to the Council for determination in the Willand area and the decisions made on these.
- The Council must now formally adopt the Plan as soon as reasonably practicable after the referendum is held, and not later than 8 weeks from that date. The Council may refuse to make the Plan if it considers that making it would be a breach, or would otherwise be incompatible with, any remaining EU obligations or any human rights obligations. Council officers hold the view that the making of the Plan would not breach these obligations (as set out within the Council's Decision Statement). The Council must decide whether to make, or refuse to make, the Plan.
- There was no opportunity at this stage to seek to amend the contents of the plan or make further representations to it.

RESOLVED that Cabinet recommends to Council that:

- The Willand Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the Willand area.

- The Willand Neighbourhood Plan Adoption Decision Statement (Appendix 2) is published to meet the publicity requirements in the Regulations.

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

Reason for Decision:
There were no direct financial implications from adopting the Willand Neighbourhood Plan. However, the process leading to the adoption of a Neighbourhood Plan has had financial implications. The costs of support in terms of advice and technical support, examination and referendum must be met by the Council.

Note: *Report previously circulated.

166. **HOUSING RENT ERROR UPDATE REPORT**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer and the Head of Housing and Health on the Housing Rent Error update report.

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

- The report provided a comprehensive update on the ongoing work to address the historic housing rent setting error.
- He emphasised that this was a live and active project.
- Since it first came to light, it had been subject to significant scrutiny not only by Cabinet in December, but also through detailed review by both the Homes Policy Development Group and the Audit Committee.
- The corrective work had progressed well, with external assurance received, refunds were now being calculated and a clear strategy was in place for reviewing historic possession cases.
- However, as the report outlined, there were still elements that remained dependent on external factors, particularly the Department for Work and Pensions, which meant that this work would continue to evolve.
- The Council was committed to transparency and accountability and further updates would be brought back to Cabinet.
- The Cabinet Member took the opportunity to acknowledge the professionalism and the unwavering dedication of Officers in handling this extraordinary situation.
- It was not only the Senior Leadership Team and the Heads of Service present this evening, but the collective effort across the entire organisation that was driving the Council to resolve this matter, their commitment ensured that the Council got the resolution right.
- He was grateful for their hard work and diligence.

RESOLVED that:

- That Cabinet note the tasks that had been further progressed in order to correct this situation.
- The overarching approach to the review of historic MDH possession proceedings (evictions) where rent overpayments were made as set out in section 2 of this report as recommended by the Homes Policy Development Group be approved.

(Proposed by Cllr J Buczkowski and Seconded by Cllr J Lock)

Reason for Decision:
The activity of MDH was funded through the HRA. The HRA was ring fenced and subject to specific financial controls. Significant financial modelling had been undertaken in order to reach some of the key decisions being put forward in the Cabinet report in December 2024.

Note: *Report previously circulated.

167. **MID DEVON HOUSING TENANT MANAGEMENT POLICY**

The Cabinet had before it a report * from the Head of Housing and Health on Mid Devon Housing (MDH) Tenant Management 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 MDH Tenancy Management Policy had been reviewed and amended due to the Cabinet decision to end the use of Flexible tenancies. It was last reviewed in 2022 and therefore not many changes were required. The revised Tenancy Management Policy removed any reference to Flexible tenancies.

RESOLVED that the updated Mid Devon Housing Tenancy Management Policy and Equality Impact Assessment contained in Annex A and B respectively as recommended by the Homes Policy Development Group be approved.

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

Reason for Decision:
Homes and social housing were a clear priority within the Corporate Plan. The Council would work closely with its tenants to ensure they felt safe, secure and happy in their homes. A key part of this was by having an open, transparent and effective tenancy management approach as set out in this policy.

Note:* Report previously circulated.

168. **VARIATION TO STANDARD MID DEVON HOUSING TENANCY AGREEMENT**

The Cabinet had before it a report * from the Head of Housing and Health on the Variation to Standard Mid Devon Housing Tenancy Agreement.

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 current Tenancy Agreement was launched in 2016 and was due for a review. However, as the Cabinet approved the Homes PDG recommendation that the use of Flexible Tenancies be halted further changes were required to the Tenancy Agreement to reflect this change and therefore there was a requirement to undertake a broad review of the agreement now.

- In addition to the above, many of the MDH Policies had been reviewed and updated in line with recent legislation changes and the introduction of the Social Housing (Regulation) Act 2023. The changes made were also not reflected in the current 2016 Agreement.

RESOLVED that the procedure for the variation of tenancy conditions and updating the standard Tenancy Agreement, including formal consultation with tenants, commence in line with the Housing Act 1985 (sections 102 & 103 as recommended by the Homes Policy Development Group be approved.

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

Reason for Decision:
Homes and social housing were a clear priority within the Corporate Plan. The Council would work closely with its tenants to ensure they felt safe, secure and happy in their homes. It was also important that the obligations on tenants and MDH as the landlord were clearly defined and this was where an up to date, clear standard Tenancy Agreement was important.

169. **DOWNSIZING WORK GROUP REPORT**

The Cabinet had before it a report * from the Head of Housing and Health on the Downsizing Work Group Report.

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 Homes PDG established a Downsizing Incentives Working Group to investigate potential incentives that might encourage tenants to move from larger properties. The group was tasked with gathering tenants' perspectives on desirable incentives and providing recommendations for an incentive scheme.

Discussion took place with regards to:

- The number of people on bands A to C had increased and large properties within the Mid Devon area.
- If there was any work that was around helping people to move on and to move out of properties and would this opportunity be there for young families?

RESOLVED that:

That the Downsizing Incentives be developed by Officers and added as an addendum to the Allocations Policy with the following provisions:

- A maximum financial incentive of £1,000 for tenants downsizing by one bedroom.
- A maximum financial incentive of £2,000 for tenants downsizing by two or more bedrooms.
- Tenants could use the financial incentive to offset any recharges they might owe on their current property or to cover costs for moving, new carpets and/or

redecoration in their new property. If no recharges are owed, they would receive the full incentive amount to use at their discretion.
- A direct let option for existing tenants to allow MDH to consider downsizing moves into newly void properties in specific circumstances in accordance with wider allocation policy.
- A communication plan including targeting of hard-to-reach tenants.
- One-to-one support for completing Devon Home Choice applications if relevant.
- A 12-month pilot scheme, followed by a review to assess the scheme's success and determine next steps.

As recommended by the Downsizing Working Group and the Homes Policy Development Group.

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

Reason for Decision:
The proposed incentives would affect the HRA. Any costs associated with the recommendations in this report that were not covered by savings elsewhere or existing staffing budgets would need to be drawn from the HRA Minimum Working Balance.

Note:* Report previously circulated.

170. **HOUSING DELIVERY TEST ACTION PLAN**

The Cabinet had before it a report * from the Head of Housing and Health on the Housing Delivery Test Action Plan.

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

- The Government had published the 2023 Housing Delivery Test results. The Housing Delivery Test was an annual measurement of housing delivery (i.e. completions) against targets for each Local Authority. The result for the Council was 86%. The result was calculated for a three year period 2020 to 2023. As delivery was below target and below 95% the Council was now required to prepare a Housing Delivery Test Action Plan to detail what it intends to do to address this under-deliver.
- The Action Plan detailed what were the barriers to the early commencement of housing development in the district and provided an explanation for these. It also identified 18 ‘actions’ the Council would take to help improve the delivery of new homes.
- The Planning Policy Advisory Group was consulted on the draft Action Plan on 19th March and had endorsed the actions that were included in it and the recommendations in this report.
- There was no requirement for the Council to consult on the Action Plan. However, the Council would continue to engage with the development industry through the planning process, including the recent call for sites and also through the determination of planning applications.
- If the Action Plan was approved it would be published on the Council’s website and made available to the public. The Action Plan would be kept under review

in light of future Housing Delivery Test results being published by the Government.

Discussion took place with regards to:

- That 2800 homes that had been approved and over 1200 still unimplemented, was this a failure to build?
- Concern regarding the suggestion that the Council should consider alternative 10 years or even payments in lieu when affordable housing became a barrier to delivery.
- Given the scale of unimplemented permissions, what levers, legal, financial or policy based could the Council realistically use to encourage or require developers to build?
- What safeguards would be in place to ensure that flexibility on affordable housing didn't undermine the Council's commitment to those in housing needs?
- What was the plan if developer engagement in the proposed round table discussion was limited or non-existent?
- How many of the 1251 were actually targeted at social housing?
- If any other consideration had been given to indirect implications on climate change and biodiversity in relation to the Council's Corporate Plan targets, climate strategy and action plan and the Council's biodiversity duty, because this was going to have an enormous impact on the district in forthcoming years.

RESOLVED that the Mid Devon Housing Delivery Test Action Plan (Appendix 1) be approved and that this be published on the Council's website and made publicly available.

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

Reason for Decision:
There were no direct financial implications from approving the Housing Delivery Test Action Plan but there could be indirect financial implications arising from undertaking supporting work and associated with wider planning decision making (i.e. in defending against any planning appeals).

Note:* Report previously circulated.

171. **TENANT INVOLVEMENT STRATEGY**

The Cabinet had before it a report * from the Head of Housing and Health on the Tenant Involvement Strategy.

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

- Under the Regulator of Social Housing's Transparency, Influence and Accountability Standard, Registered Providers (RPs) must take tenants' views into account in their decision-making about how landlord services are delivered.

RESOLVED that the updated Mid Devon Housing Tenant Involvement Strategy and Equality Impact Assessment contained in Annexes A and B respectively as recommended by the Home Policy Development Group be adopted.

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

Reason for Decision:
Homes and social housing were a clear priority within the Corporate Plan. The Council would work closely with its tenants to ensure they felt safe, secure and happy in their homes. The Council would monitor and continue to improve overall tenant satisfaction and work with its tenants through engagement events and the broader Tenant Involvement Strategy. This would ensure they were informed and had clear opportunities to comment on and shape the housing service they received.

Note:* Report previously circulated.

172. **ACCESS TO INFORMATION- EXCLUSION OF PRESS & PUBLIC**

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

RESOLVED: That under S100A(4) of the Local Government Act 1972, in accordance with Part I of Schedule 12A, 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).

173. **TEMPORARY ACCOMMODATION PROJECT**

The Cabinet had before it a report * from the Head of Housing and Health on the Temporary Accommodation project.

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 Council had a duty to provide temporary accommodation to homeless households in certain circumstances. Ideally, households were placed into self-contained accommodation pending further assessment, but, due to a limit on available housing and the number of presentations being received each year, it was necessary to place households in hotel accommodation.

- The current Housing Strategy 2020 - 2025 aimed to reduce the use of hotels as temporary accommodation through the provision of own stock housing solutions. This aspiration was confirmed by Government priorities, and guidance from the Ministry of Housing, Communities and Local Government (MHCLG) indicated that local authorities must strive to provide those presenting as homeless with more appropriate temporary accommodation options.

RESOLVED that Cabinet pursues the purchase of the empty property identified in Part II Annexes A - F of the report for the purpose of providing temporary accommodation.

(Proposed by the Leader of the Council)

Reason for Decision:
The LAHF R3 allocation would cover a significant proportion of the cost of the project, however the Council would need to fund the remaining balance. Further clarification would be required with the Finance service and lead accountants on how this could be funded with several options around capital reserves or capital borrowing (internal or external).

Note:* (i) Report previously circulated.
(ii) Cllr S Clist abstained from voting.

174. **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 Air Quality Action Plan had been removed from the forward plan as it had been through the necessary process of the Policy Development Group and the report was for noting.

Note: * Key Decisions previously circulated.

(The meeting ended 19.39pm) **LEADER**

Report for:	Cabinet
Date of Meeting:	1 April 2025
Subject:	**Artificial Intelligence Policy**
Cabinet Member:	Cllr David Wulff, Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Head of Digital Transformation & Customer Engagement
Exempt:	n/a
Wards Affected:	n/a
Enclosures:	Appendices 1 & 2

Section 1 – Summary and Recommendation(s)

Mid Devon District Council does not currently have a policy in place to govern and monitor the use of Artificial Intelligence (AI) within the organisation. The Service Delivery & Continuous Improvement PDG reviewed the proposed AI policy on 10 March 2025 and recommended the policy to Cabinet.

Recommendation(s):

1. **That Cabinet recommend to Full Council the approval of the draft AI policy.**
2. **That Cabinet approve the delegation of the AI Policy to the Deputy Chief Executive and Senior Information Risk Owner (SIRO), in consultation with the IT & Information Governance Board, due to the necessity for ongoing review of policy and guidance in response to the rapid advancements in technology.**

Section 2 – Report

1.0 Introduction

1.1 Recently, there has been significant interest in Artificial intelligence (AI), due to the launch of Generative AI (GenAI) tools like ChatGPT, Gemini and Co-pilot. These GenAI tools can instantly respond to questions and prompts. However, given the opportunities and risks that AI can pose, it has become necessary to develop a policy to help staff navigate how to use AI responsibly and ethically.

1.2 In addition there are an increasing number of companies and suppliers enabling automation through the development of applications and cloud-based solutions automating business processes. Attractive as these are it is essential that appropriate governance and risk assessment is applied to the procurement and implementation of such tools.

2.0 Scope

2.1 This policy seeks to:

a) Act as a starting point for MDDC to develop further detailed policy and process guidance on the safe and ethical use of AI. An information poster (see Appendix 1) will be circulated amongst staff and members.

b) Ensure the Council's IT & Information Governance (ITIG) board account for future uses of GenAI, ensuring the necessary infrastructure and safeguards are in place for responsible use.

c) Note that, while there are some ICT protections in place, data entered into a GenAI tool cannot be easily tracked or monitored. Confidential or personal data should not be used within GenAI tools, as information may enter the public domain.

d) Implementation of an AI policy demonstrates the Council's commitment to digitally enabled and accessible services.

e) Commit to the core value of being "Open and accountable," as transparency with residents on how their data is being managed, is addressed within the policy.

f) Acknowledge that GenAI contributes to continuous improvement and efficiency by providing helpful communication suggestions, explaining complex guidance, and assisting with automating routine tasks, thereby enhancing service delivery, and supporting the Council's digital transformation and savings opportunities.

g) Adopting a corporate policy for the use of GenAI links to the Council's need for "Resilience," by establishing a framework that reduces the risk of regulatory breaches.

3.0 Future Actions

3.1 The following activities will be required on the approval of the AI policy:

- Appropriate staff receive training in effective governance and risk management of AI
- A comprehensive risk review on AI is completed and added to the MDDC risk register
- All staff/members are aware of the opportunities and risks around AI via a training and awareness programme
- Acceptable Use guidance is created and maintained for reference for staff/members
- Implement and communicate an effective and safe route to procurement and implementation of AI tools
- Ensure services and staff are aware of their obligations for the safe use and transparency of use of AI
- A high-level Equality Impact Assessment (EQIA) be created considering the use of GenAI by officers.
- Ensure EQIAs are included with any business case for AI applications

Financial Implications: This report does not indicate any financial implications. Future investments in AI applications or licensing for MDDC will be evaluated on a case-by-case basis and decided by the ITIG board in consultation with the relevant budget owners.

Legal Implications:

Inappropriate or unauthorised use of AI may expose MDDC to risks such as data breaches, copyright infringement, or biased decision-making, potentially resulting in legal proceedings. MDDC should ensure compliance with UK GDPR requirements and obligations. The Information Commissioners Office (ICO) guidance on AI should be followed when utilizing GenAI. Failure to report breaches of policy, data or copyright infringements may result in disciplinary action according to MDDC's policies and procedures.

Risk Assessment: On adoption of the AI policy, a comprehensive risk assessment will be carried out and communicated to staff and members via an appropriate training and awareness programme.

Impact on Climate Change: Generative AI significantly impacts the environment by increasing energy consumption. Training and running GenAI models consume large amounts of energy, including cooling processors. As models become more complex and demand for AI services rises, energy demands will grow.

Equalities Impact Assessment:

GenAI may affect different groups due to social biases, stereotypes, or inappropriate cultural values in its training. It can also display sensitive content. For example, GenAI should not decide customer access to Council services without human supervision. Human involvement is crucial for decision-making, and an appeal process should be established for AI-related decisions.

Relationship to Corporate Plan: The AI policy supports the delivery of MDDC's commitment to improve and transform our services and ensure the public have a good understanding of council services and that they are satisfied that the services are efficient and effective.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 28/02/2025

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 28/02/2025

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 28/02/2025

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 25/02/2025

Cabinet member notified: yes

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

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

Section 4 - Contact Details and Background Papers

Contact: Lisa Lewis, Head of Digital Transformation & Customer Engagement
Email: llewis@middevon.gov.uk
Telephone: 01884 234981

Background papers: Appendix 1 – SOCITM AI information poster

Using Generative Artificial Intelligence Large Language Models

Do's and don'ts





Why does it matter?

Generative Artificial Intelligence (AI) is evolving fast and being rapidly promoted by large technology-based organisations, all competing to be first to market, yet without legal or regulatory oversight.

This technology is now appearing within tools, systems and processes used by organisations as part of upgrades or updates, but is being implemented without consideration of uncertainties and risks, and its wider implications are not well understood.



AI and Generative AI explained

Artificial Intelligence

AI is the ability of machines or software to perform tasks that would normally require human intelligence. It can process data, learn from it and make decisions or predictions based on that data.

AI encompasses many different types of systems and approaches to harnessing machine intelligence, including rule-based AI, machine learning, neural networks, natural language processing and robotics.

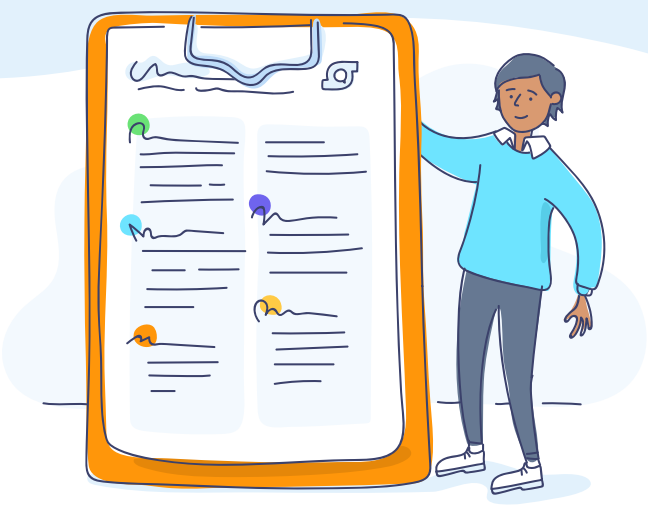
Generative AI and Large Language Models (LLMs)

Generative AI learns from data about existing artifacts in order to generate new variations of content (including images, video, music, speech and text).

LLMs are a type of Generative AI that use 'deep learning' techniques and massively large data sets to understand, summarise, generate and predict text-based content.

Purpose

These 'do's and don'ts' provide guidelines for the use of Generative AI LLMs (such as ChatGPT, Bard, Bing or similar tools) by councils, charities and any other organisations providing local public services. They apply to all stakeholders, including but not limited to: employees, contractors, developers, vendors, temporary staff, consultants, councillors and trustees.



Do...

- ✓ **Do** maintain human oversight and responsibility for making final decisions on output produced
- ✓ **Do** notify your manager and disclose that Generative AI LLMs have been used to generate output
- ✓ **Do** use responsibly and ethically
- ✓ **Do** use in accordance with relevant organisation policy
- ✓ **Do** comply with relevant laws and regulations
- ✓ **Do** specify the definitions and scope of your prompts with care
- ✓ **Do** use to create draft briefings, reports, presentations, customer responses, etc.
- ✓ **Do** use to improve and refine existing content
- ✓ **Do** use to analyse publicly-available data
- ✓ **Do** fact check material generated by Generative AI LLMs
- ✓ **Do** be aware of the potential for disinformation and scams being generated
- ✓ **Do** take care to avoid use of output that may breach copyright or intellectual property rights
- ✓ **Do** be aware of risks including accuracy, bias, discrimination, confidentiality and security

Don't...

- × **Don't** use to record and process confidential data and information
- × **Don't** use to store or release non-public records
- × **Don't** use for private individual records
- × **Don't** let go of moral and ethical responsibility for output
- × **Don't** use if you are in doubt about the security of data or information being input
- × **Don't** assume that all of the output generated is factually correct
- × **Don't** use if data sovereignty practices of the Generative AI LLM supplier contravene any applicable legal and/or regulatory requirements



Produced in partnership with ALGIM (Association of Local Government Information Management) **and LOLA** (Linked Organisation of Local Authority ICT Societies)

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Artificial Intelligence (AI) Policy

December 2024

Policy No. IM011

Version Control Sheet

Title: **Artificial Intelligence (AI) Policy**

Purpose: **To detail the Artificial Intelligence policy Mid Devon District Council (MDDC) in the protection of all Information Assets and the security of MDDC. These standards apply to all Officers, Councillors, Third Party Contractors, Suppliers, and Partner Organisations using or sharing MDDC's information.**

Owner: Deputy Chief Executive & S151 Officer – Senior Information Risk Owner
Date: **December 2024**

Version Number: Draft0

Status: **Draft**

Review Frequency: **Every six months**

Next review date: **June 2025**

Consultation **This document was sent out for consultation to the following:**
IT & Information Governance Board

Document History
This document requires/obtained the following approvals.

Title	**Date**	**Version Approved**
IT & Information Governance Board	Jan 2025	Draft
Service Delivery & Continuous Improvement PDG	Mar 2025	Draft
Cabinet	April 2025	Draft

Related Policies:
IM001 – Information Security Management
IM002 – Information Security Incident
IM003 – Data Protection
IM004 – Records Management
ICT005 – Acceptable Use
ICT007 – Software Compliance & Legislation
ICT009 – Internet Use
Risk Management Policy

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1 Introduction

Mid Devon District Council acknowledges that Artificial Intelligence (AI) is widely used in commercial and daily applications, with its influence expected to grow across almost all industries, including the public sector, especially with the rise of Generative AI (GenAI).

While AI was once restricted to specialists for specific tasks, GenAI is now widely accessible to non-specialists. This rapidly evolving technology can generate new writing, audio, code, images, and videos. It offers opportunities to enhance efficiency, decision-making, and service delivery for the Council and its residents but also introduces risks.

Many GenAI tools like Chat GPT, Google Gemini, and Microsoft Copilot are freely available. The Council must ensure that AI use is organized and controlled to protect its safety, integrity, and reputation.

The Council acknowledges the fast pace of technological advancements and, like many other organisations, continually reviews and adjusts its practices accordingly. The Council is minded to explore the opportunities presented by AI technology. This policy will be regularly reviewed by the IT and Information Governance (ITIG) Board to ensure it remains relevant and practical during this period of rapid change. The Council finds it important to provide timely guidance and advice to employees, promote transparency in the use of AI, and support a culture of responsible AI use as these changes occur.

Changes to policy and guidance will occur reasonably frequently due to the rapid pace of development in AI. Any changes will be globally communicated, and all users are expected to ensure they remain up to date with the latest policy and guidance.

2 Purpose

This policy ensures users are aware of the methods the Council uses to manage AI. Users must comply with this policy to ensure appropriate use of AI tools. It links with other policies, including Corporate Data Protection, Information Security, ICT Acceptable Use, and Freedom of Information Policy. This policy supplements and should be read alongside existing policies.

3 Scope

This policy governs the use and configuration of all AI tools provided by the Council as part of general IT resources available to staff, including Microsoft Copilot and other AI tools accessible via free or subscription-based internet services. It will also apply to AI tools procured by the Council for specific purposes. These regulations are applicable when using both corporate-owned devices and personal devices used for Council business. The policy includes all employees, agency staff, elected members, contractors, suppliers, volunteers, apprentices, student/work experience placements, and partner agencies who have access to these tools, collectively called "users" in this document.

4 Responsibilities

There are several roles in the Council that form key contributors to AI policy, development, and governance:

- The Head of Digital Services & Customer Engagement leads the Council on AI technology and ensures policy compliance.
- Line managers and Data Owners will initially monitor staff use of AI.
- The ITIG Board will manage, promote, and regulate AI use, including necessary training.
- The Senior Information/Data Protection Officer (DPO) advises on data protection related to AI.
- ICT and Information Management teams provide technical support and guidance for AI operations.
- The ITIG Board governs AI and reviews related policies.

5 Policy Statement

Whilst there are many freely available GenAI tools, users must use Microsoft Copilot instead of other tools if provided as any data entered remains within the tenancy owned by the Council. This also allows the Council to have better control and oversight of the use of GenAI by users, which is key to effective governance. If Copilot is not suitable or unavailable for the task required, then users should consult ICT for further advice.

A central register of authorised AI tools in use at MDDC will be created for reference.

All users of AI will comply with applicable laws, regulations, policies, and guidelines including intellectual property, copyright, data protection and other relevant areas. There will be no unauthorised use of copyrighted material or creation of content that infringes on the intellectual property of others. Users will prioritise the safeguarding of stakeholders and will not knowingly use any AI technology that puts their safety or privacy at risk. Users will not allow or cause intellectual property to be entered into GenAI models without appropriate consent or exemption to copyright.

Users of AI technology will acknowledge its rapid evolution and adapt their methods of working as necessary according to this policy. Users will ensure transparency and accountability in the use of AI technology so that stakeholders are informed about where and how AI is used and who is responsible for it. Key documents, such as Privacy Notices, will be updated as needed to maintain transparency for the data subjects affected and clearly communicate the specific rights around such processing. Any feedback or questions from stakeholders regarding the use of AI will be considered and addressed appropriately, in accordance with Council policy and processes.

By adhering to this policy, users understand and support the Council’s aim to foster a responsible and inclusive environment for the use of AI by upholding privacy, fairness, and transparency for the benefit of all involved.

By combining the benefits of AI technology with professionals' expertise, experience, and judgment, users understand that they can create a collaborative and effective service that maximises the benefits of both human and AI capabilities.

6 Use of AI tools

Users may use AI tools for tasks such as document improvements, meeting notes, report writing, data analysis, summarising complex documents, translation, drafting communications, content creation, workflow management, and reviewing accessibility. AI supports users while allowing them to apply their professional judgment and expertise.

Users will not rely on AI to replace strategic decision making or rely on it to make decisions that could have a significant impact on people.

AI tools will be used in a manner that complements professional judgement and expertise, without replacing them. Users remain responsible and accountable for the quality and content of any AI-generated output, regardless of how it is generated or used. Staff should always review and tailor any AI output based on their expertise.

AI notetakers should only be used in a meeting after completing a data protection impact assessment (DPIA) and informing all participants before the meeting begins. If a participant objects to the use of an AI notetaking app, the meeting organiser should consider the nature of their objection and, if their concerns cannot be resolved, determine whether it is appropriate to proceed without the AI. While it is challenging to control the actions of external attendees at meetings you organise, you should inform them in advance that AI notetakers should not be used and take responsibility for the taking and distribution of notes.

Users will receive training and support to integrate AI into their work effectively, including professional development opportunities focused on AI tools and their integration into working practices. Training and support will be planned as part of user personal development reviews and appraisals or on an as-needed basis.

AI generated data and decisions are subject to Freedom of Information and Environmental Information Regulations requests.

Users must ensure that they complete all mandatory policies and training identified on page 2, or as determined by the ITIG board.

7 Data Protection implications of using AI

Users should be aware that any information entered into a GenAI model may no longer remain private or secure. When entering personal data or confidential information, including data with intellectual property implications or commercially or legally sensitive information such as contracts, users must utilize the Council's Copilot tool. If this tool is not available, no sensitive data should be entered into the GenAI tool. **If a user has any doubt about the confidentiality of information, they should not use GenAI.** Users intending to systematically employ AI tools must assess whether the proposed use constitutes data processing or profiling activities that necessitate a Data Protection Impact Assessment. In such cases, users are required to adhere to the Council's Data Protection Policy and follow the Data Protection Impact Assessment Procedure.

AI usage, or the use of datasets that poses high risks to personal rights and freedoms requires a DPIA. Users must not assume AI tools are not processing personal data, as it is not always obvious.
A DPIA or data protection assessment for AI may also include:

- Consideration of alternative methods (both AI and non-AI) for the planned processing, including justification for choosing this method and its fairness.

- Clear identification of where AI processing and automated decisions may impact individuals.
- Assessment of both individual and allocative harms (e.g., decisions declining services to specific persons) and representational harms (e.g., selection biases based on gender or race).
- Evaluation of the proportionality and fairness of using the AI tool by weighing benefits against risks to individual rights and freedoms, and whether safeguards can be implemented.
- Analysis of potential biases or inaccuracies within algorithms that could negatively affect individuals.
- Comparison of human and algorithmic accuracy if AI replaces human intervention, to justify the AI tool's usage in the DPIA.
- Explanation of how individuals will be informed about automated decisions and their options for challenging those decisions.
- Examination of relevant variations or margins of error in system performance that may influence the fairness of processing (including statistical accuracy), and description of any human involvement in the decision-making process.

8 Ethical use of AI

AI systems, particularly GenAI, will be used with caution and awareness of their limitations. Users should be mindful of the following considerations:

Bias – AI-generated content may reflect biases in its dataset, potentially leading to discriminatory content based on race, gender, or socioeconomic background. Users must comply with the Equality Act (2010) as outlined in the Council Equality Impact Assessment. Extra caution is necessary when using AI for profiling, such as identifying ideal job candidate characteristics.

Accuracy – information may be inaccurate when generated so any content should be fact-checked. Tools may provide highly plausible and coherent results but may still contain errors.

Human oversight – a lack of human intervention may result in AI outputs going unchecked. Staff should ensure that outputs align with MDDC values, and users should be aware that GenAI lacks flexibility, human understanding, and compassion.

Currency – some AI models only collate data prior to a certain date so content generated may not reflect the most up-to-date information.

Environmental issues – use of AI requires energy to run. Therefore, it should only be used when relevant, appropriate and proportionate, where it is the most suitable and sustainable option.

9 Breaches of Policy

Breaches of this policy or security incidents are events that could result in loss or damage to Council assets or violate the Council's security procedures.
All Council employees, elected members, partner agencies, contractors, volunteers, and vendors must report security incidents and policy breaches promptly through the Council's Incident Reporting Procedure.
This duty also applies to external organisations contracted to support or access the Council's Information Systems.

The Council will implement appropriate measures to address any policy breach and its associated procedures and guidelines through the established frameworks.

Failure to comply with this policy may result in formal disciplinary action, termination of contract, or criminal proceedings.

10 Glossary of terms

Artificial Intelligence (AI) refers to a variety of algorithm-based technologies and approaches designed to solve complex tasks. These tasks include visual perception, speech recognition, decision-making, and translation between languages.

GenAI is a type of artificial intelligence that creates new content, such as images, text, or computer code. It operates by analyzing large datasets, often sourced from the internet, to train a model on the underlying patterns and structures of that data. After extensive training, which may involve both automated processes and human intervention, the model becomes proficient in generating new content. When provided with a prompt or input, the AI assesses the probability of various potential responses based on its training data. It then selects and presents the response deemed most appropriate for the given prompt. This prompt and response can also be used to further refine the model through additional training.

This document is owned by the IT & Information Governance (ITIG) board and forms part of the Council's IT and Information Management Policy framework and as such, must be fully complied with.

Report for:	Cabinet
Date of Meeting:	1st April 2025
Subject:	**Willand Neighbourhood Plan – adoption of Willand Neighbourhood Plan**
Cabinet Member:	Councillor Steve Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place
Exempt:	None
Wards Affected:	Lower Culm Ward and Halberton Ward (a part of this ward is within Willand Parish)
Enclosures:	Appendix 1 – Willand Neighbourhood Plan: Appendix 2 – Decision Statement Appendix 3 – Equalities Impact Assessment screening

Section 1 – Summary and Recommendation(s)

The Willand Neighbourhood Plan has successfully passed a local referendum. The Council now has to 'make' (adopt) the Willand Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

Recommendation(s):

That Cabinet recommends to Council that:

1. **the Willand Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the Willand area;**
2. **the Willand Neighbourhood Plan Adoption Decision Statement (Appendix 2) is published to meet the publicity requirements in the Regulations.**

Section 2 – Report

1.0 Introduction

1.1 The Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended) introduced powers allowing qualifying bodies (parish councils, or neighbourhood forums in areas without parish councils) to produce neighbourhood plans and Neighbourhood Development Orders. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided. The Neighbourhood Plan can be used to inform planning applications in the neighbourhood area submitted to the local planning authority for determination and the decisions made on these. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

1.2 Mid Devon is a fully parished district, where parish councils can choose to prepare a neighbourhood plan and can work with other members of the community who are interested in, or affected by, the neighbourhood planning proposals to allow them to play an active role in preparing a neighbourhood plan or Order.

1.3 There are currently seven designated neighbourhood areas in Mid Devon, for which the preparation for Neighbourhood Plans has reached various stages.

- Cullompton Neighbourhood Plan – adopted / 'made' 1st July 2021.
- Crediton Neighbourhood Plan – adopted / 'made' 26th October 2022.
- Tiverton Neighbourhood Plan – adopted / 'made' 14th December 2022.
- Silverton Neighbourhood Plan – adopted / 'made' 24th April 2024.
- Newton St Cyres Neighbourhood Plan – Neighbourhood Area designated on 15th December 2021.
- Lapford Neighbourhood Plan – Neighbourhood Area designated on 26th September 2023.
- The Willand Neighbourhood Plan, awaiting decision to 'make' (adopt) following a local referendum - which is the subject of this report.

The role of the Council

1.4 The Council, as the Local Planning Authority, must take decisions at key stages in the neighbourhood planning process and within specified time limits, and has a duty to provide advice or assistance to a parish council as it considers appropriate for the purpose of, or in connection with, facilitating the making of

proposals in relation to the neighbourhood plan. This includes providing comments on 'general conformity' of the neighbourhood plan policies with the strategic policies of the Local Plan, advising on neighbourhood plan requirements (including Strategic Environmental Assessment 'SEA' and Habitat Regulations Assessment 'HRA'), undertaking post-submission consultation on the neighbourhood plan (Regulation 16 consultation), the appointment of an independent examiner, making arrangements for the referendum, and bringing the neighbourhood plan into force.

1.5 This report seeks Council approval to bring the neighbourhood plan into force through its formal adoption i.e. that the Willand Neighbourhood Plan is 'made'.

2.0 Willand Neighbourhood Plan

About the Plan

2.1 The Willand Neighbourhood Plan has been prepared by the Willand Neighbourhood Planning Group and the period to which it relates is 2020 – 2033.

2.2 The Willand Neighbourhood Plan includes:

- A vision statement for Willand
- 7 Sections: Sustainable Development; Community; Green Infrastructure; Transport, Accessibility and Connectivity; Economy and Employment; Heritage; Housing.

The neighbourhood plan includes 16 policies covering a range of planning matters. It recognises the need for reduction of carbon emissions to net zero and identifies areas of biodiversity, geodiversity and habitat for protection. The neighbourhood plan does not identify any sites for housing.

Examination

2.3 The Willand Neighbourhood Plan has been subject to an independent examination. The Examiner's report concluded that, subject to the modifications set out in her report, the Willand Neighbourhood Plan met the basic conditions and other statutory requirements and could proceed to a Referendum in the Willand Neighbourhood Area (Willand parish).

Referendum

2.4 On the 7th January 2025 (minute 122) the Council's Cabinet agreed that the Willand Neighbourhood Plan (subject to the Examiner's modifications and factual corrections) proceed to a local referendum, and that a Decision Statement be approved. The Decision Statement was published on the Council's website and to meet the publicity requirements in the Regulations. The decision followed a recommendation made by the Planning Environment and Sustainability PDG at its meeting on the 26th November 2024 (minute 13).

2.5 The local referendum for the Willand Neighbourhood Plan was held on Thursday 27th February 2025.

2.6 In accordance with the Neighbourhood Planning regulations the referendum asked persons eligible to vote within the neighbourhood plan area (Willand Parish) the following question:

"Do you want Mid Devon District Council to use the neighbourhood plan for Willand to help it decide planning applications in the neighbourhood area?"

2.7 The result of the referendum was as follows:

Ballot papers	Votes Recorded
Number cast in favour of a Yes	269
Number cast in favour of a No	29
Number of spoilt ballot papers	1
Total number of votes cast	299
Electorate:2793	Turnout: 10.7%

2.8 Since 90% of voters are in favour of the Willand Neighbourhood Plan the plan becomes part of the statutory development plan for the area and the Council must bring it into force through the plan being 'made' (adopted).

3.0 Adoption of the Neighbourhood Plan

3.1 In accordance with Section 38(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and regulation 25A of The Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must make (adopt) the Plan as soon as reasonably practicable after the referendum is held and, in any event, not later than the last day of the period of 8 weeks from the day after the referendum is held.

3.2 However, the Council may refuse to make the Plan if it considers that making it would be a breach, or would otherwise be incompatible with, any remaining EU obligations or any human rights obligations. Council officers hold the view that the making of the Plan would not breach these obligations (as set out within the Council's Decision Statement). The Council must decide whether to make, or refuse to make, the Plan. There is no opportunity at this stage to seek to amend the contents of the plan or make further representations to it.

3.3 It is recommended that the Plan is 'made' and the Adoption Decision Statement (**Appendix 2**) is published to meet the publicity requirements in the Regulations.

4.0 Groups Consulted

4.1 The Planning, Environment and Sustainability PDG considered the outcome of the referendum at its meeting on 11th March 2025 and has recommended to the Cabinet that the Willand Neighbourhood Plan is 'made' (adopted).

5.0 Next steps

5.1 The Willand Neighbourhood Plan (**Appendix 1**) and the Adoption Decision Statement (**Appendix 2**) will be published on the Council's website and made available to the public.

5.2 Willand Parish Council will be responsible for any future review of the Willand Neighbourhood Plan, although there is no requirement to review or update a neighbourhood plan.

5.3 Requests for printed copies of the Willand Neighbourhood Plan should be made to Willand Parish Council.

Financial Implications

There are no direct financial implications from adopting the Willand Neighbourhood Plan. However, the process leading to the adoption of a Neighbourhood Plan has had financial implications. The costs of support in terms of advice and technical support, examination and referendum must be met by Mid Devon District Council. The Council has received a burdens payment from the Government to help meet these costs to the sum of £5,000[1] for the area designation process, and is now eligible to claim £20,000 to cover costs associated with the examination and referendum. Since the Council has resolved (at its meeting on 6th January 2021, Minute 270) not to progress a Community Infrastructure Levy for Mid Devon there will be no neighbourhood proportion of a Community Infrastructure Levy to be passed to Willand Parish Council.

Legal Implications

Changes made to section 38 of the Planning and Compulsory Purchase Act 2004 (through provision 3 of the Neighbourhood Planning Act 2017) mean a neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum, rather than when it is made (adopted) by the relevant authority. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Policies of the

[1] Local Planning Authorities can claim £5,000 for the first five neighbourhood areas designated only.

Neighbourhood Plan will be used alongside policies in the adopted Mid Devon Local Plan, the Devon Minerals and Waste Plans, to help guide planning applications submitted to the Council for determination and the decisions made on these. There is a need for the Council to 'make' (adopt) the Willand Neighbourhood Plan, following its local referendum, under Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) and to publish a statement setting out the decision and the reasons for making this decision under the Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

Risk Assessment

None identified.

Impact on Climate Change

The preparation of development plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy. The Willand Neighbourhood Plan includes policies that can have positive (beneficial) impacts to climate change, specifically through Policy SD2 Sustainable Design in New Developments which encourages sustainable urban drainage installed on site, incorporating on-site energy generation from renewable sources, and providing electric vehicle charging points for electric cars and bikes, Policy GI3 through retaining trees wherever possible for carbon sequestration, Policy TAC1 through improving transport, accessibility and connectivity, Policy TAC3 electric charging points for plug in vehicles, and Policy TAC4 e-cargo and electric vehicle hub.

Equality Impact Assessment

The Council has previously determined that 'the Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990' and that the Willand Neighbourhood Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004'. Therefore, the Council has concluded that the 'making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area, which were subject to a full Equalities Impact Assessment. On this basis, the Willand Neighbourhood Plan will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the "protected characteristics") over and above those considered and addressed through the Local Plan Equalities Impact Assessment.

The Willand Neighbourhood Plan has been subject to a screening exercise to determine whether its content is relevant to equalities, and if so, whether a full Equality Impact Assessment should be conducted. The screening exercise (see **Appendix 3**) has found the Willand Neighbourhood Plan Policy TAC1 can have a positive impact in relation to 'disability' where development proposals should, where relevant, improve accessibility for all through consideration of disability access. All other policies in the plan will have neutral equalities impacts on all protected

characteristics. The screening exercise has concluded the Willand Neighbourhood Plan is not recommended for a full Equalities Impact Assessment.

Relationship to Corporate Plan

Now that it has been approved by referendum, the Willand Neighbourhood Plan forms part of the statutory development plan for Mid Devon and the strategy for guiding new development in the district.

The plan will help meet the Corporate Plan 2024 – 2028 themes:

- **Planning, Environment and Sustainability** – through Policy SD2 which requires development to respond positively to the challenge posed by climate change, and through Policy GI2 which identifies local valued areas of biodiversity, geodiversity and habitat.

- **Community, People and Equalities** – through involving and engaging with the community in Willand Parish in shaping the content of the neighbourhood plan and through a local referendum.

- **Economy and Assets** – through Policy EE1 which supports development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agree by or on behalf of the Section 151
Date: 18.03.25

Statutory Officer: Maria De Leiburne
Agreed on behalf of the Monitoring Officer
Date: 18.03.25

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive
Date: 18.03.25

Performance and risk: Stephen Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 18.03.25

Cabinet member notified: (yes/no)

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

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

Section 4 - Contact Details and Background Papers

Contact: Tristan Peat, Forward Planning Team Leader, 01884 234344 tpeat@middevon.gov.uk

Mojca Sonjak, Forward Planning Assistant msonjak@middevon.gov.uk

Background Papers :

Appendix 1 – Willand Neighbourhood Plan referendum version

Appendix 2 – Willand Neighbourhood Plan – Adoption Decision Statement

Links:

Willand Neighbourhood Plan report to Cabinet 7th January 2025

Agenda for Cabinet on Tuesday, 7th January, 2025, 5.15 pm - MIDDEVON.GOV.UK

Planning Environment and Sustainability PDG meeting on the 26th November 2024

Agenda for Planning, Environment & Sustainability Policy Development Group on Tuesday, 26th November, 2024, 5.30 pm - MIDDEVON.GOV.UK

Planning Environment and Sustainability PDG meeting on the 11th March 2025

Agenda for Planning, Environment & Sustainability Policy Development Group on Tuesday, 11th March, 2025, 5.30 pm - MIDDEVON.GOV.UK

Willand Neighbourhood Plan

2020-2033

REFERENDUM VERSION

September 2024

Website: Neighbourhood Plan – Willand Parish Council (willand-pc.org.uk)

For further information on the Neighbourhood Plan and its process, contact the Neighbourhood Plan Steering Group via e-mail at:

npg@willand-pc.org.uk

Dates of versions

Working draft	July 2022
Community consultation draft	October 2022
Pre-submission version (first draft)	January 2023
Pre-submission version (second draft)	January 2023
Pre-submission version (final)	June 2023
Submission version	January 2024
Referendum version	September 2024

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FOREWORD

"Welcome to the Willand Neighbourhood Plan. Its policies have been developed through an extensive process of community dialogue and consultation. This started by asking villagers 'What do you think is good about Willand?' and 'What do you think would make it even better?'

We held a village survey and then (following COVID) a series of displays and topic meetings. These showed that villagers value Willand's separate identity as a rural, caring and mixed community, and want this to be protected and developed. Villagers also value and want to secure and build on all Willand's community facilities and spirit.
We are grateful to all the individuals and organisations who engaged in our neighbourhood planning and contributed to consultations over the past few years. Willand is a community rich in care and community support. There are restrictions on what the Neighbourhood Plan can do. Our plan tries to reflect the spirit of the things we value about our home village and offer a base for protecting and building on them for the future.

I would like to thank the members of the Willand Neighbourhood Plan Group of the Parish Council, ably led by Councillor Stephen Little, without whose work we would not have been able to put this plan forward."

Barry G J Warren - Chairman Willand Parish Council

WITH THANKS AND ACKNOWLEDGEMENTS

The Willand Neighbourhood Plan Development Steering Group would like to thank all the individuals and organisations who contributed to our consultations. Willand is a community rich in care and community support, and it has been a privilege to try and reflect as much as possible of this in our work.

Core members of the Parish Council Neighbourhood Planning Group were:

Barbara Bodkin; Catherine Ennew; Stephen Little; Lisa Mastrolacasa; Jason Scott; Alan Smith; Kate Taylor; Frances Wilcox.

Photographs by Jason Scott.

Invaluable professional support was given throughout by Stuart Todd of Stuart Todd Associates.

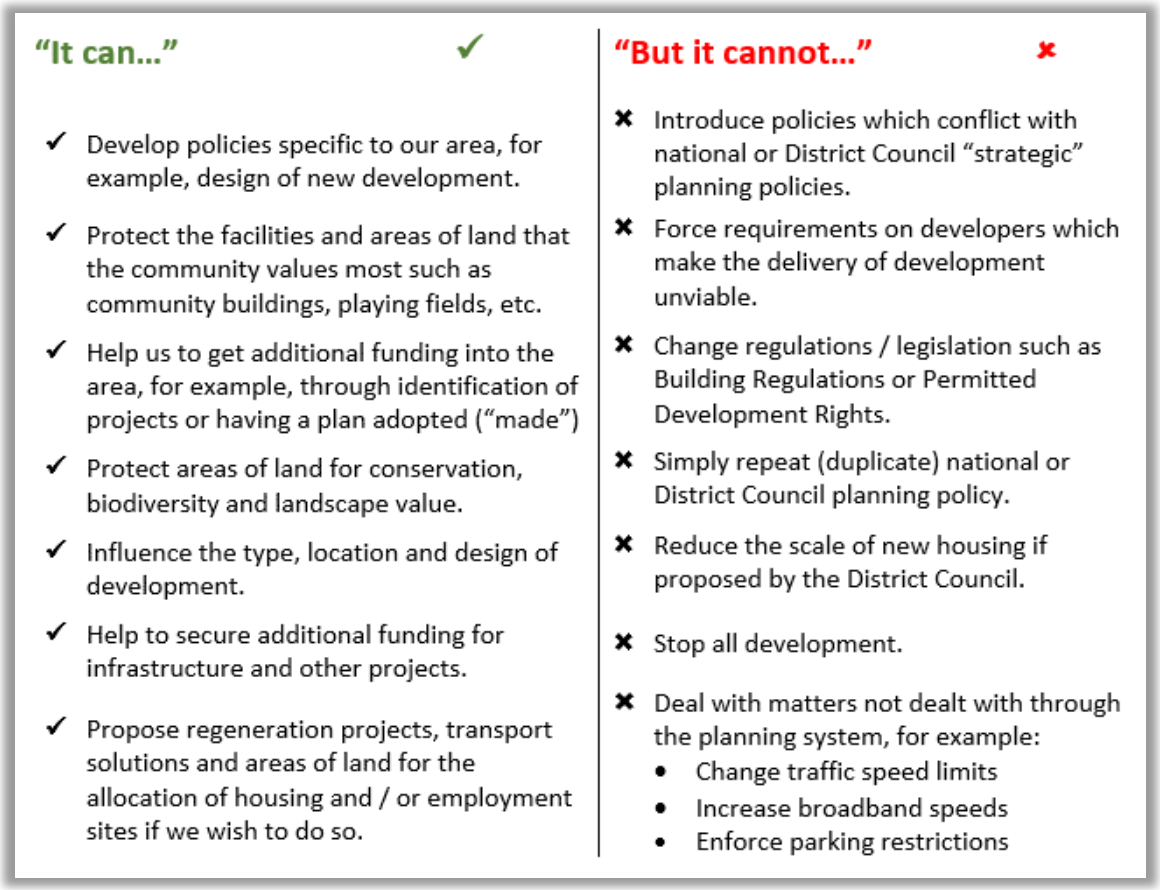
1. INTRODUCTION

1.1 The Community's Plan

This Neighbourhood Plan (the "Plan") is *the community's plan*. It represents the community's vision and priorities for how they would like to see the local area change in the coming years and in doing so it sets out our local planning policies which will be taken into account as and when any proposals for development come forward in the Parish Council administrative area.

The Plan is not one which can cover every issue identified as being important to the community; it has a focus on responding to proposals for development, the appropriate use of land and protecting areas of local value and importance. It puts us, as a community, in the driving seat when it comes to having a say over what, how and where development should take place where it requires planning permission. The box below summarises what the Plan can and cannot do. The Plan and its policies reflect our Parish's own characteristics while recognising the need to align with both national and local authority planning policies.

Figure 1: The "Cans and Cannots" of a Neighbourhood Plan



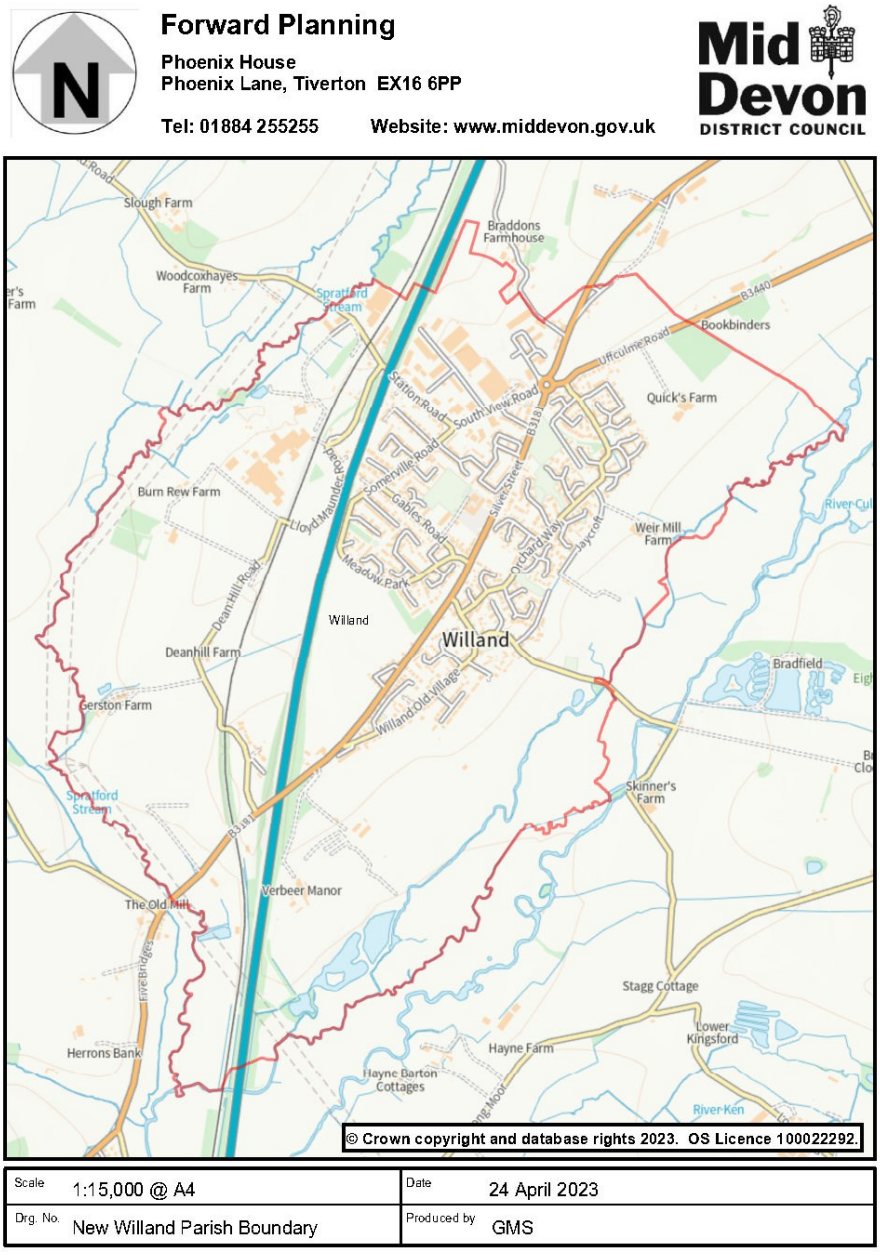
The Plan covers the period between 2020 and 2033 and is therefore 'in sync' with the development plan documents produced by the District Council as the local planning authority.

1.2 The Plan Area

1.2.1 The Defined Neighbourhood Area

The neighbourhood plan area (the whole civil Parish) was originally approved by Mid-Devon District Council following consultation in February 2022. Following a review of and change to the Parish boundary administered by Mid-Devon District Council, a revised application to amend the agreed Plan Area boundary was consulted upon in June 2023 and then approved by MDDC[1]. Map 1 shows the extent of revised and current Plan area.

Map 1: Designated Neighbourhood Area



[1] See https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/willand-neighbourhood-plan/ for further information. The boundary change saw a small area of land at the northern end of the village within and adjacent to an employment area incorporated into the Parish area.

1.2.2 Summary Parish Characteristics

Willand is a small Parish in a rural part of Mid-Devon district with a population of around 3,415 people[2]. At its heart is Willand village, around 15 miles from Exeter to the south and to Taunton to the north and 6 miles south-east of the market town of Tiverton and two miles north of Cullompton. It is situated between Junctions 27 and 28 of the M5 motorway with the B3181 running through the centre of the village.

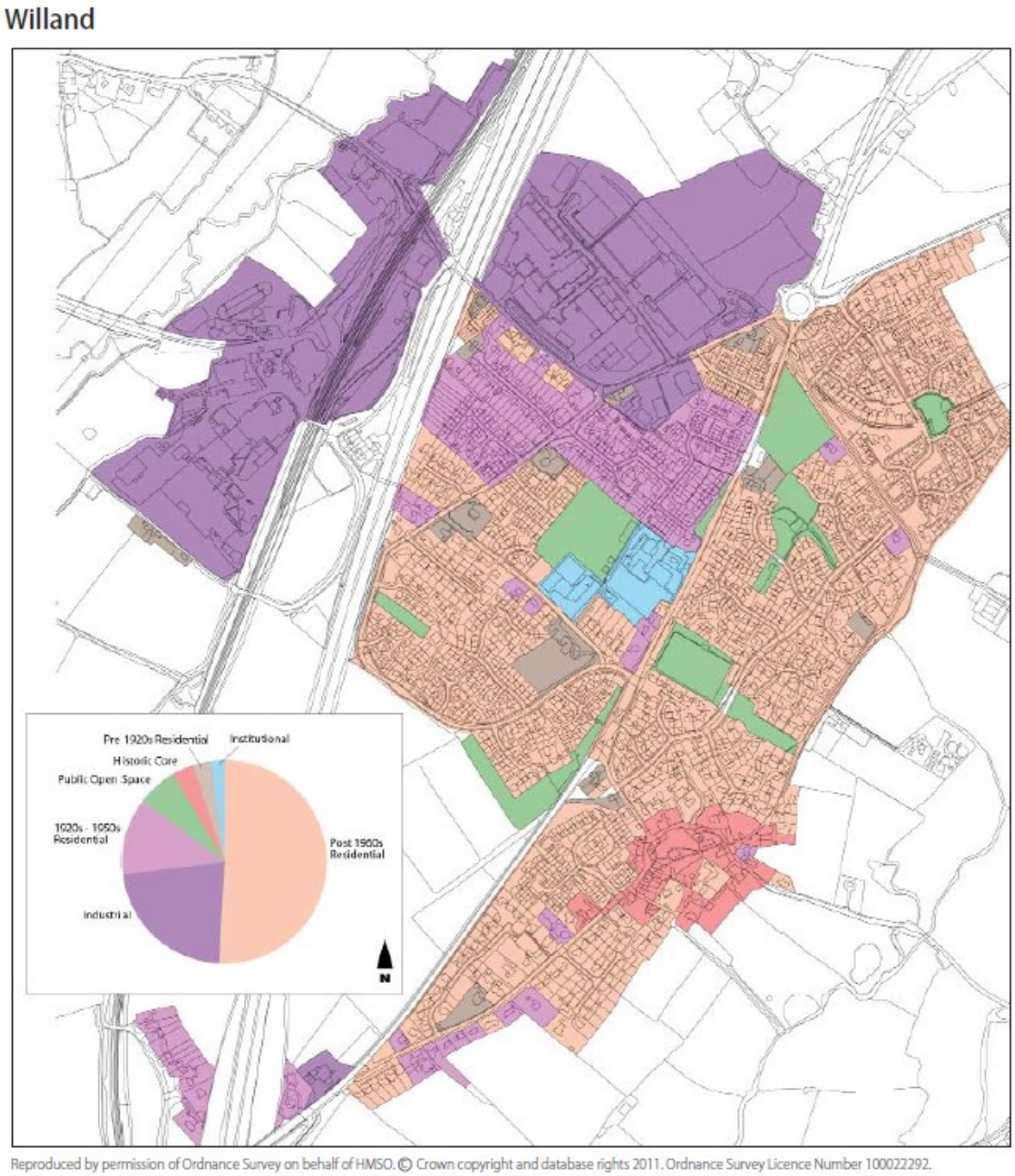
The village has four dispersed village stores catering for everyday shopping needs. It is fortunate to retain its Primary School, Preschool and Nursery, Post Office, GP surgery, residential home, pharmacy, hairdresser, chip shop, a pub, a filling station and a café. Community facilities include a well-used Village Hall and Health and Community Centre. There is a recreation ground, tennis courts and football club ground and allotments, as well as a good number of small local play and recreation areas.

The Parish has a good balance of housing and employment, with the growing Mid-Devon Business Park providing both local and strategic employment opportunities, in addition to the older South View Road industrial estate area and Lloyd Maunder Road employment area, predominantly occupied by the 2 Sisters Food Group. There is Tanyard's Farm & Diggerland to the south. Just outside the Parish boundary (to the north) Hitchcocks Business Park and Langlands provide further employment, as do other businesses and facilities at Junction 27 of the M5 and at Waterloo Cross.

The village of Willand comprises a wide variety of built forms and characters, as the following map shows, taken from the Mid-Devon Settlement Character Assessment. While the assessment was produced in 2012, the village's character areas remain much the same.

[2] Source: NOMIS, ONS 2019 mid-year estimates. Best fit of output areas to parish boundaries. Up-to-date data from the 2021 census should be published soon. See https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/adhocs/12324parishpopulationestimatesformid2001tomid2019basedonbestfittingofoutputareastoparishes

Map 2: Settlement Character



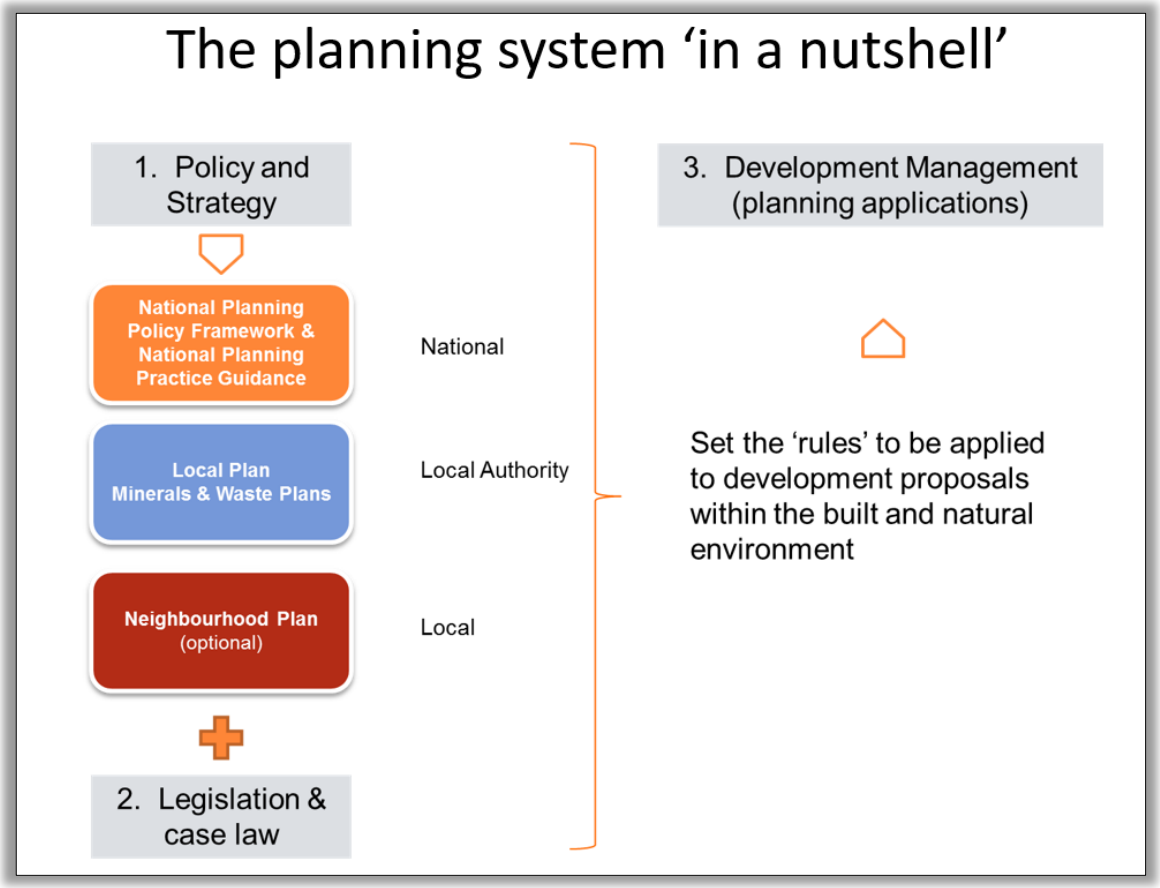
Source: Mid-Devon Settlement Character Assessment, Mid-Devon District Council, 2012

1.3 The Plan's Status

This Neighbourhood Plan, once made, will be part of the "statutory development plan". That means that its policies will have significant weight (or 'real teeth') when it comes to being used by the local authority to help determine proposals for development submitted through planning applications. It will form the local tier of planning policy in our Parish. It sits with the District-wide Local Plan, produced by Mid-Devon District Council (also a statutory development plan) and underneath the umbrella of national planning policy in the Government's National Planning Policy Framework (NPPF)

and National Planning Practice Guidance (NPPG), as the main planning policy documents relevant to our area. Other important planning documents which govern specific issues are the Minerals and Waste Plans produced at the county-wide level by Devon County Council.

Figure 2: The Planning System's Key Elements



The relationship between our Neighbourhood Plan and other planning policy documents is summarised in the illustration "The planning system 'in a nutshell'".

However, this Plan should not be treated as a blueprint. When this Plan is made (adopted) policies will need to be used by the local planning authority when it considers decisions that need to be made about development proposals submitted through the planning application process. The Plan's policies, however, cannot guarantee that a proposal will be refused nor be granted permission, but the policies will carry significant weight, alongside policies of the NPPF, NPPG and the adopted Local Plan when weighing up the appropriateness of the proposal in question.

1.4 Mid-Devon District Council Planning Policies of Relevance

Mid Devon District Council's Local Plan, which provides the strategic planning policy framework for the area was adopted in July 2020 and covers the period to 2033. It is important to be cognisant of these policies, particularly those which relate to Willand, as the policies in this Neighbourhood Plan must be in "general conformity" (or alignment) with them, according to Government planning rules. The policies in this Neighbourhood Plan must be complementary to, and not simply repeat, policies already set out in the adopted Local Plan and they should not contradict the Local Plan's policies.

Appendix 1 reproduces some of the key parts of the Local Plan which relate to Willand, for ease of reference and to help contextualise our Plan. However, they are not meant to provide the complete list of all relevant policies and the Local Plan itself should be read to understand fully which policies might apply to particular development proposals. Our policies in this Plan reference Local Plan policies where necessary to provide context and help demonstrate policies justification.

Some policy areas of particular significance to the Parish include:

- Land allocation for housing (policy WI1: Land east of M5) for 125 houses approved and started;
- Land allocation for strategic employment development (9.2 ha) (policy WI2: Willand Industrial Estate), which is within the Parish boundary and part of which has already been developed[3];
- The definition of the village "Settlement Limit", within which limited development is acceptable (subject to other applicable policies) (policy S13: Villages);
- A policy which specifies what types of proposals are appropriate in the countryside (i.e. outside of the Willand settlement limit (policy S14: Countryside);
- The identification of several priority habitats in the Parish (policy DM28: Other Protected Sites);
- The proposals for major development of Cullompton Garden Village at Junction 28 of the M5 (Policies S11: Cullompton, CU policies relating to the major development at North West Cullompton).



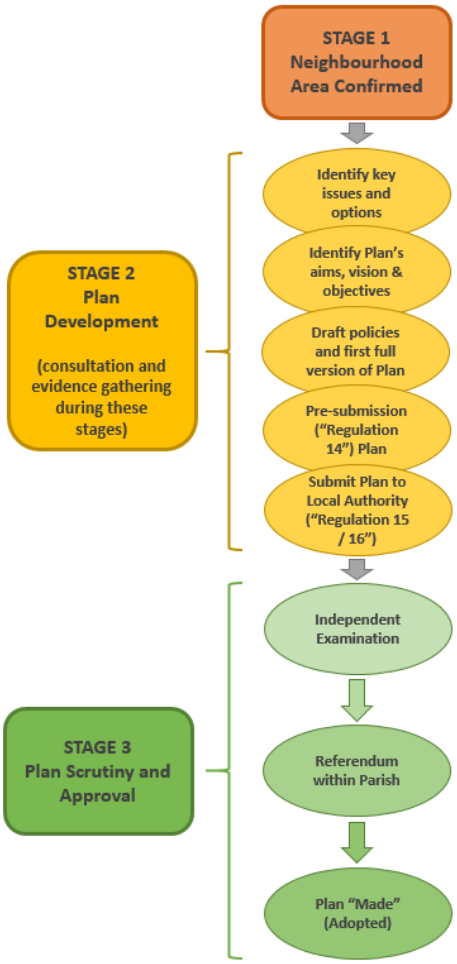
The Mid-Devon Local Plan is currently being reviewed[4] and there will be opportunities for the content of this Plan to influence its development and also for the Local Plan Review to provide strategic policies which cover some matters considered as wider than local to Willand. This is of particular note as some of the issues important to the local community raised during consultation are those over which the

[3] With the other part having approval for reserved matters.
[4] For the period 2023-2043. See https://www.middevon.gov.uk/residents/planning-policy/plan-mid-devon/ for further details.

Neighbourhood Plan can have little or no control, given that the Plan can only have jurisdiction within the Plan area.

1.5 How Have We Got Here?

Figure 3: Neighbourhood Plan Process



In order to produce the Plan, its development has been driven by a steering group, comprised of residents and Parish Councillors. It was recognised at an early stage that for the Plan to be truly representative of the planning issues of relevance in the Parish and to be *the community's plan*, we would need to conduct engagement with those who live and work in the Parish. We continued this engagement throughout the creation of this Plan. We have also liaised with Mid-Devon District Council officers as the Plan has been developed, to ensure alignment with Local Plan and national planning policies.

The process and types of consultation that we have gone through have been fully documented in detail in our Consultation Statement which accompanied this Plan at Submission stage.

However, the key methods we have used have focused on a short community survey in 2020, Primary School survey, public, topic focused and community group meetings during 2021, 2022 and 2023.

Where possible we have had a presence to discuss the Plan and key local issues at other events taking place such as the Queen's Jubilee celebrations in the village.

It is important to note, however, that we did not have to start from a "blank sheet of paper" as the Parish has had a Parish Plan in place since 2005 which provided a good basis for understanding a community view of the main issues and challenges in Willand. This was, of course, checked and challenged during the aforementioned consultation held between 2020 and 2023.

1.6 Next Steps

This Plan is the "Referendum" version of the Plan and has been subject to independent Examination. If the local Referendum in the Parish results in a vote in favour of "making" (or adopting) this Plan, it can then be used formally in the planning system.

1.7 The Structure of Our Plan

Our Plan sets out the vision, aims and objectives for our area, which have been developed, based on dialogue with the community, and shaped by existing planning policies and other plans. The main policy sections of this Plan have been derived by pulling together common aims and common key issues arising from consultation and considering the evidence base. Each policy is supported by justification text to demonstrate why the policy is necessary. There are several issues raised during development of this Plan which are non-planning matters and which can be pursued outside of this Plan's policies. These are set out at the end of each policy section as "community projects and actions".

1.8 Community projects and actions

We have identified several community projects and actions during the development of the Plan. Some of these can only be delivered outside of the planning system or only in part and most will have supportive policies in this Plan to help enable them to be delivered if they need planning permission. These projects and actions are likely to be explored and / or delivered by more than one responsible organisation, authority, agency or association and will require partner working. The Parish Council will help to facilitate the projects and action where possible and appropriate where there is not already a lead organisation pursuing them, or the lead organisation is not identified in the action or project. These community actions and projects are not planning policies and are set out at the very end of the Plan document.



1.9 Sustainable Development

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) set out the Government's planning policy to which all plans and proposals for development should comply. The NPPF includes, at its heart, a "presumption in favour of sustainable development". It is important to understand what that means for our Plan as it sets the parameters within which we can make proposals and set policies.

When taking decisions on proposals for development this means that proposals should be approved where they accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or specific policies in the NPPF indicate that development should be restricted. Translating this to what it means for our neighbourhood plan, it states that *"*Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies"[5]. The NPPF goes on to say that "Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies[6]. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently."[7]

Following this consultation, we will approach Mid-Devon District Council to request their formal view (or screening opinion) as to whether the Plan will require a Strategic Environmental Assessment (SEA) or Habitats Regulation Assessment (HRA). This is a requirement of the process set by the Government. In the meantime, we have been mindful of a need to consider the Plan's policies against the ability to deliver sustainable development as set out in the NPPF.

Our Plan also responds directly to a need for more sustainable development, in part, because it is appropriate to react to the issue of climate change and the need to meet and play a part in contributing towards net zero carbon dioxide emission targets.

[5] See paragraph 13, National Planning Policy Framework, February 2019 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

[6] Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

[7] See paragraphs 29 and 30, National Planning Policy Framework, February 2019 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

2. VISION AND OBJECTIVES

The vision and objectives which follow have been developed from the consultation held with the community between 2020 and 2022. This has been important as it has given confidence to develop the policies and community actions set out in this Plan.

2.1 The Future Vision for Willand

Our vision for the Parish represents our view of what we would like the Parish to be like in the future by the time that the plan reaches its end date. The objectives amplify and describe where we want to get to and the things we would like to achieve, which have been derived from local community consultation.

Future Vision for Willand

1. **Sustaining its identity, facilities and considerable community strengths both as a rural and as a mixed community.**
2. **Securing sustainability now and for the long-term future.**
3. **Engaging with its rural context.**



2.2 Objectives and Plan Topics

Our objectives set out how we are going to respond to and achieve the vision. The objectives present both issues which can be addressed, in whole or in part through this Plan and the wider planning system, and also issues which cannot be delivered through this Plan and its policies. The objectives therefore present "real-world" matters. The Plan then uses these objectives to identify:

i) planning policies which can be used in the planning system to help determine proposals for development (planning applications) and protect key areas of land and assets.
ii) non-land-use planning matters which have been identified as important by the community during the plan-making process and which can be dealt with outside of this Plan and the planning system and which are presented as community actions or projects.

The planning policies are clearly distinguishable from other text, and non-land-use planning actions and projects. It is important to the community to present the "whole picture" in relation to key issues, hence the identification of the community actions and projects. Without doing this, the Parish Council, Plan and its Steering Group could be accused of not including matters which are important to the community which were raised during consultation.

Our objectives are set out in the following table. Alongside them, we have identified the land-use planning topic in this Plan where policies and / or other non-planning actions are specified.



1. Sustaining its identity, facilities and considerable community strengths both as a rural and as a mixed community	
Objective	**Topic(s) in this Plan**
a) Historically Willand has had a mix of social, affordable and private housing, with local employment. This has been an important ingredient in creating a distinctive and vibrant community. This balance should be enhanced by any future development.	• Housing • Economy and Employment
b) We need a greater variety of social, affordable and private housing types, particularly for younger people and older ones to keep them in the village. Members of village families in social, affordable housing within Willand should have suitable housing available within Willand when their housing needs change rather than having to move elsewhere.	• Housing
c) The recent industrial estate at Mid Devon Business Park evidences the continued appetite for commercial development which provides local employment. Proximity to the motorway exit and Tiverton Parkway means that the land north of the Parish boundary has already begun to be considered for development (Hitchcock's Business Park, Willand Business Park and Pitt Farm etc.). There is already a specific plan for development currently coming down to Mount Stephen Farm from Waterloo Cross. All of this area is the primary human zone of Willand. Any future development within and without the current Parish boundary must be consistent with and enhance the distinctive characteristics of Willand's identity.	• Economy and Employment
d) Any future plans within and beyond the current Parish boundary should retain spatial differentiation between Willand and existing neighbouring settlements.	• Green Infrastructure
e) In the MDDC Design Guide Willand is uniquely described amongst Mid Devon villages as a Patchwork, which also offers a model for future development along the B3181 if it occurs.	• Sustainable Development
f) Willand's identity is bound up with its network of accessible non-residential facilities. i) The area including the Willand Rovers football field through to the Methodist Church and across to the Jubilee Field contains an important range of community facilities which must all be conserved, and pedestrian and vehicle access protected and improved. ii) The area including the Parish Church, the Hall and the Post Office contains a range of community facilities which must be conserved and pedestrian and vehicle access protected and improved.	• Community • Travel, Access and Connectivity
g) All existing leisure and green areas and community facilities must be protected. i) All existing play areas, green spaces and woodlands ii) Existing cycleways and pathways iii) Willand Football Ground iv) Village Hall Complex v) Church Hall vi) Cemetery vii) Parish Church Area viii) Methodist Church Area ix) Willand Health and Community Centre x) GP Surgery xi) Halfway House xii) Garage, Hairdresser, Bluebell Cafe xiii) Pharmacy xiv) Diggerland area + Fishing Lakes xv) Elmside down to the river xvi) Willand School	• Community • Green Infrastructure

2. Securing sustainability now and for the long-term future.	
Objective	**Topic(s) in this Plan**
2.1 Climate change a) In future Willand will require more variety of local employment opportunities for working age residents, involving more emphasis on working at or near home. These should be clustered around the Garage site to the south and near the Halfway House to the north. The development should include i. small starter units - office premises - light industrial units ii. home worker support facilities iii. greater choice of catering/refreshment outlets.	• Economy and Employment
b) Allotments and community green space and protected woodland should be an integral part of any proposed future housing and industrial development.	• Community • Green Infrastructure
c) New development to result in a net increase in biodiversity.	• Green Infrastructure
d) All new houses and businesses should have private electric charging points.	• Sustainable Development
e) Solar panels and heat pumps should be integral to all new employment and residential properties.	• Sustainable Development
f) Commercial and community organisations should be encouraged to provide public electric charging points.	• Sustainable Development • Community
g) Consideration should be given to providing a "hub" to the north of the village equipped with electric bikes enabling people to commute to Parkway Station and to the canal and beyond.	• Travel, Access and Connectivity
h) Tree planting.	• Green Infrastructure
2.2 Care of the natural environment a) The production of a clear mapped statement as to who is responsible for keeping which existing paths, verges and green areas clear, including those with no registered ownership.	• Travel, Access and Connectivity • Community
b) A planting strategy for more trees and other wildlife habitat on public and private land.	• Green Infrastructure

2. Securing sustainability now and for the long-term future.	
Objective	**Topic(s) in this Plan**
2.3 Opportunities for the future i) Young people have been well served by a strong village school, access to nearby secondary schooling and good play and youth club facilities. Ready access to education and training needs to be continued and strengthened. ii) Accessible Pre-school and Primary education are an important part of making Willand what it is. Current pedestrian and cycle access and parking issues need to be addressed, and more provision of secure safe bike access to schools and community facilities with secure onsite bike storage. iii) Transport must be secure for young people's and adults' access to out of village education, work and leisure opportunities iv) Continued local presence of Pharmacy and of GP facilities is important for all ages. v) The current strong community spirit requires constant support for community buildings, organisations and facilities.	• Community • Travel, Access and Connectivity
2.4 Key reminders of Willand's history a) Preserve and enhance historic remnants if any of the old Tiverton Junction area including the Station, Maunders and the Duchess Dairy and the remaining railway cottages. b) Preservation and enhancement of the Old Village Conservation Area, Willand's listed buildings and other notable sites.	• Heritage

3. Engaging with its rural context	
Objective	**Topic(s) in this Plan**
a) Increasing access by foot and bike especially to the rural hinterland is a major priority for residents. In contrast to other villages Willand lacks walkways and cycleways, noting the need for wider access for the disabled and children's mobility.	• Travel, Access and Connectivity
b) More public seating.	• Community
c) Jaycroft should be protected as a place to walk and cycle.	• Travel, Access and Connectivity
d) Pedestrian access across the road from the churchyard path to Jaycroft should be given protection.	• Travel, Access and Connectivity
e) Willand residents should have i) Safe pedestrian/cycle access to the cemetery. ii) New crossing from where the footpath joins Silver Street by Ash Close to be routed through Townlands to provide pedestrian access to the Post Office, Church and Hall etc. iii) Pedestrian/cyclist access from Halfway House up to Waterloo Cross, connecting to existing paths for Bridwell and Muxbeare. iv) Safe cycle and pedestrian accesses to the Culm.	• Travel, Access and Connectivity

3. Engaging with its rural context	
Objective	**Topic(s) in this Plan**
v) An early start linking Jaycroft to the proposed off-road footpaths/cycleways intended eventually to reach the Garden Village with Willand, and consideration how this might provide safe pedestrian/cycle access to Cullompton. vi) Safe footpaths/cycleways alongside the B3181 or off road provision to replace the current unsafe link to and from Cullompton to Willand and then the cycleway to Tiverton Parkway Station. vii) A cycle/pathway to Uffculme, possibly opening up old railway line to Hemyock (even where blocked). viii) Open viewing spaces and public access through towards the Culm Valley. ix) The solar farm field south of Dean Hill Road and alongside Five bridges should be promoted as a place to walk with dogs. x) The traditional walk 'Round the World' should be recovered, made safe for pedestrians and cyclists and maintained, with protection from any development on the farmland alongside it. xi) Pedestrian and cycling opportunities to be improved / enhanced by remediation of pavements/pathways that are overgrown and where the verge has encroached, particularly where this inhibits pedestrian access to school and other facilities. xii) safer pedestrian crossing points and safer cycleways on or across roads, particularly Silver Street.	

3. PLAN TOPICS

This Plan's planning policies, and community actions and projects are set out under the topic headings identified in the right-hand column of the table in the previous section. These topics are:

- **Sustainable Development;**
- **Community;**
- **Green Infrastructure;**
- **Transport, Accessibility and Connectivity;**
- **Economy and Employment;**
- **Heritage;**
- **Housing.**

These topics are not listed in any priority order as the Plan's policies all carry equal weight in the planning system once the Plan is made (adopted). The policies, and the community actions and projects which are set out under each topic seek to provide a positive response to the Plan vision and objectives.

Neither the Heritage nor Housing topics have any planning policies, but we consider it appropriate to have a commentary in this Plan about those issues, given that they were raised as key issues during consultation and feature in the objectives set out in the Plan.

3.1 A Note About Planning Policies

The planning policies in this Plan are not able, within the context of planning policies and regulations, to provide a solution for every issue in the Parish. Broadly speaking, the following factors need to be remembered when looking at or using the policies in the Plan:

- Policies must be evidenced and justified, supported by written evidence gathered and community consultation;
- Policies need to relate to land-use and either protect something, propose something or be able to be used by the local planning authority to respond to a development proposal (i.e. help determine its appropriateness, or not);
- Policies should be 'positively framed' to support or enable development subject to various criteria / conditions;
- Policies cannot deal with certain 'excluded matters' such as waste or minerals planning matters which are dealt with by the County Council;
- Policies in a neighbourhood plan should not simply duplicate policies set out elsewhere in policy at the national or local authority level. The neighbourhood plan forms part of the 'development plan', the other parts of which are the district-wide Local Plan and other development plan documents produced by the District Council. The policies across these documents should align, with policies in the neighbourhood plan being in "general conformity" with the strategic policies of the local authority's Local Plan;
- It is the planning policies in the Plan which carry legal weight (or are the statutory element of the Plan);
- Each policy has a unique title and reference number.

It is important to note that, while we have packaged policies under topic headings, when development proposals are being assessed, the whole plan (i.e. all policies) should be considered, as policies in one theme may apply to proposals which naturally fit under another. In other words, the Plan should be read as a whole.

4. SUSTAINABLE DEVELOPMENT

4.1 Introduction

Section 1.9 in the Plan references the need to consider sustainable development within the context of the planning framework set out by national policy. Consultation also gave rise to concerns about our changing climate and the need for this Plan to respond positively to opportunities to help reduce emissions. In response to this, and the resultant objectives of the Plan set out in section 2.2, this first topic and section of the Plan sets out our response to these concerns and key issues raised, setting out planning policies which introduce criteria to help contribute to adaptation to and mitigation of climate change and encourage a positive response to the challenges which a changing climate poses.

The policies in this section are:

- Policy SD1: High -Quality Design in New Development
- Policy SD2: Sustainable Development in New Development

4.2 Sustainable Development and High-Quality Design

Policies Justification

We have identified good, high-quality and sustainable design as an important factor that new housing, commercial and retail development, in particular, should consider and meet. The Government has acknowledged the importance of good design of development in the National Design Guide and emerging National Design Code[8], while the Levelling-up and Regeneration Bill[9] has elevated the importance of delivering good design through the planning system further. Mid-Devon District Council's Design Guide includes useful guidance for a variety of development types[10].

We consider that there is a good level of design guidance for high-quality design to take place in Willand. However, there are some areas in relation to sustainable development and climate change which we consider are worth emphasising through planning policy in this Plan and so policies SD1 and SD2 focus on these areas.

Good design is not simply about the "look and feel" of a development in terms of the materials it is made of or the colour it is. It extends to many other factors. To understand what good design means development should:

- integrate new development with its surroundings while also providing identity;
- consider the impact on and relationship with the climate change;
- be a sustainable development, both in terms of energy efficiency of development, low carbon energy generation and ease of access to help minimise unnecessary travel by private car;
- create a safe and secure environment;
- provide good accessibility and permeability within and through a development;

[8] See https://www.gov.uk/government/publications/national-design-guide
[9] See https://bills.parliament.uk/bills/3155
[10] See https://www.middevon.gov.uk/residents/planning-policy/supplementary-planning-documents/mid-devon-design-guide/

- recognise the day-to-day impact of on-street parking on maintaining good access for pedestrians, parents and carers with prams, the disabled and those with mobility problems and other vehicles;
- consider its environmental impact;
- ensure that it is fit for purpose for the people who will use, live or work within the development;
- reflect the amenity of existing neighbouring uses;
- ensure a positive legacy;
- not simply be "pastiche";
- introduce balance between colour, shape, form, space and textures;
- be of an appropriate scale, massing, density and materials relative to the site and the development's setting.



While planning policies cannot force development to comply with sustainability standards above those required by Building Regulations, policies can strongly encourage developers to exceed those standards where those higher standards do not compromise a development's viability. We therefore signpost tests for new housing such as Building for a Healthy Life[11] and guidance such as Active Design principles[12] to ensure that new development is sustainable and encourages healthy and active lifestyles, and BREEAM in relation to commercial development[13] to help ensure that new commercial development is sustainable. It is critical for new development to help drive us towards meeting net zero carbon emissions targets as soon as we can, including commercial development, which can often have a large carbon footprint given the energy uses of businesses.

[11] See https://www.designforhomes.org/project/building-for-life/
[12] See https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design
[13] See https://www.breeam.com/

Policy SD1 also signposts our desire to see proposals for major development[14] go through a design review process[15] to help guide applicants and local authority planning officers towards a high-quality designed development. This approach has been successfully introduced in policies in other made neighbourhood plans.

Policy SD2 requires development proposals to do as much as they can to have a positive impact on climate change issues on the basis that the level of response to the criteria set and measures introduced will need to be proportionate to the scale and type of development being proposed. In some cases, for example, smaller or householder applications, some criteria will not be relevant to the proposal. The policy also includes reference to the Devon County Council "Sustainable Drainage Systems – Guidance for Devon" document[16], which should be used, where relevant to the proposals, to ensure that flood risk is appropriately managed.

It should be noted that changes to buildings undertaken through permitted development rights will not have to adhere to planning policies.

Policy SD1: High-quality Design in New Developments

For housing, retail and commercial development proposals to be considered high quality in the Willand context, they should have particular regard to the following considerations, where feasible, viable and applicable:

i) be well-related to scale, form, density and character of the settlement / built-up area and of its setting, enhancing visual amenity;

ii) have boundary treatment well-related to those of nearby buildings to complement the character of its setting;

iii) provide safe and easy access for pedestrians, those with impaired mobility and disabilities and cyclists onto existing pedestrian footpaths and cycle lanes and, where feasible provide segregated, direct, safe routes to support good connectivity to local facilities and amenities. Pedestrian and cycle routes should assist permeability and "desire line" point to point access into and out of the development;

iv) ensure good and safe accessibility for refuse, emergency and delivery vehicles, where feasible, taking into account likely levels of on-street parking by occupants, users and visitors;

v) for proposals for dwellings, provide private amenity space (gardens) appropriate to dwelling type and size and to inform consideration of the appropriateness of a proposal's suitability in relation to the character of the built environment and the site's setting. Applicants should provide an analysis of proposal's plot size(s) and building footprint in relation to garden areas of the dwellings in the surrounding area;

vi) follow a design review process prior to the submission of a planning application (for major development) where the development is in a sensitive built or landscape character area or would introduce significant change to its setting; and,

vii) respond positively to the National Design Guide and Code, and the Mid-Devon Design Guide.

[14] Major development is: for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m^2 or more, or a site of 1 hectare or more, or as otherwise provided in the Parish and Country Planning (Development Management Procedure) (England) Order 2015. See the NPPF - https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary

[15] See https://www.designreviewpanel.co.uk/ for further information.

[16] See https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/

Policy SD2: Sustainable Design in New Developments

Development will be required to respond positively to the challenge posed by climate change. It should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions. Proposals are encouraged to meet as many of the following criteria as possible, where feasible, viable and where relevant to the scale and type of proposal:

i) meet the highest standards for commercial / employment uses, or other up-to-date standards at the time of application;
ii) utilise the most up-to-date Building for a Healthy Life sustainable development tests for dwellings, achieving as many green scores as possible;
iii) respond positively to principles such as those for "walkable communities" in Sport England and Public Health England's "Active Design" guidance;
iv) have a layout which optimises passive solar gain;
v) have sustainable drainage systems installed on-site, where relevant, to mitigate the impact of increased surface water run-off or provide off-site solutions where on-site provision is not possible. Proposals should demonstrate, through a Planning Statement, that they have taken into account the Devon County Council "Sustainable Drainage Systems – Guidance for Devon" (or the most up-to-date equivalent where this is superseded during the Plan period);
vi) ensure that all off-road parking spaces are permeable to help prevent surface water run-off and include filtration or interceptors to prevent vehicle oil polluting the ground and watercourses;
vii) incorporate on-site energy generation from renewable sources such as solar panels or heat pumps;
viii) provide an appropriate number of electric vehicle charging points for electric cars and electric bikes in accordance with the most up-to-date standards;
ix) provide secure outside covered storage space for refuse bins and recycling boxes (ensuring that their location gives easy access to the kerbside for collection) and secure inside or outside covered storage for bicycles.

5. COMMUNITY

5.1 Introduction

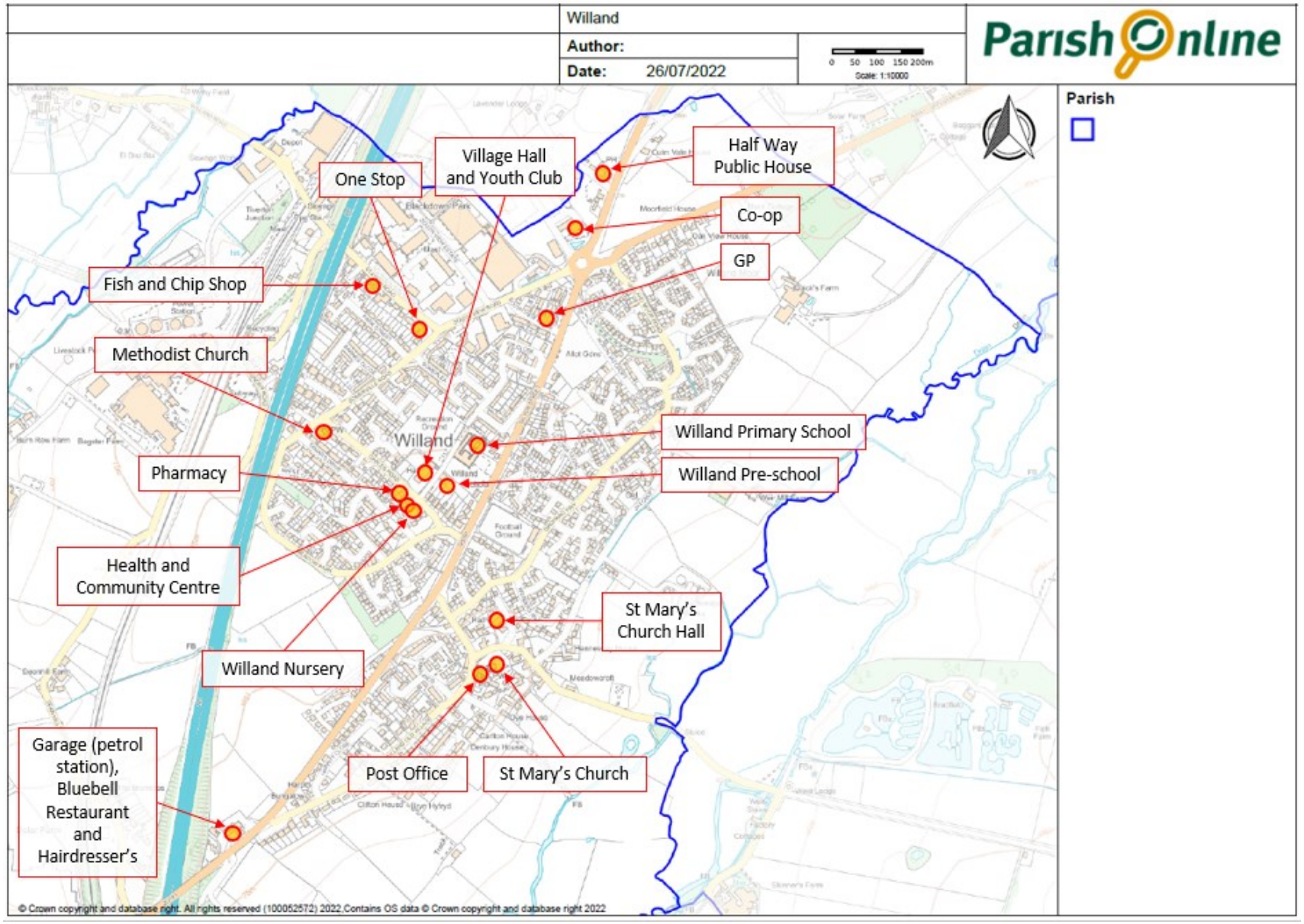
The "community feel" in Willand is central to what makes our Parish the place it is. The environmental, social and economic assets that the Parish benefits from all contribute to this and the apparent balance between living, playing, enjoying and working in the Parish. From this perspective this section could cover almost all objectives of this Plan. However, this topic, in relation to land-use planning, focuses on helping to protect and enhance community identity, by supporting its assets and facilities. The policies in this section are:

- Policy COM1: Engaging with the Community on Major Development Proposals
- Policy COM2: Protecting Community Facilities, Amenities and Assets
- Policy COM3: Enhancing Community Facilities, Amenities and Assets
- Policy COM4: Protecting Sports Facilities, Amenities and Assets
- Policy COM5: Enhancing Sports Facilities, Amenities and Assets
- Policy COM6: Protecting Community "Services"

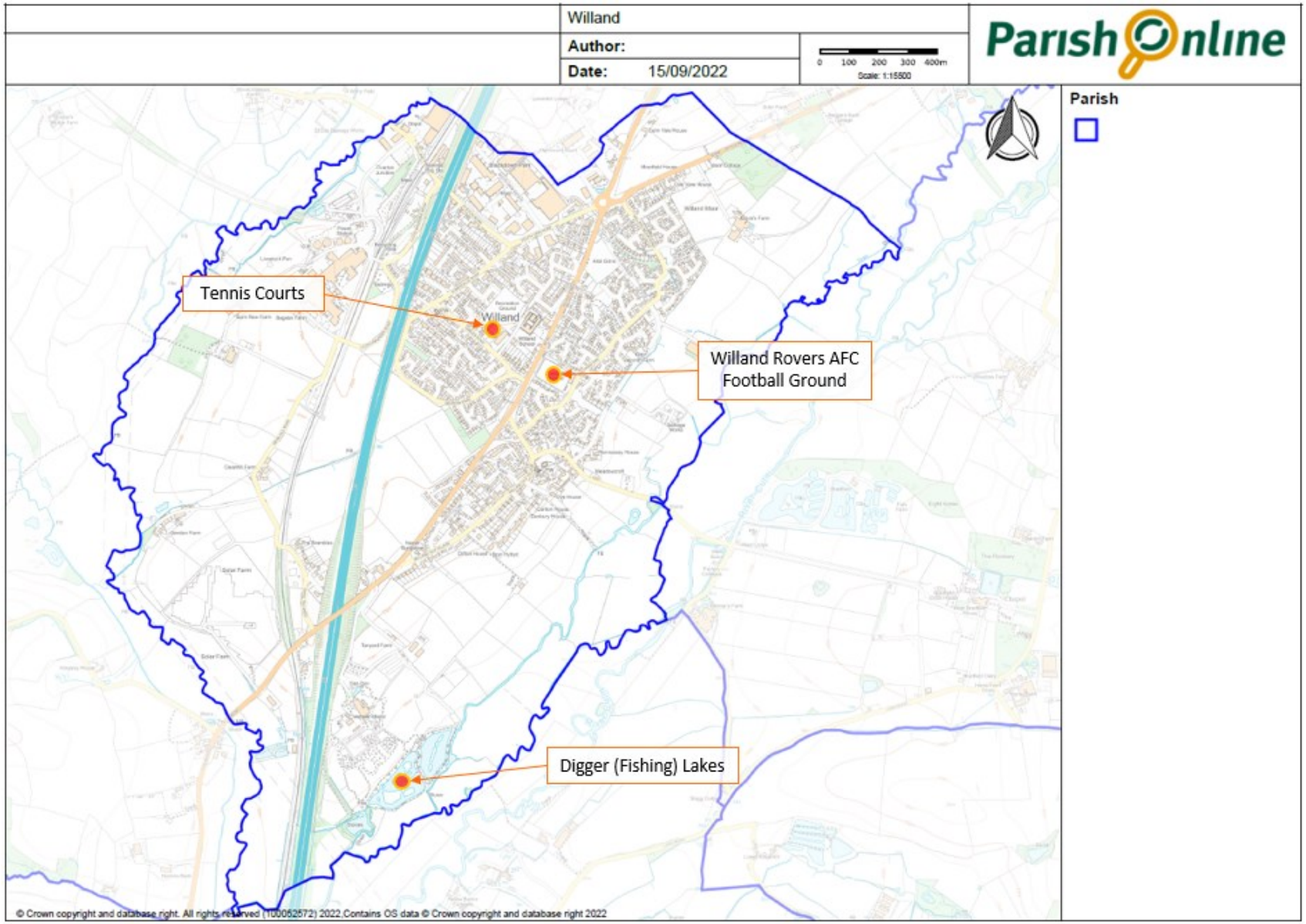
We are fortunate to have a wide range of well-used community and sports facilities and assets, which are shown on Maps 3 and 4 below. This also includes buildings which house or host what we consider to be of critical importance to the health and sustainability of the Parish and its community as community "services". Many of these also play a much wider role in supporting residents in neighbouring parishes.



Map 3: Community and Sports Facilities, Assets and "Services"



Map 4: Sports Facilities and Assets



5.2 Engaging with the Community on Major Development Proposals

Policy Justification

As noted earlier in this Plan, the Parish (and village) of Willand is fortunate to have a good balance between housing, employment and community facilities, making it a relatively sustainable place to live and work. Ironically, its position of balance comes largely from its location on the strategic road network and proximity particularly to Junction 27, but also Junction 28 to the south and the Tiverton Parkway railway station.

Retaining the "look and feel" and this balance of our community is a clear issue of importance for residents during our consultations but also from a planning perspective with the Local Plan and its evidence base recognising Willand's role in this regard[17]. Our policy COM1 is a simple, but important, requirement for developers of major development[18] proposals to engage with the local community at an early stage to ensure that the aims of this Plan and aspirations of the community are met. This is particularly important in the later years of the Plan period and should a new Local Plan come into place during the same period. While we cannot, at this stage, predict with any accuracy what might happen with regard to future housing and employment allocations, having policy COM1 in place will help to ensure that any future planned or speculative planning proposals have some form of early community engagement. While the current Local Plan encourages developers to take opportunities to do this, it is by no means certain that all will, hence the need for this policy to give some weight to the importance of both this Plan, its policies and the community of Willand.

Policy COM1: Engaging with the Community on Major Development Proposals

Proposers of major development (on sites of 10 or more dwellings) are strongly encouraged to engage with the local community and Parish Council, prior to submission of a planning application to the Local Planning Authority, to help ensure that proposals take into account both this Plan's Aims and Objectives and the views of the local community.

5.3 Protecting and Enhancing Community Facilities and Assets

Policy Justification

In order to maintain and enhance the sustainable balance in our community, our community facilities must be protected for future use. They provide important opportunities for people to meet and

[17] For example, in the Local Plan itself, and various evidence base documents which suggest this position such as the Settlement Character Assessment, Employment Land Review, Area Profile and Sustainability Appraisal. See https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan-and-policies-maps/adopted-local-plan-review-evidence-base/

[18] Major development is: for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m^2 or more, or a site of 1 hectare or more, or as otherwise provided in the Parish and Country Planning (Development Management Procedure) (England) Order 2015. See the NPPF - https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary

socialise, learn, practice religion, and engage in mental and physical exercise, and are essential for people's mental and physical wellbeing.

In the context of policy COM2 below, these comprise those facilities which are not run commercially by a private business and which largely provide facilities for community activities, events, clubs, organisations and faith groups, across age groups. The facilities we are seeking to protect are Willand Village Hall[19], Willand Health and Community Centre[20], St Mary's Church and St Mary's Church Hall[21], Willand Methodist Church[22] and Willand Primary School, Pre-school and Nursery.

These facilities are used by a wide range of groups and organisations including, but not limited to:

- Theatre groups;
- Gardening club;
- Coffee mornings and other social meeting events and groups;
- Youth clubs;
- Various sports clubs;
- Various parent and toddler groups;
- Various faith groups, church meetings and worship;
- Various exercise groups;
- Various martial arts clubs;
- Bingo;
- Fairs;
- Education, learning and training courses;
- Concerts;
- Parish Council meetings.

All facilities listed in policy COM2 are well-used by the community and changes to alternative, non-community use facilities, will be resisted. This policy therefore seeks to protect them for community use.

National policy supports a policy position of protecting community facilities[23] and our policy COM2 adds value and local specificity to Local Plan policies S1: Sustainable development priorities and DM23: Community facilities[24]. In addition to protecting facilities it seeks to enable improvements to be made to them and protect from their loss as far as planning policies are able. The policy also seeks to ensure that proposals are "fit-for-purpose" and early engagement with the local community is encouraged.

[19] See https://willandvillagehall.org.uk/
[20] See https://www.facebook.com/groups/190698607681346/
[21] See https://www.stmaryswilland.org/
[22] See https://www.tivwell-methodists.org.uk/culm-valley
[23] See paragraphs 92 and 83 d) of the NPPF, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf. Paragraph 92 states that "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should…a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments…" and "… "c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs…". Paragraph 83 d) states that planning policies and decisions should enable "the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship." to support a prosperous local rural economy.
[24] See Mid-Devon Local Plan, https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan-and-policies-maps/

Policy COM2: Protecting and Enhancing Community Facilities, Amenities and Assets

1. Existing community facilities, amenities and assets (as identified on Map 3 and listed below) are locally valued and will be protected for community use. Their loss will not normally be supported:

i) Willand Village Hall and Youth Club;
ii) Willand Health and Community Centre;
iii) St Mary's Church Hall;
iv) St Mary's Church;
v) Willand Methodist Church;
vi) Willand Primary School;
vii) Willand Pre-school;
viii) Willand Nursery.

2. Proposals for new community facilities and those which result in the loss (redevelopment or change of use) of the named facilities, amenities and assets above will only be supported where:

i) they meet the requirements of Local Plan Policy DM23: Community Facilities; and,
ii) they do not have an adverse impact on the special character of the area's natural and built environments.

3. Proposers of development are encouraged to engage with the local community and Parish Council at the earliest opportunity to help ensure that any proposals take into account both this Plan's Objectives, the needs of users and the views of the local community.

5.4 Protecting and Enhancing Sports Facilities and Assets

Policy Justification

Our sports facilities in the village also have a key role to play in supporting the sustainability and health and wellbeing of the community. We are fortunate to have a well-supported Football Club and Tennis Club, both with a buoyant membership. The Willand Rovers Football Club[25] (WRFC) 1st team plays in the Southern League. The club's ground is at Silver Street and should be protected from loss as a sports facility. Willand Tennis Club[26] is an active village club based at the courts in Jubilee Field and supports social and competitive tennis for both adults and juniors.

The Mid-Devon Playing Pitch Strategy[27] highlights both the football and tennis clubs, supporting resurfacing of the tennis courts and upgraded lighting, and additional facilities for the football club should demand become apparent from youth and ladies teams (with at least one youth 11v11 pitch required).

[25] See https://www.facebook.com/willandroversfc/ and http://www.willandrovers.co.uk/
[26] See https://www.facebook.com/Willandtennisclub/ and https://clubspark.lta.org.uk/WillandTennisClub
[27] See https://www.middevon.gov.uk/residents/planning-policy/playing-pitch-strategy/

Policy COM3 seeks to protect these facilities from loss. However, the policy does not seek to ossify these facilities. Should improvements and enhancements be required which support their main use, these should be supported. Equally, if either facility could be improved by relocation, this is supported subject to better quality and quantity (or capacity) of facilities being provided. It is important to note that a secure community use agreement is a common way to ensure that the community gets access to new provision for sport in particular. These are typically secured through section 106 agreements and organisations such as national sports governing bodies and Sport England have model agreement examples which the local authority can use where such an agreement is required. It is important, after agreement is in place, for the local authority to enforce it. The policy also rightly draws attention to the need for proposals where mitigation is proposed, to take fully into account Sport England's most up-to-date policy. For example, Sport England's Playing Fields Policy[28] is a critical policy document used to help defend against loss of playing fields. This is particularly relevant for applications where Sport England will not be a statutory consultee, such as smaller scale proposals.

Policy COM4 provides support to enhance facilities, subject to criteria being met to ensure that a balance of factors are taken into account. It is considered appropriate to seek to retain spend for enhanced facilities within the Parish. The criterion in the policy is borne from an understanding of how mitigation can sometimes be "gained" from a housing proposal but then provided or spent outside of the Parish if it goes into a central "pot" held by the local authority. It is also important to reflect the position that there can sometimes be a misconception that sports clubs always require additional pitches or facilities to increase their capacity (and cater for an increased local population from new development). Clubs (and indeed the Parish Council) can prefer a financial contribution to improve the quality (and therefore enhance capacity of) facilities and pitches.

Policy COM3: Protecting Sports Facilities, Amenities and Assets

1. Our main sport facilities and pitches are identified on Map 4 and are:

i) Tennis Courts at Jubilee Field;
ii) Digger (Fishing) Lakes;
iii) the Willand Rovers Athletic Football Club ground.

2. Existing sports facilities and pitches will be protected from loss. Where loss of a facility or pitch is unavoidable, it will be supported only where:
i) redevelopment of the existing site includes an alternative type of community use, space or access;
ii) alternative replacement provision will normally be expected to be made within the Plan area but in some circumstances replacement adjacent to Willand Parish may be acceptable if the site is still accessible to the residents of Willand, as defined in Local Plan guidance. Replacement shall be to an equal or better quality and quantity than the facility and / or pitches being lost;
iii) provision ensures community access through an enforceable legal agreement;
iv) that the proposal demonstrates how it has taken into account the most up-to-date Local Planning Authority Playing Pitch Strategy and / or Sports Facility Strategy; and,

[28] See https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing_fields_policy

v) proposals for replacement to mitigate loss should where possible comply with the guidance of Sport England and relevant sports governing bodies.

3. Where replacement cannot be achieved in line with 2ii) above, a financial contribution may be acceptable instead to ensure that provision is enhanced at other existing facilities, amenities and assets, where possible within the Parish of Willand.

Policy COM4: Enhancing Sports Facilities, Amenities and Assets

1. Where relevant, development, refurbishment or redevelopment proposals for sports will be supported where they :

i) deliver or contribute towards improving quality and / or capacity to accommodate demand at existing facilities and / or pitches through on-site improvements, enhancements or extension; and / or,
ii) deliver or contribute towards identified opportunities and / or resolve identified constraints; and / or,
iii) secure or improve the financial viability of long-term use of facilities and pitches;

and;

iv) do not exacerbate identified constraints or challenges on or associated with the site and proposal; and,
v) satisfactorily mitigate adverse impacts which arise from the proposal.

2. If proposals for additional or improved facilities and / or pitches to accommodate demand arising from development proposals are not feasible or viable on-site, off-site provision or financial contributions towards provision should be made in line with Policy COM3.

5.5 Protecting and Enhancing Community "Services"

Policy Justification

There are several services in the village which are considered "essential" for the community to continue to be sustainable in the long-term. These are services which are relied upon by the community which are operated either on a purely commercial footing or as businesses. The planning system cannot control whether or not a business or commercial operation remains in its premises given that this will come down to economic viability and that the planning system can only be concerned with matters of land-use. However, planning policy can have some limited control over what uses take place in buildings. It is important for this Plan to identify the services which are important to the community. These often also operate as meeting places which can provide people with social support and provide services which would otherwise be difficult to access locally if they were absent. The community services of particular importance in Willand are the post office, the GP surgery, pharmacy, garage, hairdresser's and the Halfway Public House. Policy COM5 seeks to protect the uses of the buildings which they occupy to enable similar provision to use them should they

become unviable or cease trading in the future. We recognise that planning policies will have a limited impact on retention of these in the village, particularly with permitted development rights allowing certain changes of use without the need for planning permission. The policy also seeks to protect other businesses which offer top-up or convenience retail food shopping (such as the Co-op and One Stop) and the Fish and Chip shop. These also play a role as "services" and contribute to the sustainability of the village, even though they are purely retail and take-away uses.

Policy COM5: Protecting Community "Services"

1. Our locally valued "services" which support the vitality of the community are identified on Map 3, and are:

i) Willand Post Office;
ii) General Practitioners (GP) Surgery;
iii) Willand Pharmacy;
iv) Willand Garage (petrol station), Bluebell Restaurant / Café and Hairdressers;
v) Fish and Chip shop (Station Road);
vi) Co-op;
vii) One Stop; and,
viii) Halfway House Public House.

2. Development proposals (which require planning permission) which result in the loss to alternative uses of community "services" which support the vitality of the community will only be supported where:

i) it can be satisfactorily demonstrated that the use is no longer viable having been publicly and openly marketed for sale, lease and / or rent (under current and other ownership models) for a minimum of 12 months for a similar use, unless there is robust local evidence for a shorter timeframe; or,
ii) a replacement use or provision is proposed (and will be delivered) on an alternative site within the Plan area; or,
iii) the proposed alternative use would provide equal or greater benefits for the local economy and community than the current use.

6. GREEN INFRASTRUCTURE

6.1 Introduction

The Parish's "green infrastructure" is of critical importance to the community, people who work in Willand and to flora and fauna. It comprises many elements, some natural, some semi-natural and some human-made[29]. Typical types of green infrastructure are shown in the box on this page.

Collectively, all of these elements of green infrastructure are important to quality of life, health and wellbeing, biodiversity, and the wider environment.

These elements also play a vital role in a much wider network of green spaces. The declared "Climate Emergency" [30], legal targets for the nation to be "net zero carbon" by 2050 and the District and County-wide aspirations to reach net zero by 2030 will mean that the natural environment must be protected and will have an even more important role, moving forward, to help to reach these targets. Solutions such as "carbon sequestration" which can include the planting of more trees to absorb and "capture" carbon will become more important in future.

Typical elements of "green infrastructure"	
	Agricultural field systems, rural landscape, urban fringe and gaps between settlements
	Grassland, heathland, woodland, hedgerows, trees and their interconnecting corridors critical to biodiversity and habitat
	Protected areas such as Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and Nature Reserves
	Recreational, sport and leisure greenspaces, parks and gardens, public amenity greenspace, village greens, formal greenspaces, playing pitches, heritage / cultural greenspace, churchyards and allotments
	"Greenways", footpaths, cycle paths, coast path, bridleways and lanes
	Includes "blue infrastructure" such as: rivers, streams, wetland, sustainable drainage systems

The policies in this section of the Plan are designed to perform several roles, namely, to protect the green spaces that we value for local amenity and recreational enjoyment, to protect natural and semi-natural areas which do not already enjoy policy or legal protection through existing legislation, or national and Local Plan policies, to take opportunities to protect and enhance biodiversity, and provide policy protection for locally important reasons and which are not otherwise recognised elsewhere. They also have justification based in Mid-Devon District Council's Green Infrastructure Assessment and Strategy[31]. The Assessment states that *"Overall GI is below average, as is the GI per head of*

[29] It is defined in the National Planning Policy Framework (NPPF) glossary as "*a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities*."

[30] See https://www.devonclimateemergency.org.uk/ for further information on both the climate emergency and ecological emergency declared in Devon.

[31] See https://www.middevon.gov.uk/residents/planning-policy/local-plan-history/previous-local-plan-evidence/green-infrastructure-assessment/

population. Nature sites are in short supply, with very few County Wildlife Sites and no SSSIs. There is a high land area of protected trees (Tree Preservation Orders) in comparison to other catchment areas." (Paragraph 5.163) It goes on to say that *"…public right of way density is one of the lowest in Mid Devon at 0.45km per square kilometre, and qualifies as a 'deficiency area'. Devon County Council categorises deficiency areas as those parishes with 0.5km public rights of way per square kilometre, or less."* (Paragraph 5.164) The Fields in Trust Green Space Index suggests that Willand village, and much of the remaining Parish area, has a lower than minimum national standard score[32]. The Assessment and the Green Space Index suggest a need to protect the green infrastructure we have and support its improvement. This also leads to the Strategy's recommendation that Willand is the 5th priority for local authority investment in delivering green infrastructure of 28 priority areas (policy GI/2, p.8). However, the Assessment does suggest that Willand is fortunate to have a higher area of small-scale open space and play areas compared to other areas. This reinforces the need to protect these areas.

The policies in this section are:

- Policy GI1: Local Green Space
- Policy GI2: Locally Valued Areas of Biodiversity, Geodiversity and Habitat
- Policy GI3: Protecting Trees from Loss as a Result of Development
- Policy GI4: New Trees and Planting

Our Green Infrastructure network, comprised of a variety of land uses / elements is set out, below on Maps 5 and 6.

6.2 Local Green Space

Policy Justification

Through national planning policy[33], we have an opportunity to designate our important local green spaces in order to protect them and ensure that their current use remains. For a space to be designated as Local Green Space, it needs to be:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and,

c) local in character and not an extensive tract of land.[34]

Through local consultation and gathering evidence on the nature, use of and quality of important local spaces, we have identified 19 spaces which we designate as Local Green Spaces (LGS).

[32] See https://experience.arcgis.com/experience/5301c55a8189410b9428a90f05596af4/page/GSI-Score/ Fields in Trust states that the "Green Space Index is Fields in Trust's annual barometer of park and green space provision in Great Britain. It helps to identify where legal protection of green space can help to achieve these targets and bring lasting benefits to people, place and the planet."

[33] See NPPF, paragraphs 101-103, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf .

[34] See NPPF, paragraph 102, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf .

They are designated where they play mainly a social, play, leisure and recreational role. In many instances they play a multi-functional role and also connect to the areas of habitat and biodiversity, therefore forming an integral part of our wider green infrastructure network important for the community and wildlife alike.

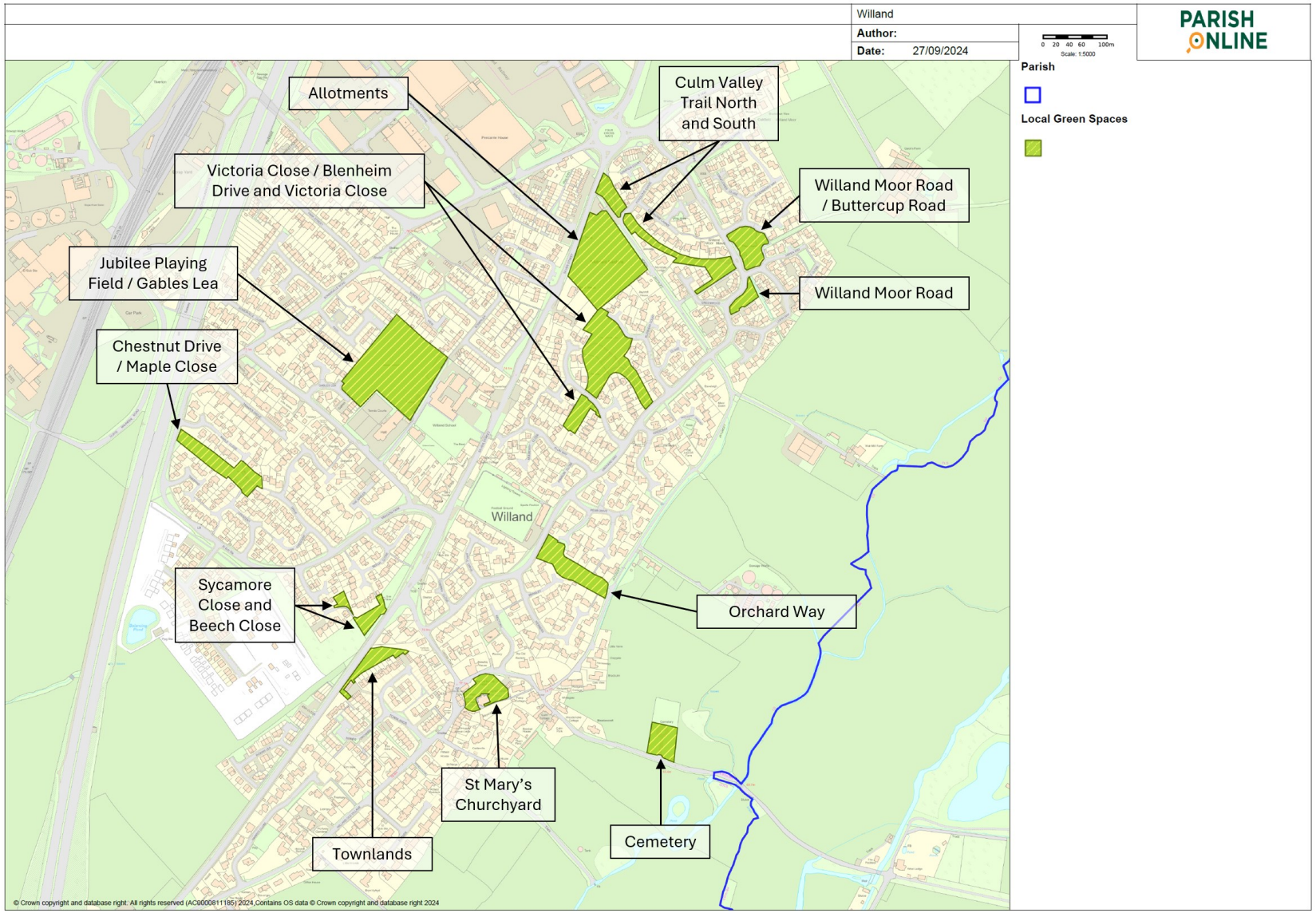
The identified spaces defined in Map 7 (and in more detailed mapping in Appendix 2) all meet the requirements set out in national policy[35]. Our assessment to demonstrate that the spaces do meet the required criteria is also set out in this appendix.

The designation does not mean that no change can happen on the sites and policy GI1 below sets out the criteria against which any planning proposals on these sites would be acceptable. Typically, for example, a proposal (which needs planning permission) for facilities which help to support or enhance the main use for which the site is protected, could be permissible.



[35] See our Local Green Space Study which can be seen in Appendix 2.

Map 5: Local Green Spaces



Policy GI1: Local Green Space

1. Our locally valued green spaces are identified on Map 5 (and Appendix 2) and are designated as Local Green Space in accordance with the requirements of the National Planning Policy Framework. These areas will be protected for their local environmental, heritage and / or recreational value. Willand's Local Green Spaces are:

i) Chestnut Drive / Maple Close;
ii) Culm Valley Trail North and South;
iii) Jubilee Playing Field / Gables Lea;
iv) Orchard Way;
v) St Mary's Churchyard;
vi) Sycamore Close and Beech Close;
vii) Townlands;
viii) Victoria Close / Blenheim Drive and Victoria Close;
ix) Willand Allotments;
x) Willand Moor Road / Buttercup Road;
xi) Willand Moor Road;
xii) Willand Parish Cemetery.

2. Development that would harm the openness and / or special character of a Local Green Space or its significance and value to the local community will not be permitted unless the proposal can demonstrate very special circumstances that outweigh the harm to the Local Green Space.

3. Any development of such areas will be managed in accordance with national policy for Green Belt.



6.3 Locally Valued Areas of Biodiversity, Geodiversity and Habitat

Policy Justification

There are several areas of woodland and other areas of land with noted habitats which require protection from harm and adverse change. These form a critical part of the green infrastructure network in the Parish. These areas of locally valued biodiversity, geodiversity and habitat will be protected.

Using local knowledge, aerial mapping, Devon Environment Viewer[36] and Natural England's habitats data[37], areas of habitat and green corridors which link these areas of biodiversity have been defined on Map 6 (and in greater detail in Appendix 3). These areas should be protected from loss as a basic principle. However, the planning system requires policies to enable the opportunity for development proposals to mitigate impact and so policy GI2 also sets out the criteria which must be considered and passed for development to be considered acceptable in these designated areas. The policy also requires proposals to take fully into account other notable and significant environmental records relating to habitat and species.

In applying the policy, a funded management and maintenance plan should be agreed between the applicant and Local Planning Authority to ensure that net gains in biodiversity are properly managed and realised. Any proposal should also not cause significant harm to the setting with regard to biodiversity, geodiversity and habitat, or such impacts can be satisfactorily mitigated.

These areas will naturally link to other areas of importance outside the Parish boundary, but this Plan can do nothing to protect these areas. This Plan cannot introduce policy for these neighbouring parish areas but planning officers and developers are encouraged to consider the natural continuity and inter-connectivity of the areas designated in policy GI2 beyond this Plan's area. Mid-Devon District

[36] See http://map.devon.gov.uk/dccviewer/

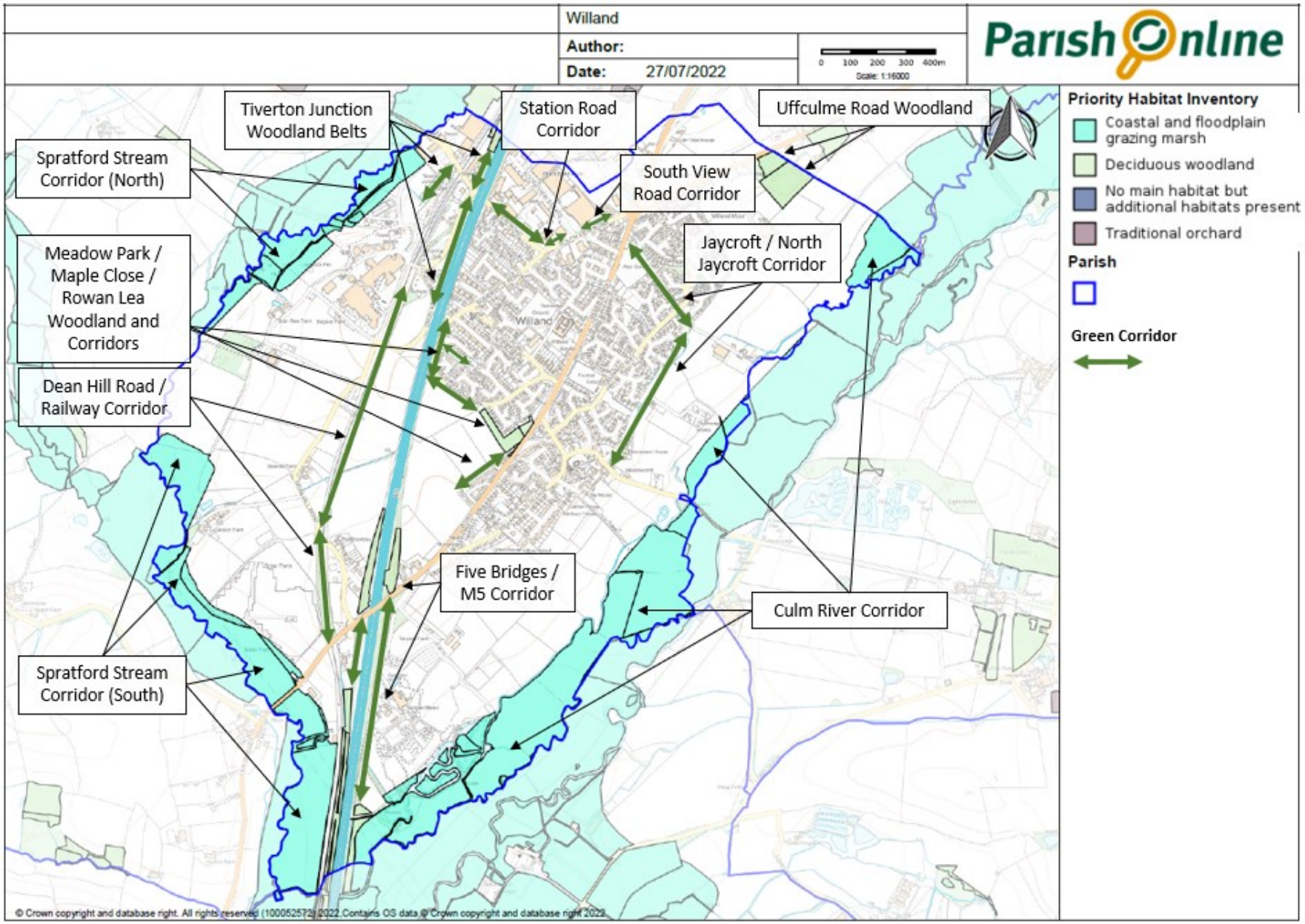
[37] This is documented in our evidence base, but detailed interactive mapping of these areas can be searched and seen here https://magic.defra.gov.uk/

Council is encouraged to ensure that a strategic and cross-parish boundary protection is put in place through the Local Plan review.

The policy requires that proposals on or affecting these sites should demonstrate how they have responded to the requirements of the policy through an ecological assessment. This provides applicants with the opportunity to demonstrate how they have responded and will ensure that the areas can be protected from significant harm or that satisfactory mitigation can be introduced.

The Devon Carbon Plan, targets for zero carbon emissions, emerging Climate Change Bill, Environment Act and Levelling-up and Regeneration Bill, and recent changes to the NPPF in relation to the importance of trees, emphasise the need to retain areas of habitat and woodland as essential components of a wider green infrastructure network.

Map 6: Locally Valued Areas of Biodiversity, Geodiversity and Habitat and Supporting Green Corridors



Policy GI2: Locally Valued Areas of Biodiversity, Geodiversity and Habitat

1. Our locally valued areas of biodiversity, geodiversity and habitat are identified on Map 6 and the following are of particular significance:

- **i) Culm River Corridor;**
- **ii) Five Bridges / M5 Corridor;**
- **iii) Meadow Park / Maple Close / Rowan Lea Woodland;**
- **iv) Spratford Stream Corridor (North);**
- **v) Spratford Stream Corridor (South);**
- **vi) Tiverton Junction Woodland Belts;**
- **vii) Uffculme Road Woodland.**

2. Areas shown on Map 6 will be protected (and enhanced where possible) as areas important in supporting wildlife habitats, biodiversity and geodiversity and their role within the wider network of green infrastructure. Green corridors linking these areas will also be protected.

3. Proposals which result in the unavoidable significant harm to areas designated in clause 1 of this policy (in whole or in part) will only be supported where the area (quality, land area and habitat, biodiversity and geodiversity value) can be satisfactorily replaced with net gains in biodiversity to that feature.

4. Where appropriate, proposals on or affecting these sites should demonstrate how they have responded to the requirements of this policy through an ecological assessment.

6.4 Protecting Trees from Loss and New Trees in Development

Policies Justification

Trees, whether part of woodland, hedgerows, copse, isolated clumps or as a single prominent feature in both the rural areas and the village, form a key component of the landscape and as habitats for wildlife. All common species have value and so protection of habitats and ecosystems should not simply be limited to rare or endangered species of flora and fauna.

Within the settlement limits in particular trees play a vital role in helping to reduce airborne pollution and are increasingly recognised, wherever they are located, as vital in the absorption of carbon dioxide emissions (i.e. carbon capture and contribution to carbon sequestration[38]), and playing a role in flood prevention, and therefore very significant in their contribution to meeting the challenge of climate change. Retention of trees also plays an important role in helping to slow and extend the period of time for the drainage of water during periods of rainfall. Trees are a key feature of our immediate environment which help contribute to positive mental health. For all of these reasons, their loss will not be supported.

[38] See https://www.devonclimateemergency.org.uk/glossary/ for definitions relating to climate change. Also see https://www.woodlandcarboncode.org.uk/standard-and-guidance/3-carbon-sequestration/3-3-project-carbon-sequestration for details on how development proposals can calculate carbon sequestration.

While some trees benefit from Tree Preservation Orders (TPOs) designated by Mid-Devon District Council[39], and those within our designated Conservation Area also carry some protection, there are others within habitat areas identified by policy GI2 and outside of these which play an important role as part of the essential green infrastructure network.

Policy GI3 seeks to protect this valuable part of our green infrastructure, although it is recognised that planning policy can play only a limited role given that policies can be used only in relation to proposals for development.

Our support for trees and the important role they play in the natural and village environments extends, through policy GI4, to increasing tree planting to also help with improving air quality, canopy cover and shade during hot weather, biodiversity, and help mitigate carbon dioxide emissions and the drive towards net zero emissions. The planting of trees can also help contribute significantly to demonstrating net gains in biodiversity in relation to a development site. The Environment Act 2021[40] introduced, through Regulations in 2022/23, statutory requirements for providing net gains in biodiversity in relation to development proposals (in addition to the existing Local Plan policy requirement in policies S1: Sustainable development priorities and DM26: Green infrastructure in major development) and so this Plan does not seek such requirements. Policy GI4 support for tree planting and sets out the checks and balances required to ensure that planting is fit for purpose. However, the policy is limited to use when planning proposals come forward as a planning policy cannot simply require tree planting to happen, given that planting a tree does not require planning permission.

In addition to the policy requirements, development proposals incorporating new trees and planting will be required to submit management and maintenance details to help ensure that new trees are managed and maintained, not only to ensure that they "bed in" in the first season of planting but also that they remain managed in the longer-term as necessary. Our policies support the efforts of organisations such as the Devon Wildlife Trust in saving treescapes[41].

Policy GI3: Protecting Trees from Loss as a Result of Development

1. **Where development proposals are on a site on which trees exist, these existing trees will be retained wherever possible for the contribution they make to reducing air pollution, softening the built landscape, providing shade in the summer months (urban cooling), good mental health, carbon sequestration and biodiversity.**
2. **Where the loss of a tree or trees is unavoidable, proposals will replace trees to an equivalent maturity where feasible and in all cases to the same scale, effect or massing of trees to ensure an equivalent contribution to local biodiversity, air quality and health, and carbon sequestration, on site or within close proximity if on-site is not feasible. Where replacement of trees is required on-site or off-site to mitigate loss, policy GI4 will also be relevant.**

[39] See https://www.middevon.gov.uk/residents/planning/trees-and-hedgerows/tree-preservation-orders/ for further information on Tree Preservation Orders.
[40] See https://www.legislation.gov.uk/uksi/2022/48/contents/made
[41] See Wild about Devon - Saving Devon's Treescapes project https://www.devonwildlifetrust.org/what-we-do/our-projects/saving-devons-treescapes

Policy GI4: New Trees and Planting

Development proposals which include the provision of trees and other planting to enhance the environment should ensure that:

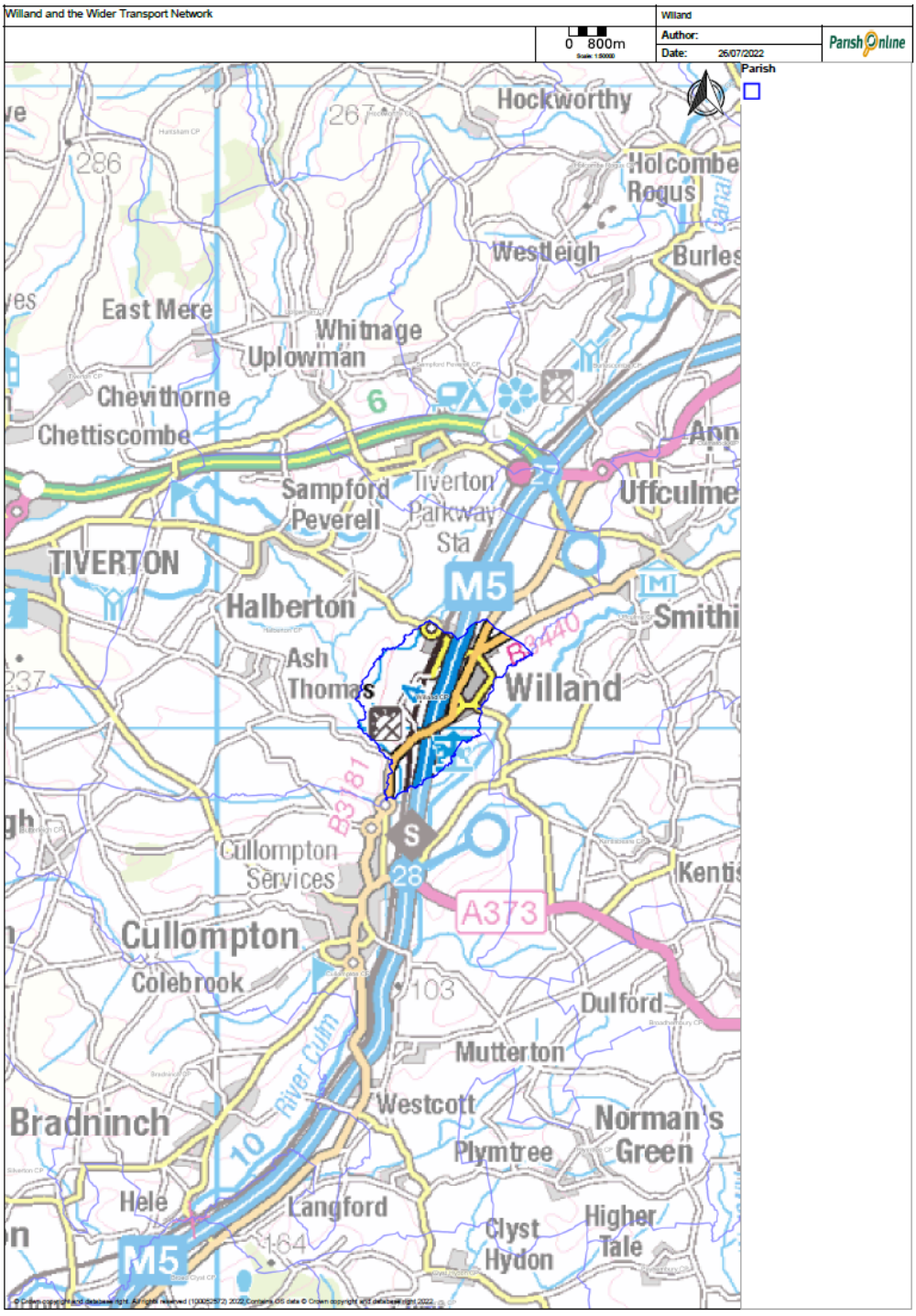
i) the trees are of a species, size and massing appropriate to the immediate setting;
ii) planting and trees in foliage allow adequate access to buildings within their setting through adoption and implementation of an appropriate management and maintenance programme;
iii) trees and planting areas are designed and contained in such a way as to prevent future problems from roots to the planting structure (where relevant), paving surface and underground structures and infrastructure; and,
iv) species are planted which are resilient to likely changes in the climate and weather patterns.

7. TRANSPORT, ACCESSIBILITY AND CONNECTIVITY

7.1 Introduction

Willand benefits from having a good position on the strategic road network, being most closely linked to the M5 Junction 27 but also close to Junction 28. It is also relatively close to Tiverton Parkway railway station with trains running up and down the Great Western mainline between Penzance, Exeter, Bristol and London. Its location means that it is viewed as a good place to be based for many businesses and this is true of the wider area outside the Parish boundary.

Map 7: Willand and its Wider Transport Network



Locally, the village has its own range of transport, accessibility and connectivity challenges and opportunities. This section sets out a range of policies to respond to these challenges and opportunities. In doing so we recognise, however, that the planning system only has a limited role in being able to effect change and deliver improvements to the transport network. Other organisations and agencies have responsibility for the transport network and issues related to it, for example, Devon County Council Highways for the county road network and public highways, Highways England for the strategic road network (motorways and trunk road network), on-street parking enforcement by Devon County Council, and the Police for traffic speeding. In addition, many measures which could introduce changes and improvements are subject to permitted development rights and would not be influenced by planning policies. However, our suite of policies in this section present a planning policy response where development proposals should be influenced and have the opportunity to support improvements in our transport network.

The policies in this section are:

- Policy TAC1: Improving Transport, Accessibility and Connectivity
- Policy TAC2: Protecting the Footpath, Bridleway and Cyclepath Network
- Policy TAC3: Electric Charging Points for Plug-in Vehicles
- Policy TAC4: E-cargo and Electric Vehicle Hub

7.2 Improving Transport, Accessibility and Connectivity

Policy Justification

As we have noted above, the planning system can influence only some aspects of transport. For example, minor alterations to the road network, repairs and traffic calming are usually permitted without the need for planning permission and issues such as enforcement of traffic speeds and parking regulations are the responsibility of bodies such as the Devon & Cornwall Police and Devon County Council (as both Parking Enforcement and Highways Authority). The frequency of rail and bus services are not regulated through the planning system and planning policies can only influence provision of smaller scale infrastructure and changes to buildings and land-use.

However, this Plan draws together several key issues, challenges and opportunities identified through consultation with the community and sets out policies where they can be used to help protect or enhance transport, accessibility and connectivity. Taking such measures not only helps to improve travel options, but helps to support improvements to our health while presenting a positive response to the challenges posed by climate change. As indicated earlier in this Plan, Willand is a relatively sustainable village. With the walking time around 15-20 minutes from the northern to southern tip of the village, and walking times from most parts of the village to the centre around 10-15 minutes, this is something which can be built-upon. The concept of a 15 or 20 minute walking radius to and from facilities and services is becoming a more central part of town planning thinking and Willand can capitalise on this[42].

[42] For example, see https://tcpa.org.uk/collection/the-20-minute-neighbourhood/, https://www.rtpi.org.uk/research/2020/june/net-zero-transport-the-role-of-spatial-planning-and-place-based-solutions/, https://tcpa.org.uk/resources/the-climate-crisis-a-guide-for-local-authorities-on-planning-for-climate-change/ , and https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design

Importantly, this Plan does not simply leave non-planning transport issues and problems to one side but presents them as issues connected to planning and our wider environment. We have identified non-planning transport actions and projects at the end of this section.

The main transport challenges and opportunities in Willand can be grouped around the following issues:

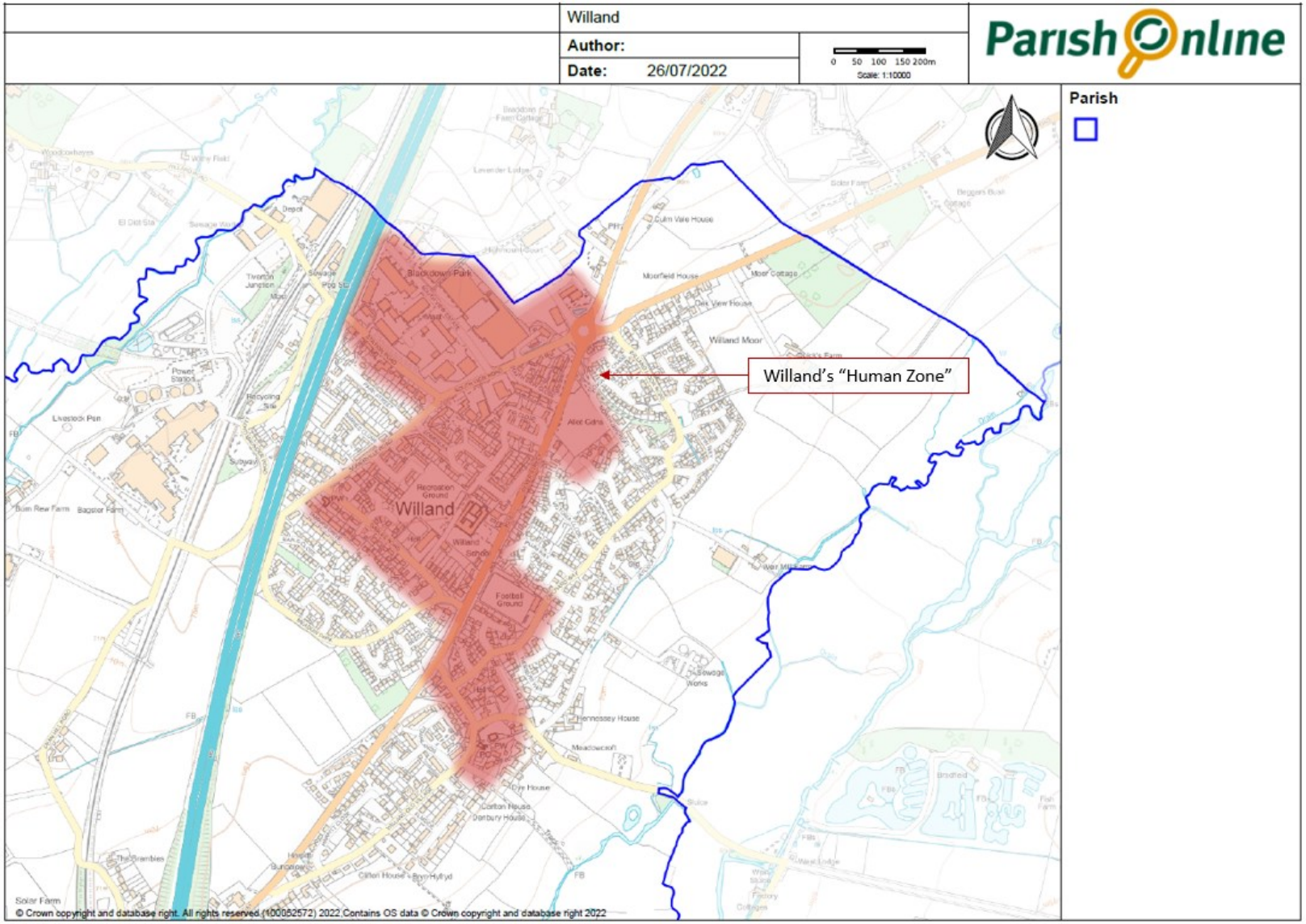
- Improving safe pedestrian and cycle routes;
- Improving pedestrian safety (with a focus on children);
- Increasing the frequency of local trips to be made by foot and bicycle (also called "modeshift") to benefit health and help reduce the local carbon footprint, congestion at busy times and road safety;
- Supporting opportunities to introduce electric vehicle infrastructure.



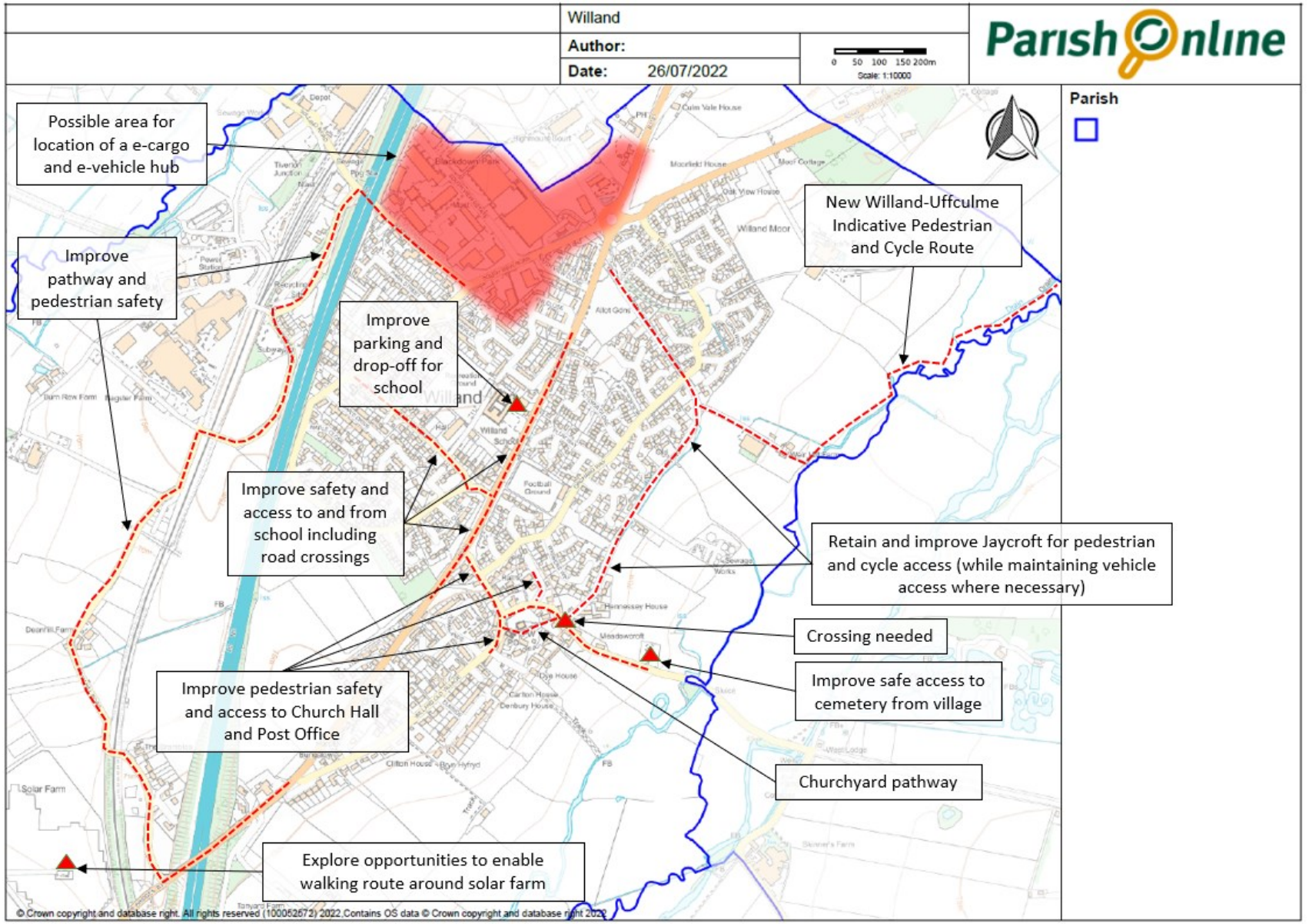
Willand village's character of being a sustainable place to live and work is formed not just by the right balance between housing, facilities, services, retail and employment opportunities but also by the compact nature of where these are located. As referenced, the walking distances in and across Willand make it ideal for people having their day-to-day needs within easy reach. Uses are spread across the village, with no central area where all shops, facilities and services are located. Willand does have a "human zone" where most activity and journeys take place day-to-day, based on common destinations. This indicative "human zone" is shown on Map 8. Improving travel across this Human Zone, to help enable Willand to continue to be a sustainable place to live, work and enjoy, with easy access to employment, facilities and services is a priority for the village.

Map 8 below, shows the key transport and accessibility constraints, opportunities and features which will help to enhance Willand's connectivity and ease of accessibility. Policy TAC1 then provides a positive policy framework to enable such projects and actions to be brought forward in planning terms, where opportunity arises to do so through the planning system.

Map 8: The Willand "Human Zone"



Map 9: Transport, Accessibility and Connectivity Plan



Policy TAC1: Improving Transport, Accessibility and Connectivity

1. Our Transport, Accessibility and Connectivity Plan is set out on Map 9 and identifies the key transport and accessibility constraints, opportunities and the network's key features' contribution to Willand's character, across modes. Where relevant, development proposals will be supported which:

i) deliver identified opportunities and / or resolve identified constraints; and / or,

ii) do not erode key features' contribution to the built and landscape character of Willand; and / or,

iii) do not exacerbate identified constraints or satisfactorily mitigate adverse impacts which arise from the proposal.

2. Development proposals should contribute positively to reducing, adapting to and mitigating the locally generated impacts which would result in increasing factors related to climate change and contribute positively to moving the Parish up the sustainable transport hierarchy.

3. Development proposals should, where relevant, improve accessibility for all through consideration of disability access including (but not limited to) direct route desire lines between crossing points at dropped and tactile kerbs, pavement widths which allow for mobility vehicles to pass alongside other users and cycle lanes, and facilitate good access to public buildings, business premises, shops and services.

5. Development proposals should not exacerbate existing problems related to traffic flow, off-street parking capacity and the capacity of the road network to accommodate movement at peak travel times and should enhance road safety where feasible.

7.3 Protecting the Footpath, Bridleway and Cyclepath Network

Policy Justification

Much of the Parish's footpath network is within the village. However, there are also opportunities to access the countryside from the edges of the village[43] and such footpaths and bridleways will be protected through policy TAC2 below. While there is some protection through Law, our policy draws attention to the importance of the Public Rights of Way in the Parish and the desire to protect them from a land-use planning perspective. There are very few dedicated cycle paths in the Parish but opportunities to provide more safer routes for leisure activities, safe travel to school and to work. Of particular note is the opportunity to introduce an off-road walking and cycling route between Willand and Uffculme and improve the "Round the World" circular walking route around the Parish. Such improvements are set out above under Policy TAC1 and the Transport, Accessibility and Connectivity Plan. The popularity of electric bikes and e-scooters looks likely to increase during the Plan period and also necessitates safe infrastructure to be put in place for both modes for users and pedestrians.

[43] The footpath (and cycle) network can be viewed on the following websites - https://fourpointmapping.sustrans.org.uk/devoncyclemap/devon.html and https://www.devon.gov.uk/prow/interactive-map/

Policy TAC2 also sets out criteria for new development to respond to where proposals have or could have an impact on existing provision and provides policy guidance for new foot and cycle paths to meet to ensure that they provide safe and good access and have no adverse impact on the Plan area.

Policy TAC2: Protecting the Footpath, Bridleway and Cyclepath Network

1. Development proposals which result in the loss of public footpaths, bridleways and cycle paths or reduce permeability within the settlement limits boundary will not be supported.

2. Proposals on or affecting existing or for new Rights of Way and other public non-vehicular routes (for example, which could enhance accessibility to local amenities, community facilities and services) should, where relevant:

i) help to increase opportunities for recreational access to and within the countryside;
ii) better link existing areas of green infrastructure and Local Green Space used for recreational purposes;
iii) help to retain and enhance safe and easy pedestrian and cycle access to local amenities including the school, community and sports facilities and assets and services;
iv) ensure permeability through the built area and desire line access for pedestrians, those with impaired mobility and disabilities, and cyclists;
v) provide safe routes with appropriate lighting, where necessary;
vi) provide sufficiently wide pedestrian pavements for use by passing wheelchairs, mobility vehicles and pushchairs;
vii) have no adverse impact on landscape or built character or such impacts are satisfactorily mitigated;
viii) meet the most up-to-date standards of design (including preferable use of permeable and / or utilising sustainable drainage systems (SuDS) where feasible).

7.4 Electric Charging Points for Plug-in Vehicles

Policy Justification

Building Regulations now require electric vehicle charging points for new dwellings. However, in light of the need to respond positively to the climate change emergency and the aspirational target to achieve net zero carbon emissions by 2030 ahead of the legal national target of 2050, Policy TAC3 supports the provision of electric charging points for other types of development, where they require planning permission, subject to such infrastructure not having an adverse impact on accessibility or the character of the built environment.

Policy TAC3: Electric Charging Points for Plug-in Vehicles

1. Development proposals for the provision of electric vehicle charging points, where planning permission is required, will be supported where they have no significant adverse impact on:

i) safe and good accessibility of pedestrians, those with impaired mobility and the disabled and cyclists along footpaths and cycle paths; and,
ii) the character of the built and natural environment where relevant.

2. Proposals for commercial charging "stations" or "hubs" on existing fuel station locations, or new bespoke facilities, will be supported, subject to other policies in the development plan.

7.5 E-cargo and Electric Vehicle Hub

Policy Justification

A growing area of interest is the potential for a positive response to the decarbonisation agenda through more localised e-cargo hubs. Such hubs have been identified as potential solutions to a "greener" network of distribution for goods[44] currently delivered locally by couriers and vans which results in a significant carbon footprint. Policy TAC4 is therefore forward looking and supports provision of such an e-cargo distribution site in the Parish, potentially on the South View Business Park or the former garage on the B3181 close to existing employment areas both within the Parish and outside at Junction 27 of the M5. The policy is not an allocation of land for this facility.

Policy TAC4: E-cargo and Electric Vehicle Hub

Development proposals for, or which support the delivery of, an e-cargo exchange and electric vehicle sustainable transport hub at the northern end of Willand village will be supported.

[44] For example, see recent research here - https://www.rtpi.org.uk/research/2020/june/net-zero-transport-the-role-of-spatial-planning-and-place-based-solutions/

8. ECONOMY AND EMPLOYMENT

8.1 Introduction

As outlined in the introduction to the Plan in section 1.2, Willand is in a fortunate position to host numerous businesses, partially due to its good location close to the M5. The main areas of employment are at the northern end of the village at South View Business Park, and at Mid-Devon Business Park (with part of a Local Plan allocation site already delivered there and part still to be developed), and on the Parish's western edge at Tiverton Junction and Lloyd Maunder Road where the 2 Sister's Food Group is located. Other key areas include Diggerland, Tanyards Farm, the garage and hairdresser's just outside the settlement limit to the south of the village. The school is also a key employer in the village and there are numerous businesses run from home, as well as the key services mentioned earlier in the Plan. Map 10 shows the main existing locations for employment in the Parish. Just outside (to the north) of the Parish boundary the Hitchcocks Business Park and Langlands Business Park provide further employment which relate to the Parish, as do other businesses and facilities at Junction 27 of the M5 and at Waterloo Cross.

The Local Plan provides sufficient policy coverage for strategic employment matters, including the allocated employment site at the Mid-Devon Business Park (policy WI2), and also through policies S6: Employment, S13: Rural areas, S14: Countryside, DM18: Rural employment development and DM19: Protection of employment land. The policies in this Plan reflect locally important employment matters.

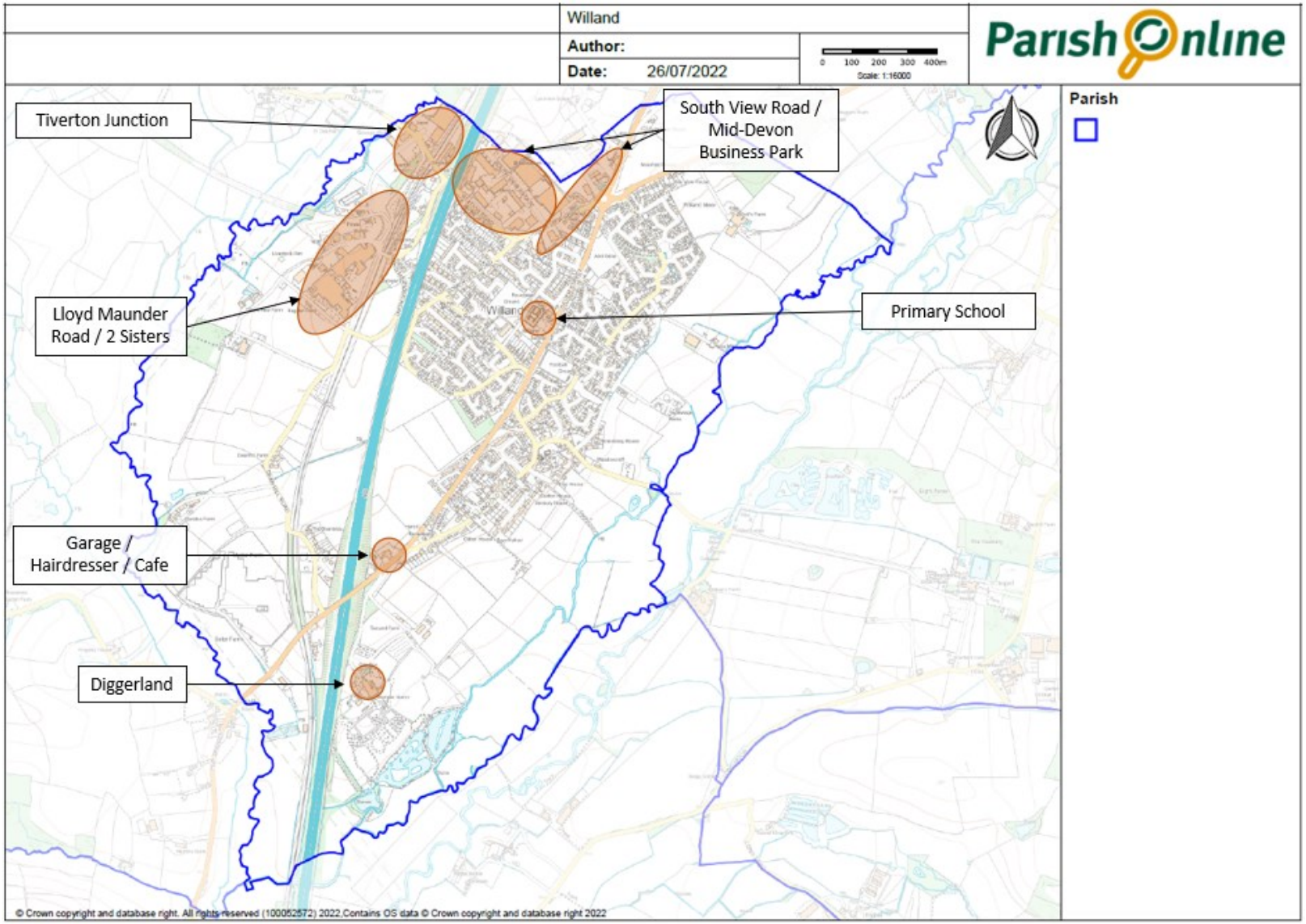
The policy in this section is:

- Policy EE1: Small Employment Units and Hubs to Support the Local Economy

Anecdotally, the employment premises occupancy seems to have remained reasonably buoyant through the Covid-19 pandemic, although the pandemic has shown the growth in businesses operating from home and more people working from home instead of travelling to work outside of Willand every day. This amplifies the need stressed, throughout this Plan, for Willand to continue to provide support to enable the village to remain as a sustainable place to live and work, a place which can successfully host micro and small businesses, and also a location which continues to be attractive for medium and large scale employers and which contribute to the local economy.

Looking forward, it is clear that the economy, nationally and locally, is undergoing and will continue to undergo change and is a change that Willand should be prepared for by supporting local businesses.

Map 10: Main Employment Areas in Willand



8.2 Small Employment Units and Work Hubs to Support the Local Economy

Policy Justification

At the local level, this Plan provides policy support for and encouragement to the provision of small scale units for micro and small businesses to complement the larger scale businesses which operate in the Parish and help support businesses starting-up or wanting to access flexible or temporary office or workshop space. Flexibility seems to be key to the future of business working patterns, as well as the traditional format of provision of traditional office, warehouse, manufacture and other industrial units. To this end, policy EE1 provides support for flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses. Locations could include the existing employment areas identified on Map 10, but equally, if a village centre location presented itself, this could also be appropriate for such units (which could be provided as part of a community-led initiative or community facility). This policy is not allocating sites for this type of development and does not preclude the consideration of other locations outside of Willand village subject to other development plan policies being met.

Policy EE1: Small Employment Units and Hubs to Support the Local Economy

1. **Development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses will be supported, subject to policies in the development plan, where they do not have an unacceptable adverse effect on the local amenity enjoyed by existing neighbouring uses and residents.**

2. **Proposals which also provide community access or facilities will be particularly welcomed.**

9. HERITAGE

9.1 Heritage Statement

There are numerous heritage assets[45] in the Parish which contribute to the character of the built environment. These vary in their protective designations and include listed buildings[46], assets protected in the village's Conservation Area[47] and assets identified on the Mid-Devon District Council "local list" of heritage assets[48]. Maps showing the location and number of these heritage assets are shown in Appendix 4. There is much policy protection and legal protection for heritage assets. Additionally, the Local Plan extends protection to assets included on the Historic Environment Record[49] which are otherwise unregistered.

As Heritage was identified as important in Willand in this Plan's objectives, we have retained this short section to reflect its importance.

However, we do not consider that additional policies for heritage assets are necessary in this Plan as existing policy and legal protections already provide sufficient coverage to protect these assets. Additional local heritage assets can be added to the local authority's "local list" outside of this Plan and a policy is not necessary in this Plan to include them in that list.

10. HOUSING

10.1 Housing Statement

The Mid-Devon Local Plan allocates housing in Willand at Land East of M5 (policy WI1) to the south of the village for 42 dwellings with 30% affordable housing. The policy and allocated site area are reproduced in Appendix 1 for ease of reference. A planning application has since been approved for 125 dwellings with 35% affordable housing which includes the allocated site and an extended area[50].

The planning system requires our Neighbourhood Plan to be in "general conformity" (or aligned) with the strategic policies of the adopted Mid-Devon Local Plan. This Neighbourhood Plan is not allowed to reduce the scale of housing proposed or allocated in the Parish.

Outside of the strategic allocation made in the Local Plan, there is no requirement for a Neighbourhood Plan to allocate additional housing, but it can allocate housing sites to help address local needs if it wishes, where sites are demonstrated to be deliverable and the community is supportive. To date, nothing in the consultations held suggest that there is support for further additional housing allocations to be made in light of both the Local Plan's strategic allocation, the permission received for a greater number of dwellings than that specified in the Local Plan allocation

[45] The NPPF defines a "heritage asset" as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)." See https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary

[46] Listed buildings have legal protection. Further details can be seen here - https://historicengland.org.uk/listing/what-is-designation/listed-buildings/

[47] See https://www.middevon.gov.uk/residents/planning/conservation/conservation-areas/

[48] See https://www.middevon.gov.uk/residents/planning/conservation/local-heritage-assets-register/

[49] See https://www.devon.gov.uk/historicenvironment/the-devon-historic-environment-record/ for further details

[50] Application reference 18/00175/MOUT

and other windfall[51] sites which have come forward such as the site for 35 affordable dwellings now built at Rowan Lea and Ash Close adjacent to the allocation site[52].

Local Plan policy S13: Villages sets the policy framework for additional housing (and other) development in Willand, with proposals for housing limited to small scale sites within the defined settlement limit. The Rowan Lea and Ash Close sites, being for 100% affordable social rented housing, will have come forward under the Local Plan rural exceptions policy (Policy DM6: Rural exceptions sites) which allows this type of housing to be developed outside of settlement limits in rural areas where there is local need.



We consider that between the above-mentioned developments, a sufficient number of both market and affordable dwellings have been or will soon be developed to address local needs while balancing an appropriate level of development for Willand. While affordability is a national problem the imperative is still to achieve a balance in the scale of development in villages like Willand and local needs will continue to be monitored over time through mechanisms such as the Devon Home Choice register[53] and the ability to undertake housing needs surveys and assessments when evidence requires updating. This is alongside Mid-Devon District Council monitoring which records the position on housing land supply and delivery of dwellings[54].

However, the review of the current Mid-Devon Local Plan is very likely to consider higher housing numbers in the district over a longer Plan period and so minimum requirements in the Parish could be subject to change in the future. In that scenario it will be appropriate to review this Neighbourhood Plan if changes to housing numbers in Willand suggest a need to do so. Importantly, however, this Plan can be used to influence the Local Plan review.

[51] A windfall site is a site not specifically allocated for development, but which unexpectedly becomes available for development during the lifetime of a Plan.
[52] Application reference 17/01179/MFUL
[53] Devon Home Choice – see https://www.devonhomechoice.com/sites/default/files/DevonEditor2/devonhomechoicepolicyv6effectivefrom1jan2017.pdf
[54] See https://www.middevon.gov.uk/residents/planning-policy/monitoring/housing-land-availability/ for further details.

Given the policy coverage in the Local Plan, and feedback from local consultation, we do not consider it necessary to have housing specific policies in this Neighbourhood Plan. However, we do have policy coverage of how sustainable design should play a key role in development, including housing, set out in section 4 of this Plan.

11. MONITORING AND REVIEW

The Plan will be subject to periodic monitoring and review by the Parish Council , possibly through a Council Committee, who will be closest to the process and able to raise issues where parts of the Plan may need to be revised to ensure that it continues to be appropriate.

It will be subject to a review as and when various triggers suggest the need to do so. For example, this could be because of changes to the Local Plan, national policy or Parish Boundary changes, where they suggest a need to update or amend policies or other Plan content.



12. COMMUNITY ACTIONS AND PROJECTS

Our community actions and projects which have arisen during development of this Plan and which cannot form a planning policy follow.

Sustainable Development

- Commercial and community organisations should be encouraged to provide public electric charging points.

Community

- Access to education and training needs to be continued and strengthened.
- More public seating should be provided.

Green Infrastructure

- Develop a planting strategy for more trees and other wildlife habitat on public and private land.
- Work with public and private landowners to ensure that good and easy access to these areas is maintained.
- Work with neighbouring parishes and Mid-Devon District Council to help retain spatial differentiation between Willand and existing neighbouring settlements and the continuation of what is, in reality, a strategic network of green infrastructure which extends well beyond the Parish boundary.

Transport, Accessibility and Connectivity

- Work with responsible authorities such as Devon County Council Highways and Education departments, Mid-Devon District Council and the Devon & Cornwall Police, to introduce the measures and projects identified in the Transport, Access and Connectivity Plan, including (but not limited to) increased and safer accessibility, improved parking at the school and safe pedestrian and cycling routes.
- Work with local landowners (public and private sector) to increase access to the countryside around Willand village, explore access to the area around the solar farm for walking and restore the traditional walk 'Round the World' (including Dean Hill Road, past Gerston Farm and Burn Rew round to Station Road).
- Produce a clear mapped statement as to who is responsible for keeping which existing paths, verges and green areas clear, including those with no registered ownership.

13. APPENDICES – SEE SEPARATE DOCUMENTS

Appendix 1 – Mid-Devon District Council Local Plan Key Policies

Appendix 2 – Willand Local Green Spaces Assessment

Appendix 3 – Green Infrastructure Evidence Maps

Appendix 4 – Willand Heritage Assets Summary

Appendix 1 – Selection of Key Adopted Mid-Devon Local Plan Policies

Policy S1

Sustainable development priorities

The following strategic priorities outline what will need to be achieved to deliver the Vision and address the key issues that have been identified in Mid Devon. All development will be expected to support the creation of sustainable communities by:

a) A development focus at Tiverton, Cullompton and Crediton as Mid Devon's most sustainable settlements, with long-term growth to the east of Cullompton and a limited level of development in identified villages;
b) Building a strong, competitive economy through access to education, training and jobs, infrastructure, the creation of new enterprise, economic regeneration and flexibility of uses to respond to changing circumstances;
c) Ensuring the vitality of town centres and communities through a hierarchy of centres, defined town centre shopping areas, a diverse retail offer at Tiverton, Crediton and Cullompton, through controls on Junction 27 retail and support for the vitality and viability of defined villages;
d) Supporting a prosperous rural economy through the conversion of suitable existing buildings and well-designed new buildings in suitable locations, diversification of agricultural and other land-based businesses, support for equestrian activities, retention and development of local services and community facilities in villages, and the promotion of sustainable rural tourism and leisure development;
e) Promoting sustainable transport by delivering appropriate infrastructure, reducing the need to travel by car, integrating public transport and other forms of sustainable travel such as walking and cycling, and providing safe environments while recognising Mid Devon's rural locality;
f) Supporting high quality communications infrastructure by supporting the expansion of telecommunications and high speed broadband throughout Mid Devon;
g) Delivering a wide choice of high quality homes through a diverse housing mix and by meeting the housing needs of all sectors of the community including the provision of accessible housing for the elderly and disabled, those wishing to build their own home, affordable housing and gypsy and traveller pitches;
h) Requiring good sustainable design that respects local character, heritage, surroundings and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place;
i) Promoting healthy communities through the delivery of social, educational, recreational and cultural facilities and services, access to high quality open space, public rights of way, recreational trails, accessible land and other green infrastructure, and opportunities for sport and recreation and the designation of Local Green Space;
j) Meeting the challenge of climate change by supporting a low carbon future, energy efficiency, increasing the use and supply of renewable and low carbon energy, managing flood risk and conserving natural resources. Encourage the effective use of land, taking into account the economic and other benefits of the best and most versatile agricultural land;
k) Conserving and enhancing the natural environment by protecting and enhancing valued landscapes including the Blackdown Hills Area of Outstanding Natural Beauty, Exmoor and Dartmoor National Parks, providing accessible green infrastructure, and preventing significant harm to soil, air, water, noise and visual quality, in particular air quality as a local issue at Crediton and Cullompton;
l) Minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites; and

Policy S13

Villages

The following rural settlements will be designated as villages suitable for limited development: Bampton, Bow, Bradninch, Chawleigh, Cheriton Bishop, Cheriton Fitzpaine, Copplestone, Culmstock, Halberton, Hemyock, Holcombe Rogus, Kentisbeare, Lapford, Morchard Bishop, Newton St Cyres, Sampford Peverell, Sandford, Silverton, Thorverton, Uffculme, Willand and Yeoford.
Development will be limited to proposals within their defined settlement limits and to allocations for:

a) Small scale housing, employment, tourism and leisure;
b) Services and facilities serving the locality; and
c) Other limited development which enhances community vitality or meets a local social or economic need.

Policy S14

Countryside

Development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development management policies will permit agricultural and other appropriate rural uses, subject to the following criteria:

a) Affordable and low cost housing to meet local needs, gypsy and traveller accommodation, residential conversion of appropriate existing buildings, replacement dwellings, housing essential to accommodate a rural worker and accommodation ancillary to a dwelling;
b) Appropriately scaled retail, employment, farm diversification, tourism and leisure related development (including appropriate conversion of existing buildings);
c) Appropriately scaled and designed extensions and other physical alterations to existing buildings;
d) Agricultural and equestrian development;
e) Community facilities, such as educational facilities, buildings associated with public open space, transportation and infrastructure proposals (including green infrastructure); and
f) Renewable energy and telecommunications.

Policy WI1

Land east of M5, Willand

A site of 2.9 hectares at land east of M5, Willand, is allocated for residential development subject to the following:

a) 42 dwellings with 30% affordable housing;
b) Provision of buffer zone and appropriate planting to mitigate noise from the adjacent motorway;
c) Mitigation of any wildlife impact including protection of trees;
d) Transport assessment of capacity at the junction of Silver Street and Meadow Park; and
e) Retention and enhancement of the public right of way.

3.236 The site is located to the south of Willand, adjacent to modern housing to the north and the M5 to the west. Noise from the M5 should be mitigated by a buffer zone and planting along the boundary to ensure residential amenity is not adversely affected. The site has a number of mature trees on the eastern boundary and established woodland along the north east boundary. Mitigation measures should be taken to ensure there are no adverse impacts on any of the surrounding biodiversity.

3.237 A Transport Assessment of the capacity of the junction of Silver Street and Meadow Park may result in a different number of dwellings from the number allocated. The current public footpath across the northern boundary of the site should be retained and enhanced.

Policy WI2

Willand Industrial Estate, Willand

A site of 9.2 hectares is allocated for commercial uses subject to the following:

a) 22,000 square metres of commercial floorspace within use classes B1, B2 and B8; and
b) Archaeological investigation and appropriate mitigation.

3.238 This site comprises level land within and adjoining the existing Willand Industrial Estate. It is part of a larger site allocated in the previous Local Plan which has partly been developed. Access has now been secured to Phase 2 and an application for nearly 13,000 sqm of employment units has been submitted. This application would facilitate the relocation of Pallex from the neighbouring industrial estate to a purpose built Regional Distribution Centre within Phase 2 whilst providing a range of different sized units to meet market demand. It is anticipated that any remaining unconsented parts of the site could come forward over the plan period.

Policy DM28

Other protected sites

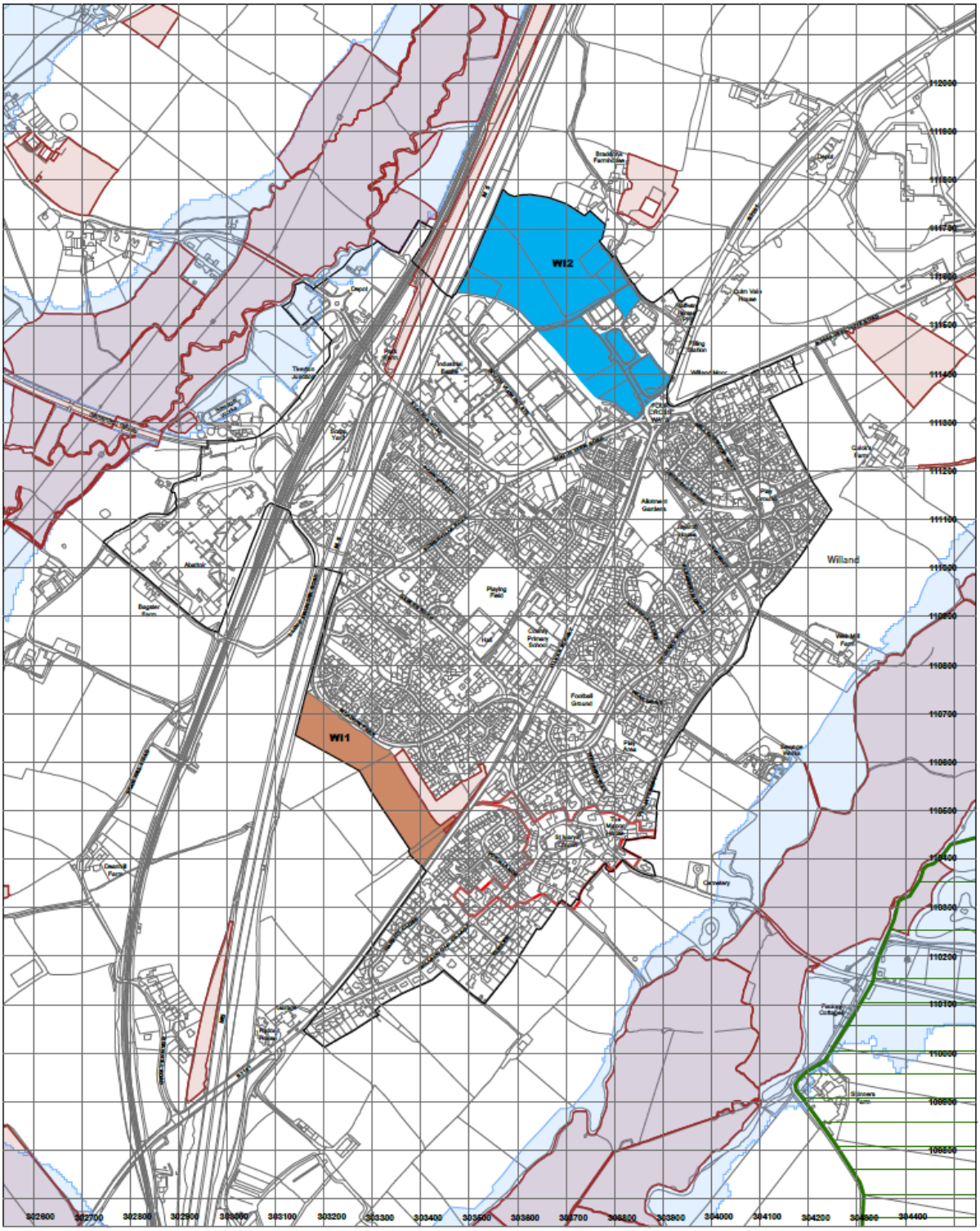
Where development proposals would lead to an individual or cumulative adverse impact on Sites of Special Scientific Interest, ancient woodland, ancient trees, Regionally Important Geological Sites, County Wildlife Sites, Local Nature Reserves or priority habitats defined under the UK and Devon Biodiversity Action Plans, the Council will balance the overall benefits of the proposal against the impact. Sufficient information must be provided for the Council to assess the significance of the impact against the importance of the protected site and the species which depend upon it. Planning permission will be granted where:

a) The benefits of and need for the development clearly outweigh the direct and indirect impact to the protected site and the ecosystem services it provides;
b) The development could not be located in an alternative, less harmful location; and

145

c) Appropriate mitigation measures have been put in place. Where mitigation measures are not possible compensatory measures in some cases may be considered appropriate.

Where development proposals are likely (leaving aside mitigation measures) to have a significant effect on a European site (as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017), an appropriate assessment will be required. In such cases, planning permission will be refused unless it has been ascertained that with mitigation measures in place the development will not adversely affect the integrity of the site.



Settlement Limit
Residential Allocation
Commercial Allocation
Conservation Area
Floodplain
Local Register of Historic Parks and Gardens
Priority Habitats

Mid Devon Local Plan Review 2013 - 2033

Adopted Policies Map

Willand

Scale 1:10000

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Note: The Ordnance Survey will not have updated the base to show recent changes. Consequently, not all development may be shown.

July 2020

Appendix 2 – Local Green Spaces

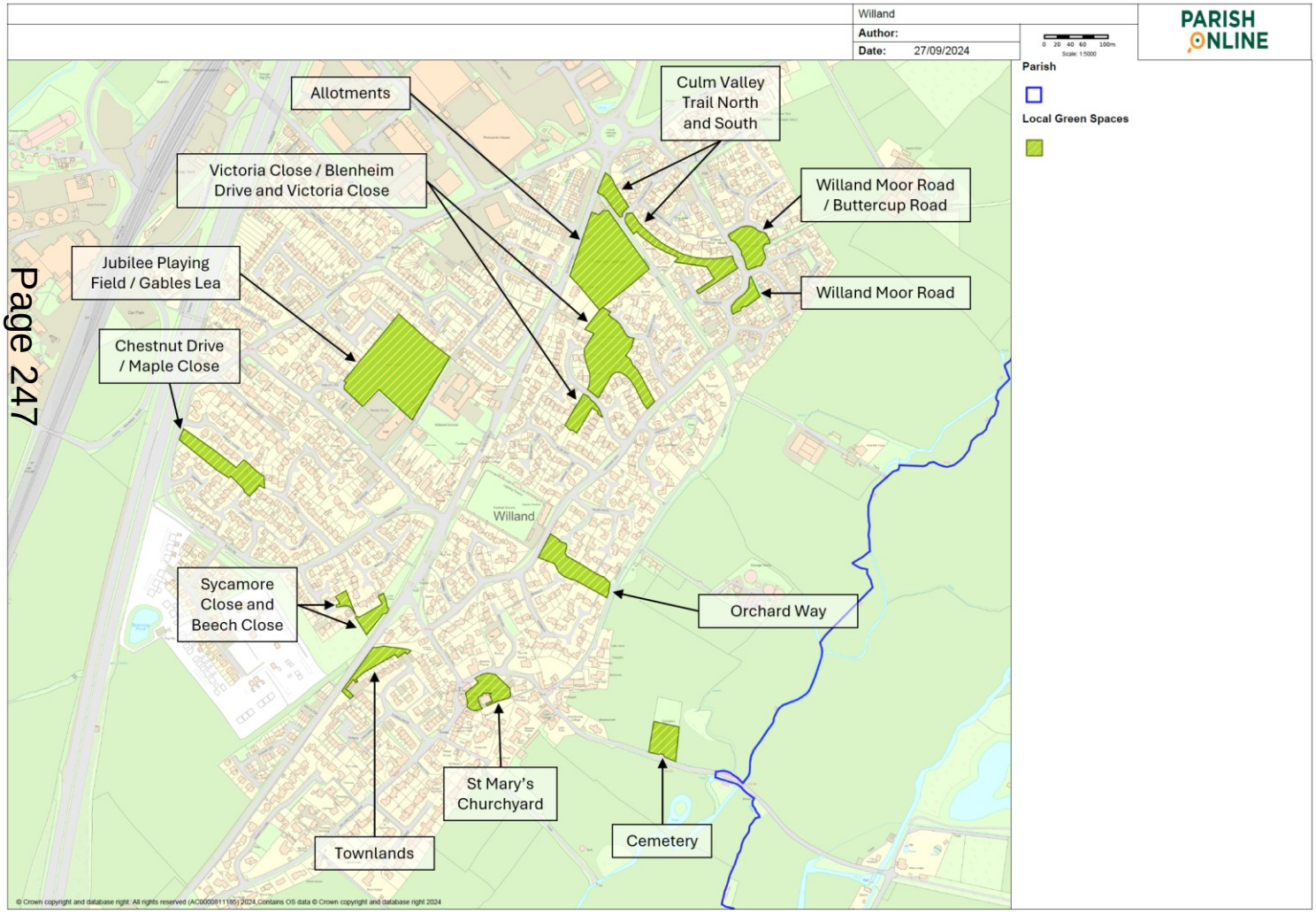
Preface, to note

This appendix presents the original Local Green Spaces assessment submitted for the Regulation 16 consultation and Examination stage, for the record.

However, it should be noted that the Examiner's recommendations introduced changes to the number and presentation of the LGS proposed in that version of the Plan.

The amendments made to the proposed LGS as a result of the Examiner's recommendations are set out below (reproduced from Map 5 in the Referendum version of the Plan) for ease of reference.

Map 5: Local Green Spaces (Referendum version of the Neighbourhood Plan)



Willand Local Green Spaces Assessment (as submitted with the Regulation 16 version of the Plan for Examination)

Neighbourhood Plans can identify areas for protection as "Local Green Space" (LGS). Paragraphs 101 - 102 of the National Planning Policy Framework (July, 2021) state that:

101 - *"The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period."*

102 - *"The Local Green Space designation should only be used where the green space is:*

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance,

recreational value (including as a playing field), tranquillity or richness of its wildlife; and,

c) local in character and is not an extensive tract of land."

Further guidance on the designation is set out in the National Planning Practice Guidance here - https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#Local-Green-Space-designation . This includes the need to contact land-owners at an early stage to notify them of the intention to designate their land as LGS. The Steering Group has done what it can to identify land-owners and contact them where potential sites which are to be suggested in the Neighbourhood Plan as LGS are not in public or community ownership.

This appendix sets out the Steering Group's assessment of potential spaces which could qualify for LGS status. The tests set out in paragraph 102 of the NPPF have been applied.

Extant planning permissions have been assessed using Mid-Devon District Council's planning histories / status records via their website at https://www.middevon.gov.uk/residents/planning/search-and-comment-on-planning-applications/ on 7th November 2022. We have made best efforts to understand if extant permissions have been implemented or not from Mid-Devon District Council online records and our own local knowledge. Planning applications referenced are those still yet to be determined on 7th November 2022.

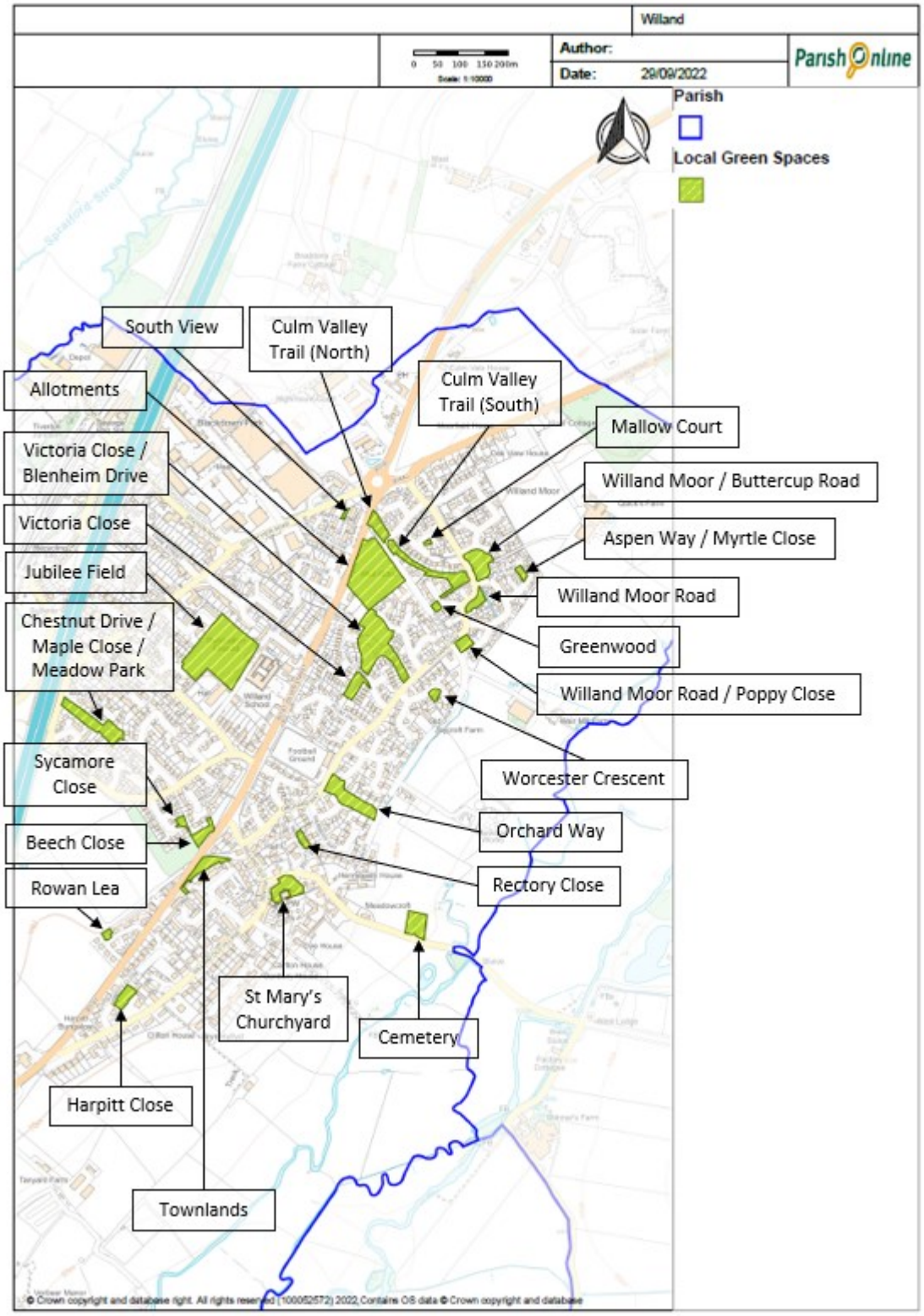
Site	Area*	Close to community it serves	Demonstrably special / reasoning	Extant planning permissions	Current planning applications	Landowner contacted
Aspen Way / Myrtle Close	0.1 ha	Yes	Small gated green area providing an amenity for residents and a break between the two lines of housing	None.		Yes
Beech Close	0.2 ha	Yes	This borders the wooded area and provides a green space for residents to enjoy. There is a shortage of green space area in Willand and all areas should be retained to enhance the village and provide recreational spaces for residents	None.		Yes
Chestnut Drive / Maple Close	0.1 ha	Yes	The housing developments have provided small gardens and this area of green space provides a small play area for young children and a place for people to meet and sit it is adjacent to the wooded area and is an important peaceful area for local people.	None.		Yes
Culm Valley Trail (North)	0.1 ha	Yes	A well-used green corridor safe pedestrian and cycle way through the estate.	None.		Yes
Culm Valley Trail (South)	0.3 ha	Yes	A well-used green corridor safe pedestrian and cycle way through the estate.	None.		Yes
Greenwood	0.1 ha	Yes	Small gated green area providing an amenity for residents	None.		Yes
Harpitt Close	0.1 ha	Yes	This is a small area that includes a fenced play area. It is the only area in this part of the Old Village easily accessible without crossing the main road		22/01835/TPO | Application to fell 1 Chestnut tree protected by Tree Preservation Order 94/00009/TPO | Land at NGR 303328 110201 Harpitt Close Willand Devon	Yes
Jubilee Playing Field / Gables Lea	1.4 ha	Yes	This is the largest open space in Willand that provides a variety of play opportunities and is used extensively by families to enjoy outdoor activities. Dogs are allowed on leads and it is popular with dog walkers too.	None.		Yes

Site	Area*	Close to community it serves	Demonstrably special / reasoning	Extant planning permissions	Current planning applications	Landowner contacted
Mallow Court	0.1 ha	Yes	The housing developments have provided small gardens and this area of green space provides a small play area for young children and a place for people to meet and sit	None.		Yes
Orchard Way	0.3 ha	Yes	This area contains some play equipment and is a good area for children from this side of the village to access without having to cross the main road. It provides a walking link from Jaycroft to Orchard Way.	None.		Yes
Rectory Close	0.1ha	Yes	This is a green space which enhances the Close and provides a good space opposite the Church Hall for outdoor activities for example for the Brownies.	None.		Yes
Rowan Lea	0.1 ha	Yes	The housing developments have provided small gardens and this area of green space provides a place for people to appreciate the views over the remaining fields.	None.	22/00917/DPO | Application under The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to seek to modify the terms of a section 106 agreement pursuant to planning permission 17/01179/MFUL | 1-23 (inc.) & 25-33 (odds) Rowan Lea Willand Cullompton Devon EX15 2FL	Yes
St Mary's Churchyard	0.2 ha	Yes	This area is a closed Churchyard adjacent to the Church and should be retained as such	None.		Yes
South View	0.1 ha	Yes	A small play area with equipment for children and an area of green it forms a break between the two rows of houses at the side of South View Close which are pedestrian access only at the front	None.		Yes

Site	Area*	Close to community it serves	Demonstrably special / reasoning	Extant planning permissions	Current planning applications	Landowner contacted
Sycamore Close	0.1 ha	Yes	A small area of green open space retained within the Close, containing 2 mature oaks which enhance the area.	None.		Yes
Townlands	0.2 ha	Yes	A small area, part of the Townlands Estate that provides a barrier with the main road that divides the village and should remain as such. A space for residents with small gardens to sit and relax.	None.		Yes
Victoria Close / Blenheim Drive	0.8 ha	Yes	The housing developments have provided small gardens and this area of green space provides a small play area for young children, a larger area for older children and am area of green for ball games and a place for people to meet and walk dogs	None.		Yes
Victoria Close	0.1 ha	Yes	Provides a green space with mature trees	None.		Yes
Willand Allotments	1.1 ha	Yes	These are well established allotments that provide people with small gardens space to grow vegetables, fruit, and flowers. The allotments are a vital part of the community and should be retained. A section is used by the Brownies for some activities.	None.		Yes
Willand Moor Road / Buttercup Road	0.3 ha	Yes	The housing developments have provided small gardens and this area provides a small play area for young children and a larger green area which is suitable for ball games. It is the largest area in the Willand Moor development and provides a safe accessible space for residents of the area.	None.		Yes
Willand Moor Road	0.1 ha	Yes	This is an enclosed green space which enables people to exercise their dogs in a safe environment and allows young children to run around in a safe space. For those with very small gardens this area provides space for residents to sit and relax and it has been suggested a bench may be provided	None.		Yes
Willand Moor Road / Poppy Close	0.1 ha	Yes	This is an enclosed green space which enables people to exercise their dogs in a safe environment and allows young children to run around in a safe space. For those with very small gardens this area provides	None.		Yes

Site	Area*	Close to community it serves	Demonstrably special / reasoning	Extant planning permissions	Current planning applications	Landowner contacted
			space for residents to sit and relax and it has been suggested a bench may be provided.			
Willand Parish Cemetery	0.2 ha	Yes	This provides a peaceful area on the edge of the village for people to sit and reflect. It is an important area for those who have buried their relatives and those who wish to have it as their final resting place.	None.		Yes
Worcester Crescent	0.1 ha	Yes	The housing developments have provided small gardens and this area of green space provides a small play area for young children and a place for people to meet and sit.	None.		Yes

Notes: * rounded to nearest tenth of a hectare. The area figures are provided to give an indication only as to whether the areas are an "extensive tract of land" or not, which is one of the criteria applied to proposed Local Green Spaces. LGS must not be an extensive tract of land to qualify for designation. No areas identified in Willand fall into this category and therefore pass this test. Many of the areas noted as 0.1 ha are rounded up from a figure of only several hundred square metres.


Willand
Author:
Date: 29/09/2022
Parish Online
Parish
Local Green Spaces
South View
Culm Valley Trail (North)
Culm Valley Trail (South)
Allotments
Victoria Close / Blenheim Drive
Victoria Close
Jubilee Field
Chestnut Drive / Maple Close / Meadow Park
Sycamore Close
Beech Close
Rowan Lea
Harpitt Close
Townlands
St Mary's Churchyard
Cemetery
Mallow Court
Willand Moor / Buttercup Road
Aspen Way / Myrtle Close
Willand Moor Road
Greenwood
Willand Moor Road / Poppy Close
Worcester Crescent
Orchard Way
Rectory Close
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Local Green Spaces
Willand
Author:
Date: 27/07/2022
Scale: 1:1250
Parish
Local Green Spaces
Rowan Lea
Harpitt Close
ROWAN LEA
HARPITT CLOSE
Woodhayes
The Mews
Holcroft Barton
Harpitt House
Harpitt
Bungalow
Kenton
The Haven
Stavanger
Tredavoe
Track
Avalon
Hillcrest
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Local Green Spaces
Willand
05 20m
Author:
Date: 27/07/2022
Parish Online
Parish
Local Green Spaces
South View
Culm Valley Trail (North)
Culm Valley Trail (South)
Allotments
Victoria Close / Blenheim Drive
Victoria Close
SOUTH VIEW ROAD
SOUTH CLOSE
Surgery
FIR CLOSE
SILVER STREET
CAMPION COURT
FOXGLOVE CHASE
CELANDINE LAWNS
Allotment Gardens
Oakdale
NORTH
Montdale Lodge
JAYCROFT
Jaycroft House
BLENHEIM COURT
PERRIMAIN
CRESCENT
PLUM WAY
MULBERRY CLOSE
74.1m
Sommerlea


Local Green Spaces
Willand
0 10 20 30 40m
Scale: 1:1250
Author:
Date: 27/07/2022
Parish Online
Parish
Local Green Spaces
TAMAR'S DRIVE
MAPLE CLOSE
TAMARIND
CRESCENT
MEADOW PARK
Playground
LB
Path (um)
El Sub Sta
Chestnut Drive / Maple Close / Meadow Park
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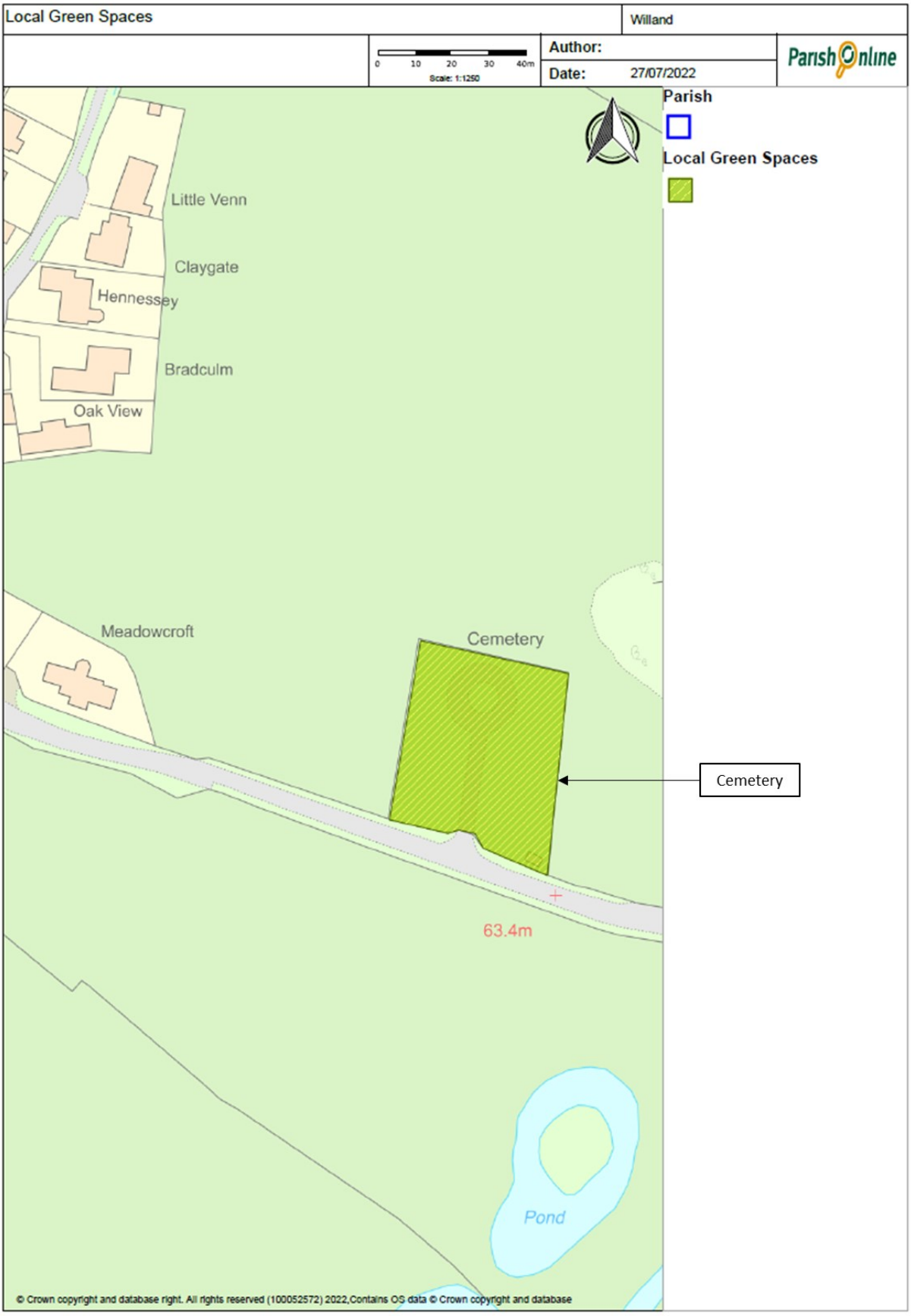

Willand
Author:
Date: 15/09/2022
Parish Online
0 10 20 30 40m
Scale: 1:1250
Parish
Local Green Spaces
Sycamore Close
Beech Close
Townlands
CLOSE
TCB
Gas Gov
TOWNLANDS
ROWES ORCHARD
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Local Green Spaces
Willand
Author:
Date: 27/07/2022
0 5 20m
Parish
Local Green Spaces
Mallow Court
Willand Moor / Buttercup Road
Culm Valley Trail (South)
Aspen Way / Myrtle Close
Willand Moor Road
Allotments
Greenwood
Willand Moor Road / Poppy Close
Victoria Close / Blenheim Drive
Worcester Crescent
ESS
CORNFLOWER CLOSE
ELDERBERRY WAY
CELANDINE LAWNS
Willand Moor Mews
Playground
ASPEN WAY
MYRTLE CLOSE
Montdale Lodge
JAYCROFT
GREENWOOD
LUPIN WAY
BLENHEIM COURT
PEARMAIN CLOSE
POPPY CLOSE
Daveleigh
Moor Down
WORCESTER CRESCENT
CRESCENT
Barnwell
Old Jaycroft Farm
Issues


Local Green Spaces
Willand
0 10 20 30 40m
Scale: 1:1250
Author:
Date: 27/07/2022
Parish Online
Parish
Local Green Spaces
Pav
PEAR DRIVE
Play Area
JAYCROFT
Orchard Way
BRAMLEY
WEBBERS WAY
Little Venn
Claygate
Hennessey
The Manor House
Bradculm
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Local Green Spaces
Willand
Author:
Date: 27/07/2022
Parish Online
0 10 20 30 40m
Scale: 1:1250
Parish
Local Green Spaces
Jubilee Field
Somerville House
SOMERLEA
VIEW
Play Area
Tennis Courts
Hall
Court
Linacre
Driftwood
St Julitta
Verdant
High Trees
Greenleaze
Saint
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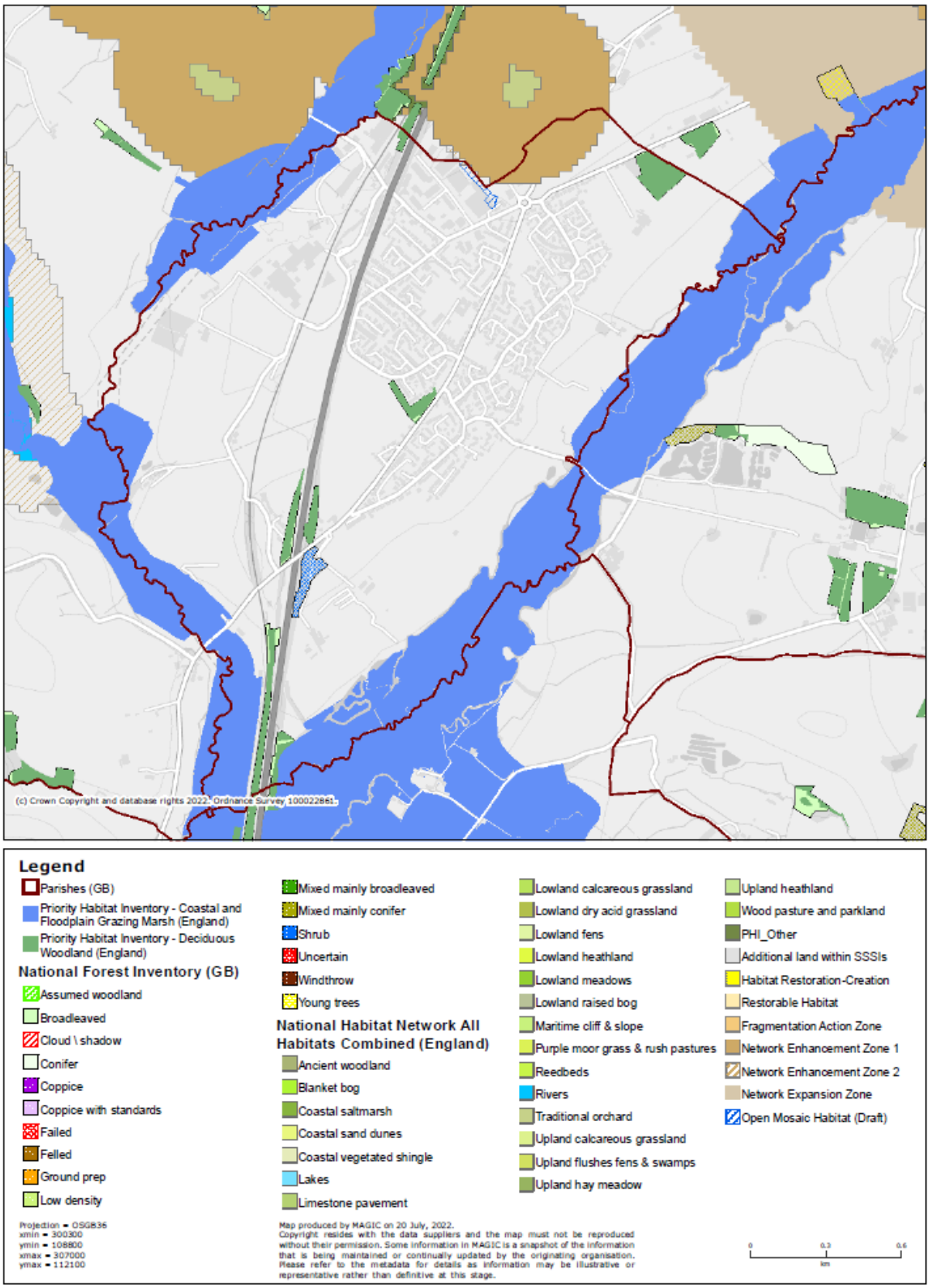

Local Green Spaces
Willand
Author:
Date: 27/07/2022
Scale: 1:1250
Parish
Local Green Spaces
St Mary's Churchyard
RECTORY CLOSE
Coombe Farm
Hall
Rectory
The Old Rectory
Coombe Court
Little
Willow
Beaufoy House
77.1m
GP
Coombe Cottage
Harpit Cottage
Kirkside Cottage
The Old School House
St Mary's Church
Monkton
Pump Cottage
ESS
Howden Lodge
PO
Church Cottage
Verdun Cottage
Eveleigh Cottage
Shelter
Brenbat House
Thorn Field
Carr
Cedarville
Pitfield House
Dye House
St Marys Cottage
Pitfield
Testwood House
Pitfield Paddock
Denbury House
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Local Green Spaces
Willand
Author:
Date: 27/07/2022
Scale: 1:1250
Parish
Local Green Spaces
Little Venn
Claygate
Hennessey
Bradculm
Oak View
Meadowcroft
Cemetery
Cemetery
63.4m
Pond
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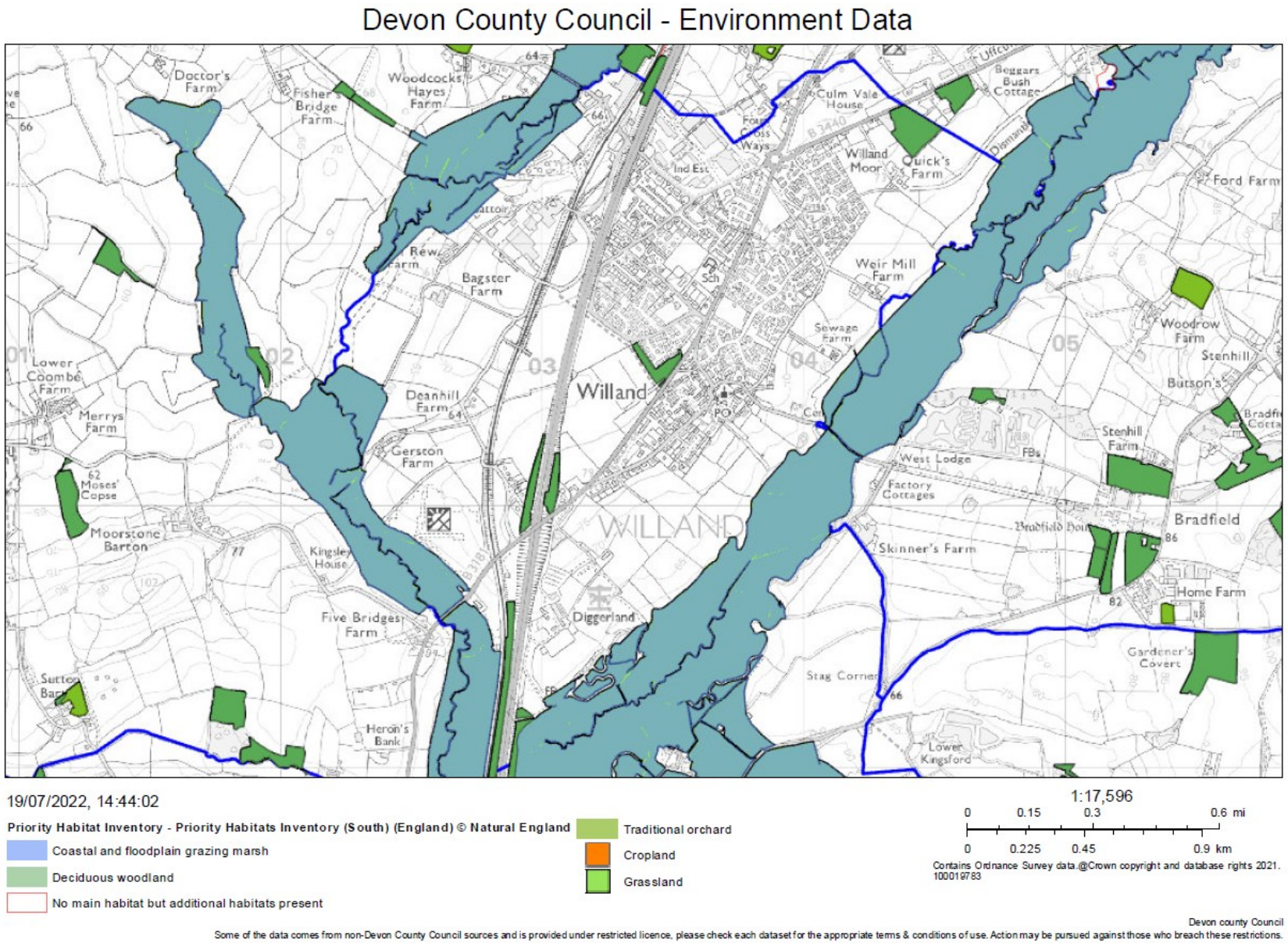

Willand
Author:
Date: 29/09/2022
Parish Online
Parish
Local Green Spaces
RECTORY
Rectory Close
Hall
Rectory
The Old Rectory
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Appendix 3 – Green Infrastructure Evidence Base Maps

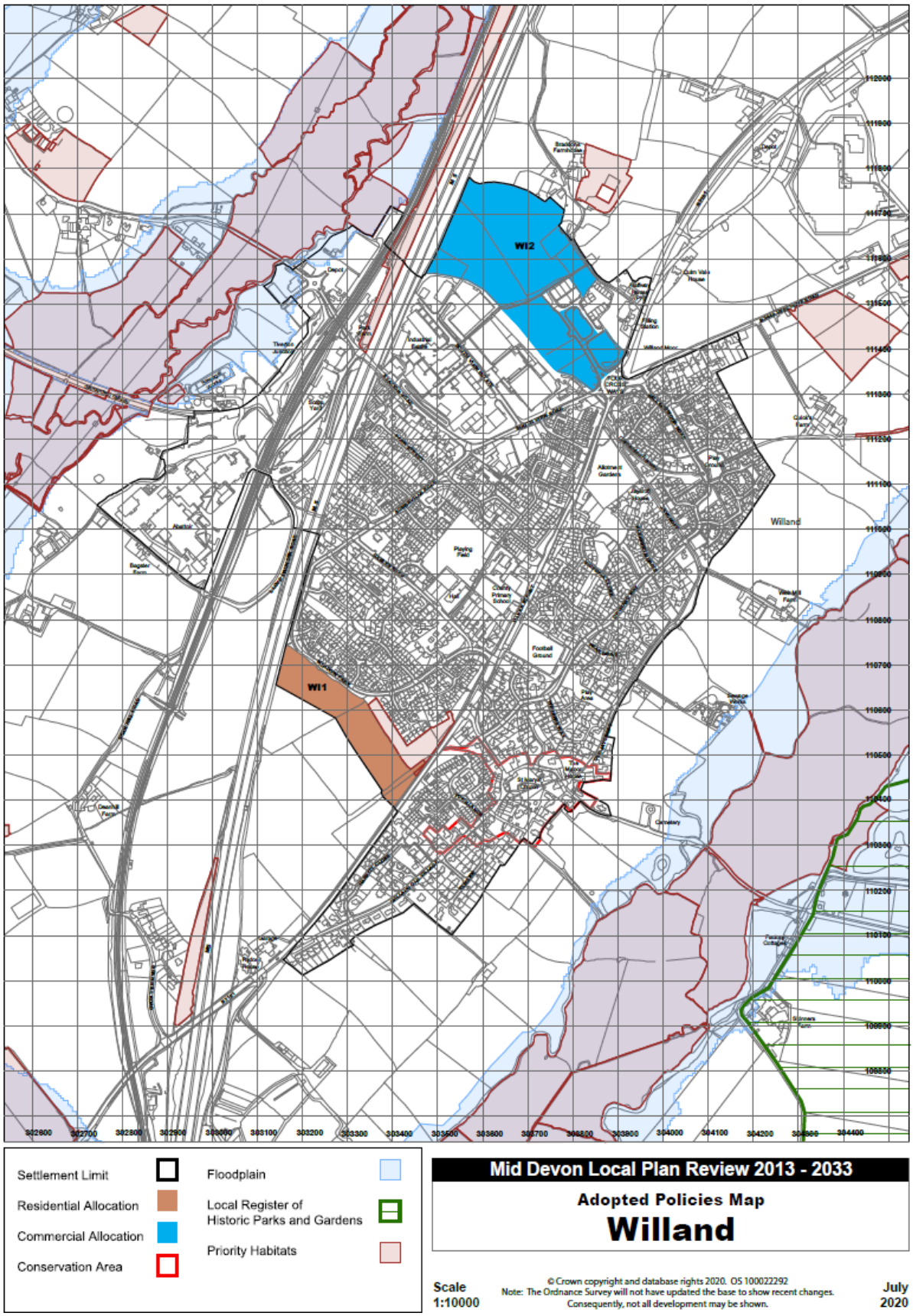
MAGIC **Willand Parish Important Habitat Areas**



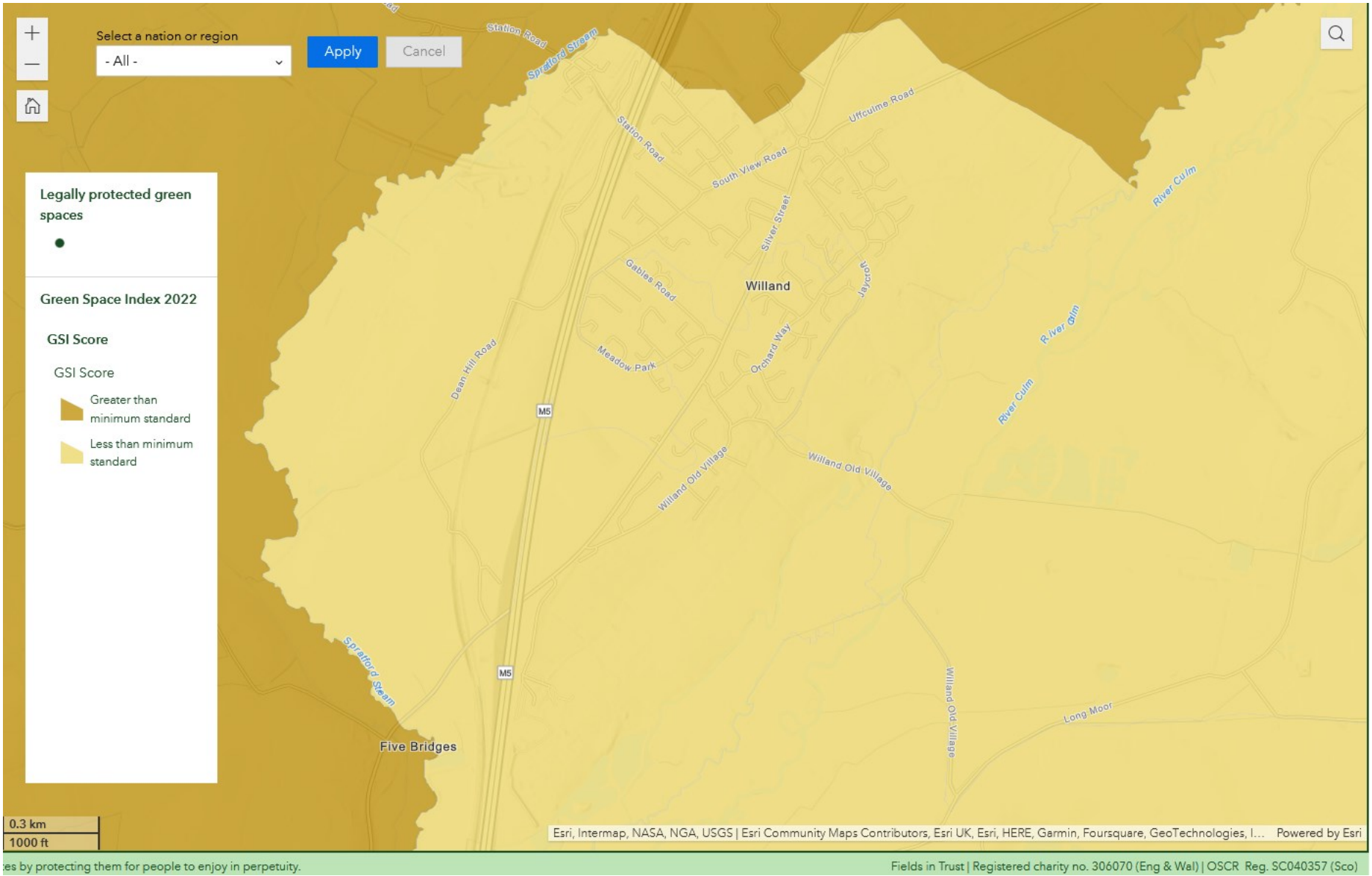
Source: Natural England M<AGIC Online Mapping



Source: Devon Environment Viewer



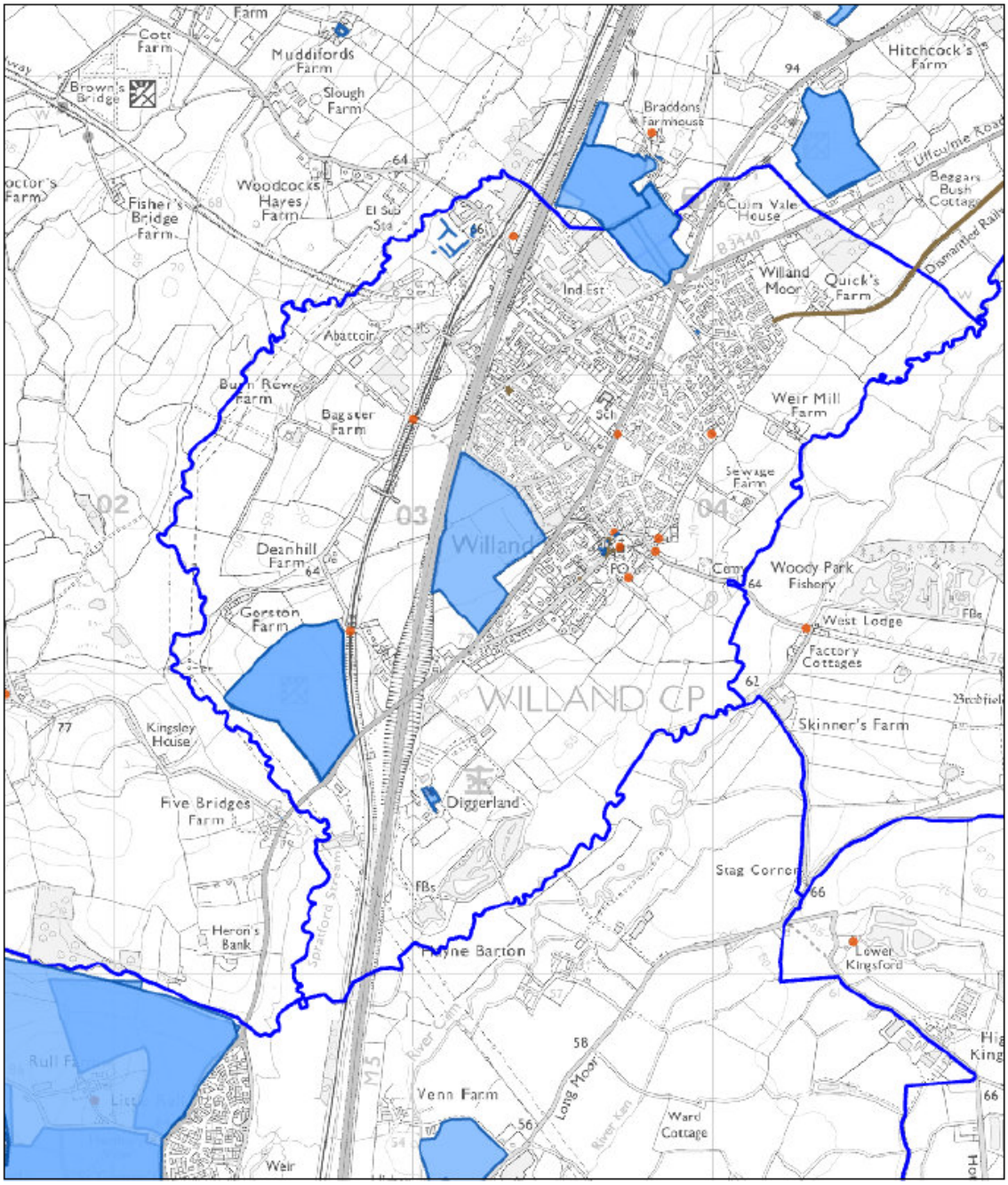
Source: Mid-Devon Adopted Local Plan



Source: Fields in Trust Green Space Index

Appendix 4 – Heritage Evidence Base Maps and Other Assets Lists

Devon County Council - Environment Data



19/07/2022, 14:34:02

1:17,596

0 0.15 0.3 0.6 mi

0 0.225 0.45 0.9 km

- Historic Environment Record Events (point)
- Parish
- Historic Environment Record Events (poly)
- Scheduled Monuments
- Listed Buildings
- Local List (Register of Heritage Assets)

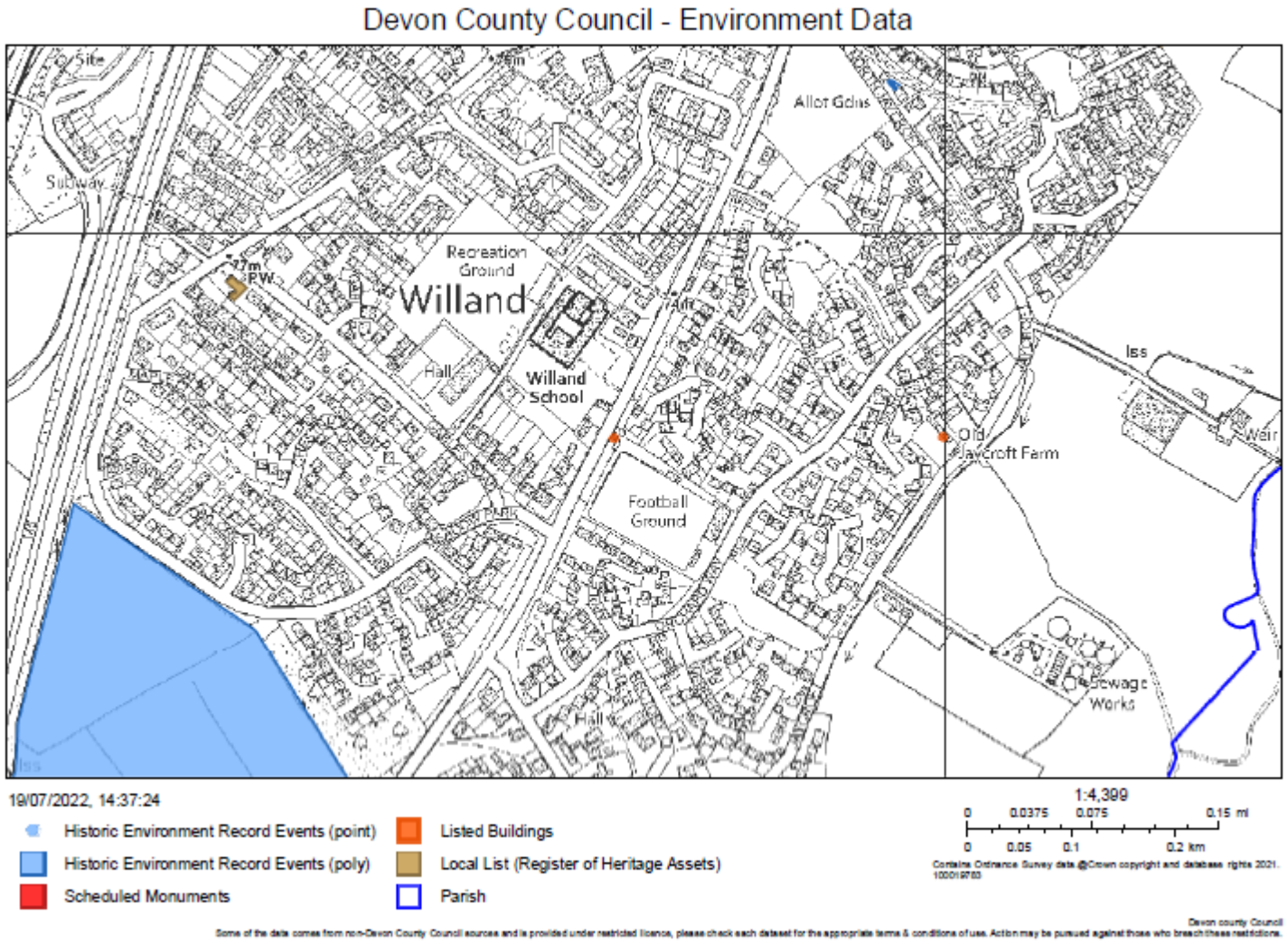
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Devon county Council

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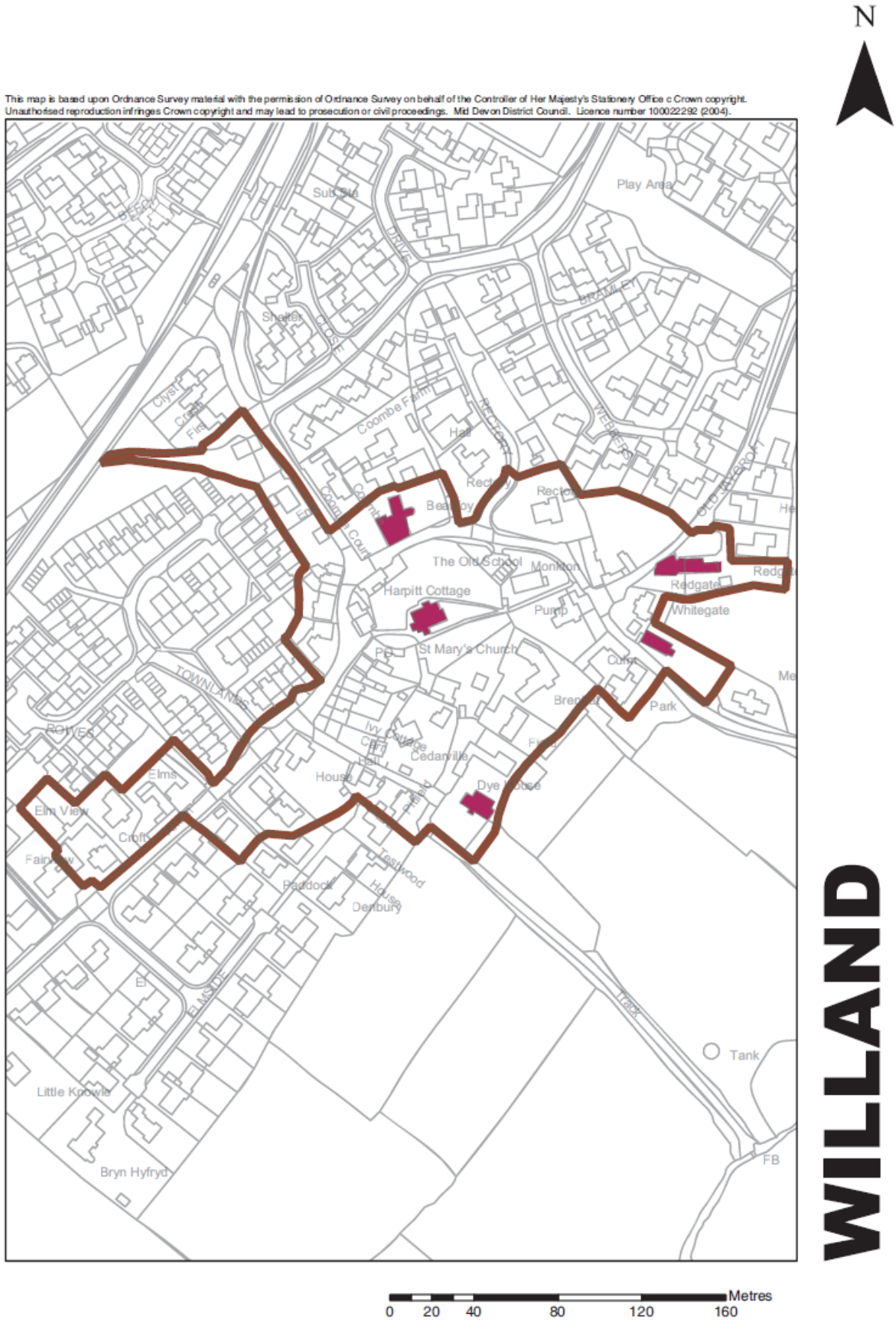
Source: Devon Environment Viewer

Notes: the blue events points and polygons represent archaeological works that have been undertaken in the parish to date.



Source: Devon Environment Viewer

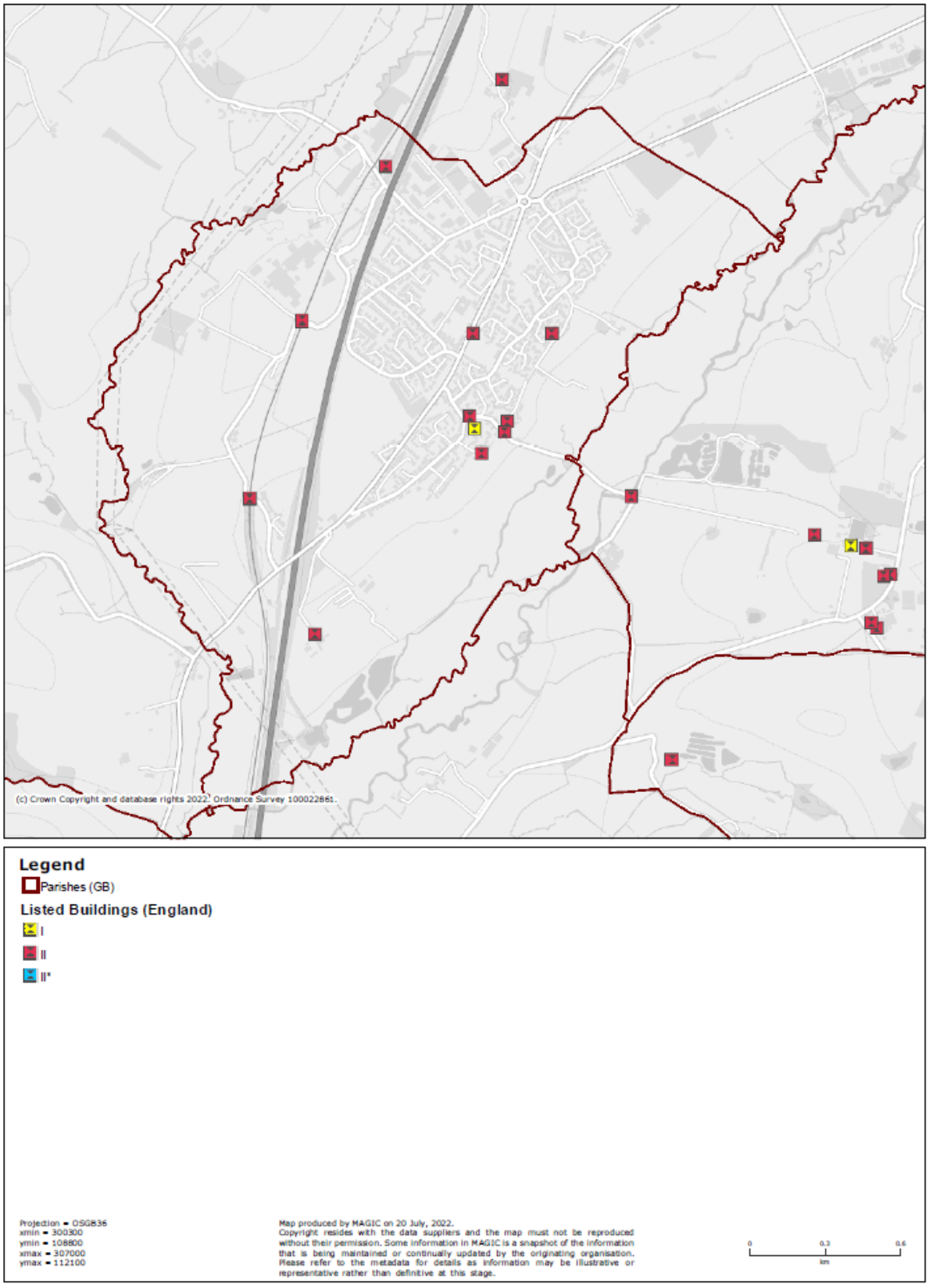
Notes: the blue events points and polygons represent archaeological works that have been undertaken in the parish to date.



Source: Mid-Devon District Council, Conservation Area Appraisal

MAGIC

Willand Parish Listed Buildings



Source: Natural England, MAGIC Online Mapping

Heritage Gateway Results for Willand Parish

Your search returned 127 results from 5 of the 12 resources available on the Heritage Gateway.

Results from 4 of the 5 resources are visible on the map. These are indicated by the icon in the results list.

- Where = County (Devon) District/Borough/Unitary Authority (Mid Devon) Parish (Willand) Within 2km of selected location (ST035105)

[Refine your search]

Summary Results | **View Results on a Map**

Statutory Data

The National Heritage List for England	11 results

National Designation Decisions

Designation Decision Records (Expired Certificate of Immunity from Listing entries)	No records matched your search
Designation Decision Records (De-listed entries)	No records matched your search
Designation Decision Records (Non-designated entries)	No records matched your search

Non-Statutory National Data

Historic Milestone Society Database	2 results
Historic England research records	4 results
National Trust HBSMR	No records matched your search
Parks and Gardens UK	No records matched your search
NMR Excavation Index	18 results
Church Heritage Record	No records matched your search

Local Records

Devon & Dartmoor HER	92 results

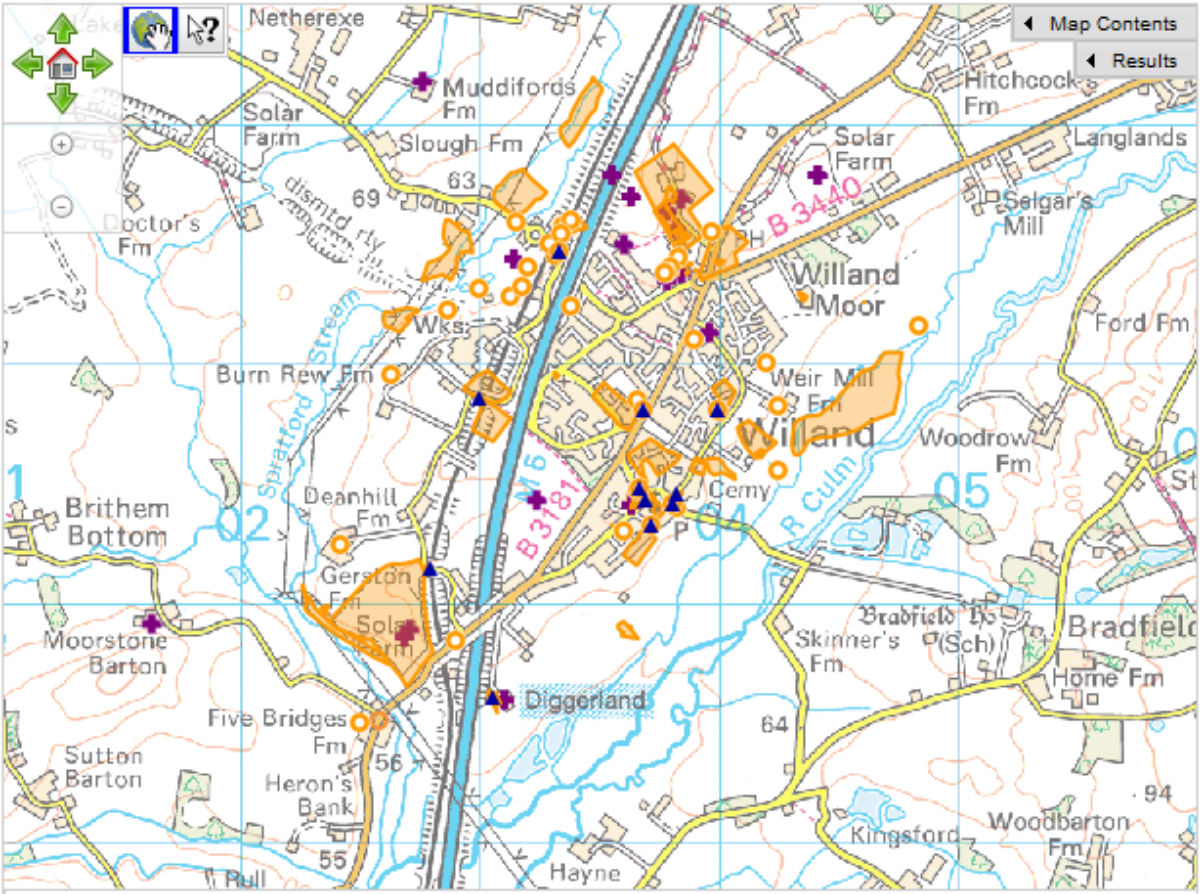
National Image Collections

ViewFinder	No records matched your search

IHBC · INSTITUTE · OF · HISTORIC · BUILDING · CONSERVATION

Historic England

ASSOCIATION OF LOCAL GOVERNMENT ARCHAEOLOGICAL OFFICERS ALGAO:England



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Legend

- Listed Building (NHLE)
- EH PastScape
- Local HER record points
- Local HER record polygons
- National Trust HBSMR
- Building Preservation Notice
- Designation Decision Records De-listed
- Parks and Gardens (Non Statutory Data)
- Church Heritage Record (Non Statutory Data)
- Scheduled Monument (centre point)
- Registered Park/Garden (centre point)
- Registered Battlefield (centre point)
- Protected Wreck Site (centre point)
- World Heritage Site
- Certificate of Immunity
- Designation Decision Records Non-designated
- Expired Certificate Of Immunity
- NMR Excavation Index

The National Heritage List for England

The National Heritage List for England is the official and up-to-date database for all nationally designated assets, including Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields and Protected Wreck Sites.

Viewing results 1 to 11 of 11

<< Previous **Results Page: 1** Next >>

Title	Type	Location	Grade
BRIDGE AT 030108	Listing	BRIDGE AT 030108, Willand, Mid Devon, Devon	II
THATCH COTTAGE AND LITTLE CROFT	Listing	THATCH COTTAGE AND LITTLE CROFT, SILVER STREET, Willand, Mid Devon, Devon	II
BEAUFOY HOUSE	Listing	BEAUFOY HOUSE, WILLAND, Willand, Mid Devon, Devon	II
VERBEER MANOR HOUSE	Listing	VERBEER MANOR HOUSE, Willand, Mid Devon, Devon	II
Redgate	Listing	Redgate, Willand, Willand, Mid Devon, Devon	II
JAYCROFT	Listing	JAYCROFT, Willand, Mid Devon, Devon	II
PARISH CHURCH OF ST MARY THE VIRGIN	Listing	PARISH CHURCH OF ST MARY THE VIRGIN, WILLAND, Willand, Mid Devon, Devon	I
DYE HOUSE	Listing	DYE HOUSE, WILLAND, Willand, Mid Devon, Devon	II
BRIDGE AT ST027101	Listing	BRIDGE AT ST027101, Willand, Mid Devon, Devon	II
PARK FARMHOUSE	Listing	PARK FARMHOUSE, Willand, Mid Devon, Devon	II
WOODSMOKE COTTAGE	Listing	WOODSMOKE COTTAGE, WILLAND, Willand, Mid Devon, Devon	II

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Historic Milestone Society Database

The Milestone society was established in May 2001, we aim to "identify, record, research, conserve and interpret for public benefit the milestones and other waymarkers of the British Isles". Our members' interests also include tollhouses, turnpike history and canal milestones. Please browse http://www.milestonesociety.co.uk/ to learn more about the history of milestones and about restoration techniques, about our activities and our publications.

Viewing results 1 to 2 of 2

<< Previous **Results Page: 1** Next >>

Fingerpost at Five Bridges
Fingerpost at Five Bridges, B3181, Fingerpost (iron/wood), Devon simple design, erected by the County Council, 20th century. Inscription reads: // B30381; WILLAND {missing in 2017} //B30381; CULLOMPTON //{missing) //. Milestone Society National ...
Devon, Mid Devon, Cullompton

Fingerpost at Willand Old Village
Fingerpost at Willand Old Village, unclassified road, Fingerpost (iron/wood), Devon simple design, erected by the County Council, 20th century. Inscription reads: // CEMETERY / BRADFIELD / KENTISBEARE / HONITON //CULLOMPTON / EXETER //HALBERTON / ...
Devon, Mid Devon, Willand

<< Previous Next >>

Historic England

Historic England research records

This includes records about archaeological sites, historic buildings, historic aircraft crash sites and marine heritage recorded by Historic England. Records appear here until they are transferred to the relevant local authority Historic Environment Record (HER), after which they will be retrieved as part of the HER's search results.

Viewing results 1 to 4 of 4

<< Previous **Results Page: 1** Next >>

Title	Location	Description
Tiverton Junction Station	Devon	Originally known as Tiverton Road Station. Railway station on the Bristol and Exeter main line, open...
Monument Number 1046039	Devon	Three or more possible small curvilinear enclosures, of uncertain date, seen as cropmarks.
Church Of St Mary The Virgin	Devon	Parish Church. 15th century, with 16th century north aisle and some window tracery renewed in the 19...
Jays Croft	Devon	Post medieval house.

<< Previous Next >>

The Excavation Index (EI) is a guide to the archaeological excavations and interventions carried out in England since the earliest days of scientific archaeology, and an index to the location of the excavation archives and finds. It is part of the National Monuments Record, England's heritage archive.

Viewing results 1 to 15 of 18

<< Previous **Results Page:** 1 2 Next >>

LAND AT MUXBEARE BARN
Site code: OA1515. An archaeological watching brief was undertaken by Oakford Archaeology in August 2018 during building work at Muxbeare Barn, Willand, Devon. The site is located within the historic core of the hamlet of Muxbeare, a settlement of ...
DEVON, MID DEVON, HALBERTON

LAND AT VERBEER MANOR, WILLAND
Assessment carried out in advance of proposed development at the site.
DEVON, MID DEVON, WILLAND

LAND SOUTH OF GARSTON FARM
Assessment and walkover survey carried out for a proposed solar array. Information from OASIS Online Form.
DEVON, MID DEVON, WILLAND

LAND AT WILLAND
Assessment carried out in advance of a proposed housing estate development. Information from OASIS Online Form.
DEVON, MID DEVON, WILLAND

LAND AT WILLAND
A detailed gradiometry survey was conducted over approximately 5 hectares of grassland. No features of probable archaeology have been identified, despite the high potential for archaeological remains. Three possible former pits have been identified ...
DEVON, MID DEVON, HALBERTON

HOWDEN LODGE, WILLAND OLD VILLAGE
Archaeological monitoring and recording was carried out by AC archaeology during groundworks associated with the conversion to living accommodation of outbuildings, car port and construction of new vehicular access at Howden Lodge, Willand Old ...
DEVON, MID DEVON, WILLAND

LAND AT WILLAND, CULLOMPTON
Survey in advance of proposed development identified possible kiln-type anomalies.
DEVON, MID DEVON, CULLOMPTON

LAND AT WILLAND
Assessment in advance of proposed development identified a number of archaeological earthworks.
DEVON, MID DEVON, WILLAND

STONESHILL SOLAR FARM, FIVE BRIDGES
Site code: SSFB16. In January-March 2017, Cotswold Archaeology carried out an archaeological evaluation and an archaeological watching brief at Stoneshill Farm, Five Bridges, Cullompton, Devon. The archaeological works recorded five undated ditches. ...
DEVON, MID DEVON, WILLAND

LAND AT FOUR WAYS CROSS
Twenty eight evaluation trenches were excavated in advance of proposed works. Early Bronze Age, Iron Age, medieval and post-medieval activity was recorded.
DEVON, MID DEVON, WILLAND

LANGLANDS SOLAR FARM
Site code: LLF13. Monitoring of groundworks for the scheme recorded no archaeological activity although prehistoric lthics were recovered from the topsoil. Accession no: RAMM:2013.9. Information from OASIS Online Form.
DEVON, MID DEVON, HALBERTON

LANGLANDS SOLAR FARM
Survey carried out over 5ha for the proposed solar array. See Event 1583187 for subsequent watching brief. Information from OASIS Online Form.
DEVON, MID DEVON, HALBERTON

LAND OFF MUXBEARE LANE
The evaluation revealed a probable medieval or post-medieval field boundary, and a length of metalled holloway that produced a relatively large amount of medieval pottery. Information from OASIS Online Form.
DEVON, MID DEVON, HALBERTON

LAND AT MUXBEARE ORCHARD
Site code: OA1091. Monitoring of groundworks for a wildlife pond recorded no archaeological activity. Information from OASIS Online Form.
DEVON, MID DEVON, HALBERTON

'OAKDALE', NORTH JAYCROFT
Site code: ACD201. Monitoring of development groundworks recorded modern deposits only. Accession no: 162.2010. Information from OASIS Online Form.
DEVON, MID DEVON, WILLAND

TIVERTON JUNCTION, WILLAND ROAD
Evaluation in advance of proposed roadworks recorded no significant archaeological activity. Information from OASIS Online Form.
DEVON, MID DEVON, WILLAND

MUDDIFORDS COURT FARM
Historic building appraisal of farm buildings prior to their proposed conversion. Accession no: 169.2010. Information from OASIS Online Form.
DEVON, MID DEVON, HALBERTON

MOORSTONE BARTON, HALBERTON
The assessment of a series of buildings and subsequent analysis of 20 phases of construction, for which dating evidence was produced for 14, has highlighted the widespread use of very young trees across the county but has also demonstrated that the ...
DEVON, MID DEVON, HALBERTON

Devon & Dartmoor HER

The Devon & Dartmoor HER is a record of the known archaeology and historic environment for the county of Devon, including Dartmoor National Park. It includes records of archaeological sites, historic buildings, historic landscapes and related information.

Viewing results 1 to 15 of 92

<< Previous **Results Page:** 1 2 3 4 5 6 7 Next >>

Name	Location
Willand War Memorial	Willand
St. Mary's Churchyard, Willand	Willand
Summers' Mill Farm	Willand
Possible Water Meadow Gutters or Drains to the south of Gerston Farm	Willand
Archaeological Features, Land at Stoneshill Farm, Cullompton	Willand
Stone Walls and Railings along Willand Old Village	Willand
Traditional Directional Sign in Village Centre, Willand	Willand
Cobbles fronting Verbeer Cottages, Willand	Willand
Methodist Chapel, Gables Road, Willand	Willand
Mounting Block Steps attached to The Elms, Willand Old Village	Willand
Orchard Banks to the southeast of Bagster Farm	Willand
Orchard Banks at Willand	Willand
Orchard Banks off Old Jaycroft Road, Willand	Willand
Orchard Banks at Willand	Willand
Orchard Banks at Willand	Willand

Name	Location
Orchard Banks at Willand	Willand
Water Meadow off Old Jaycroft Road	Willand
Orchard Banks to the southwest of Weir Mill Farm	Willand
Orchard Banks to the west of Weir Mill Farm	Willand
Possible Water Meadow to the east of Weir Mill Farm	Uffculme; Willand
Improvement Ridge and Furrow to the northwest of Bagster Farm	Willand
Possible Water Meadow to the southeast of Woodcoxhayes Farm	Halberton
Orchard Banks at Tiverton Junction	Halberton; Willand
Orchard Banks to the north of Four Cross Ways	Halberton
Possible Water Meadow to the north of Spratford Bridge	Halberton
Possible Water Meadow System to the southeast of Yeo Farm	Halberton
Deserted Settlement, Land off Muxbeare Lane, Willand	Halberton; Willand
Quicks Farm, Willand	Willand
Blacklands field name, Willand	Willand
Verbeer Manor Inn	Willand

Name	Location
St Mary's, Willand	Willand
Rood Screen, St Mary's Church	Willand
Enclosure to the south of Willand	Willand
Ford over Spratford Stream near Willand	Halberton; Willand
Weir Mill Farm, Willand	Willand
FARMSTEAD in the Parish of Willand	Willand
FARMHOUSE in the Parish of Willand	Willand
FARMSTEAD in the Parish of Willand	Willand
SETTLEMENT in the Parish of Willand	Willand
FARMHOUSE in the Parish of Willand	Willand
Dye House, Willand	Willand
Signal Post, Tiverton Branch Railway	Willand
Signal Post, Tiverton Junction	Willand
SIGNAL POST in the Parish of Willand	Willand
SIGNAL POST in the Parish of Willand	Willand

Name	Location
SIGNAL POST in the Parish of Willand	Willand
MILEPOST in the Parish of Willand	Willand
CLAY PIT in the Parish of Willand	Willand
GRAVEL PIT in the Parish of Willand	Willand
Bridge over Railway on Dean Hill Road	Willand
Bridge over the railway at Willand	Willand
COTTAGE NON SPECIFIC in the Parish of Willand	Willand
Redgate, Willand	Willand
HOUSE in the Parish of Willand	Willand
COTTAGE NON SPECIFIC in the Parish of Willand	Willand
FORD in the Parish of Willand	Willand
ROAD in the Parish of Willand	Willand
Linhay, Halberton, Willand	Halberton; Willand
TREE in the Parish of Uffculme, Willand	Uffculme; Willand
TREE in the Parish of Uffculme, Willand	Uffculme; Willand

Name	Location
Tiverton Junction Station	Willand
Circular Soilmarks at Gerston Farm, Willand	Willand
LODGE in the Parish of Willand	Willand
ROAD in the Parish of Willand	Willand
Earthwork Platform to the north of Four Cross Ways	Halberton
BLACKSMITHS WORKSHOP in the Parish of Willand	Willand
Archery Ground Southeast of Halfway House	Willand
Halberton/Willand Parish Boundary	Halberton; Willand
CROPMARK in the Parish of Halberton, Willand	Halberton; Willand
Possible Burial Pit, Four Ways Cross, Willand	Willand
Iron Age Ditch, Four Ways Cross, Willand	Willand
Pond, Four Ways Cross, Willand	Halberton
Pond Southeast of the Halfway House	Willand
Milepost on the Culm Valley Railway	Willand
Sluice East of Quick's Farm	Willand

Name	Location
Pump at Weir Mill Farm	Willand
Possible Bronze Age Enclosure Ditch at Four Cross Ways	Willand
Possible Romano-British Pit North-West of Four Cross Ways	Willand
Possible Boundary Ditch to North-West of Four Cross Ways	Halberton; Willand
Narrow Gully North-West of Four Cross Ways	Willand
Pit to North-West of Four Cross Ways	Willand
D-Shaped Enclosure North of Four Cross Ways	Willand
Posthole Alignment North-West of Four Cross Ways	Willand
Pit Alignment North-West of Four Cross Ways	Willand
Possible Boundary Ditch North-West of Four Cross Ways	Willand
WOODSMOKE COTTAGE	Willand
THATCH COTTAGE AND LITTLE CROFT	Willand
BEAUFOY HOUSE	Willand
JAYCROFT	Willand
Willand War Memorial Plaque, St Mary's Church	Willand

Name	Location
DYE HOUSE	Willand
PARK FARMHOUSE	Willand

Mid-Devon "Local List" of Assets in Willand

Town/Village	Title/Address	Importance
Willand	War Memorial within the churchyard	Granite obelisk to honour those who have died in recent wars
Willand	Stone walls and railings along Willand Old Village	High quality and aesthetically pleasing walls and railings
Willand	Route and remains of former Culm Valley Railway	Remains of the route the railway followed
Willand	Traditional directional sign in village centre	Iconic feature of the streetscape
Willand	Cobbles fronting Verbeer Cottages	Cobbled area
Willand	Methodist Chapel, Gables Road	Important building in Willand
Willand	Mounting block steps attached to The Elms, Willand Old Village	Important heritage feature in the streetscape

Source: Mid-Devon Local List

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April 2025

Willand Neighbourhood Plan

ADOPTION DECISION STATEMENT

REGULATION 19 – THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012

1.0 Summary

1.1 Mid Devon District Council is publishing its decision to 'make' the Willand Neighbourhood Plan part of the statutory development plan for Mid Devon District in accordance with Regulation 19 of The Neighbourhood Planning (General) Regulations 2012. This follows a positive referendum result on Thursday 27th February 2025.

2.0 Background

2.1 Willand Parish Council (as the qualifying body) applied to designate Willand Parish as neighbourhood area. The Willand Neighbourhood Area was designated on 21st June 2023.

2.2 The Willand Neighbourhood Plan submission version was submitted to Mid Devon District Council on the 13th February 2024 (formal confirmation by Mid Devon District Council on 12th March 2024). Mid Devon District Council undertook the statutory consultation, in accordance with Regulation 16 of The Neighbourhood Planning (General) Regulations 2012, between 12th March 2024 and 24th April 2024.

2.3. Mid Devon District Council, with the agreement of Willand Parish Council, appointed an Independent Examiner (Liz Beth) to assess whether the plan met the Basic Conditions required by legislation; and whether it should proceed to referendum. The examination into the Plan was carried out by written representations. The Examiner's report was received on the 6th August 2024. The report concluded that the Plan met the basic conditions and other statutory requirements, and subject to the modifications set out in the report, that the Plan should proceed to a local referendum.

2.4 On the 7th January 2025 Mid Devon District Council agreed the Examiner's modifications and factual corrections to the Willand Neighbourhood Plan, and

agreed that the plan should proceed to a local referendum. A Decision Statement was also approved and published for this.

3.0 Decision and Reasons

3.1. The local referendum was held on the 27th February 2025 and met the requirements of the Localism Act 2011. It returned a 'yes' majority of 90%, to the question:

"Do you want Mid Devon District Council to use the neighbourhood plan for Willand to help it decide planning applications in the neighbourhood area?"

3.2 The results of the local referendum were as follows:

Ballot papers	Votes Recorded
Number cast in favour of a Yes	269
Number cast in favour of a No	29
Number of spoilt ballot papers	1
Total number of votes cast	299
Electorate:2793	Turnout: 10.7%

3.3. Following the positive referendum outcome, the Willand Neighbourhood Plan was 'made' (adopted) by Mid Devon District Council at a meeting of the Council on the 23rd April 2025.

3.4. It is considered that the Plan meets the Basic Conditions set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990; complies with the provision made by or under Sections 38A and 38B of The Planning and Compulsory Purchase Act 2004 (as amended); and is compatible with EU obligations, as incorporated into UK law and Convention obligations (within the meaning of the Human Rights Act 1998).

3.5. The Willand Neighbourhood Plan now forms part of the development plan for the Willand Neighbourhood Area (the parish of Willand). In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the determination of planning applications in Willand Parish will need to be made in accordance with the development plan (i.e. the adopted Mid Devon Local Plan 2013 – 2033, the adopted Devon Minerals and Waste Plans, and the 'made' Willand Neighbourhood Plan), unless material considerations indicate otherwise.

4.0 Where to view this Adoption Decision Statement

4.1. The Adoption Decision Statement can be viewed at:

Mid Devon District Council's Offices, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP

Opening hours (via appointment, please contact 01884 255255):

- Monday - 9 am to 1 pm

- Tuesday - 9 am to 1 pm
- Wednesday - CLOSED
- Thursday - 9 am to 1 pm
- Friday - 9 am to 1 pm

Online on the Council's website:

https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/willand-neighbourhood-plan/

Tristan Peat,

Forward Planning Team Leader for Mid Devon District Council

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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

Basic Details	
Title and description of the policy/ decision:	Willand Neighbourhood Plan
Job title of the person(s) undertaking the assessment:	Forward Planning Team Leader
Council service:	Planning
Date of assessment:	08.08.2024

What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?
The Willand Neighbourhood Plan has recently been subject to its independent examination. The Examiner's report has concluded that subject to modifications be required to some policies the plan can progress to a local referendum.

Further Details	
Who may be affected by the policy/ decision?	Lower Culm Ward and Halberton Ward (note the part of this ward is within Willand Parish)
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	All statutory consultees have been consulted at the formal Regulation 16 submission draft stage in the preparation of the Neighbourhood Plan.
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	Yes

To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:	Yes	No	Details
1. Eliminate unlawful discrimination	☒	☐	
2. Advance equality of opportunity	☒	☐	
3. Foster good relations between different groups	☒	☐	

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	☐	☐	☒	
Age	☐	☐	☒	
Disability	☒	☐	☐	Policy TAC1 states development proposals should, where relevant, improve accessibility for all

Characteristic	Positive	Negative	Neutral	Comments
				through consideration of disability access.
Religion or Belief	☐	☐	☒	
Race	☐	☐	☒	
Sexual Orientation	☐	☐	☒	
Gender reassignment	☐	☐	☒	
Pregnancy/ maternity	☐	☐	☒	
Marriage and Civil partnership*	☐	☐	☒	

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

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

~~**Yes/**~~ **No**

If the answer is "Yes", please continue to the Section 2 and complete the Equality Impact Assessment. If the answer is "No", please give a brief reason here.
The policies of the Willand Neighbourhood Plan are in general conformity with the strategic policies of the adopted Mid Devon Local Plan. The adopted Mid Devon Local Plan has been subject to a full Equalities Impact Assessment in 2017 and an Addendum in 2019 which was necessary following the Council's proposed Main Modifications to the local plan. The Inspector has considered the Equalities Impact Assessment as part of the examination process for the local plan and has had regard to the Equality Act 2010.

EIA Screening Complete

Section 2: Equality Impact Assessment

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

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

Protected Characteristic	Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex				
Age				
Disability				
Religion or Belief				
Race				
Sexual Orientation				
Gender Reassignment				

Protected Characteristic	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?
Pregnancy/ maternity				
Marriage and civil partnership*				

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

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

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

==========

Equality Impact Assessment Sign off

For completion by Corporate Manager

Are you prepared to agree and sign off the EIA?

☐ **Yes** ☐ **No**

If “No”, provide details of why and next steps:

Name:

Job Title:

Date:

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MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 17 February 2025 at 5.00 pm

Present Councillors

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

Apology Councillors

L G J Kennedy

Also Present Councillor

J Lock

Also Present Officers:

Stephen Walford (Chief Executive), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Lisa Lewis (Head of Digital Transformation & Customer Engagement), Matthew Page (Head of People, Performance & Waste), James Hamblin (Operations Manager for People Services), Laura Woon (Democratic Services Manager) and David Parker (Democratic Services & Policy Research Officer)

Councillors Online

J Buczkowski, A Glover, S Keable, L Taylor and D Wulff

Officers Online

Andrew Jarrett (Deputy Chief Executive (S151)) and Richard Marsh (Director of Place and Economy)

79 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:27)

Apologies were received from Cllr L G J Kennedy.

80 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:03:39)

Cllr E. Buczkowski declared that she had received an e-mail from a member of the public regarding agenda item 7.

81 **PUBLIC QUESTION TIME (00:04:07)**

Barry Warren: Re: Agenda Item 7
Last week I forwarded a Briefing Note, with suggested questions for consideration, to all members of the Committee and copied in your Clerk. I also attached a spreadsheet for Quarter 4 which was on the public facing section of the website. I hope that you have had the opportunity to read and consider the content, because last Friday the publicly available quarterly reports had been renumbered and the Quarter 4 sheet I forwarded to you had been removed completely. I note that it is now back this afternoon.

Question 1. Why is this please?

If one looks at the spreadsheet on line 109 Reference FOI09915 the Subject is given as 'Willand modular housing' and received a response within 3 days and it is shown as Full disclosure. On line 127 is recorded a request for a Review Reference IFOR09915 the Subject is given as 'Modular Housing' and received a response in 20 days and is shown as a Full disclosure.

Question 2. Why the change of Subject Heading?

Question 3. Why is the first request shown as 'Full' when in fact it could not have been, as a Review was required which took 20 days to respond to?

Question 4. Why is the review counted as a FOI request when in fact under the FOI Act 2000 it clearly states that review requests are complaints and procedures for dealing with them are laid down separately?

At your December meeting you were asked a question referring to the East Devon District Council site. On that site there is a short subject heading like that given on the MDDC site but, when you click on that you get a good summary of the request and the response given. MDDC still makes no such information available other than the brief Subject.

Paragraph 3.2 of the report states: "*An amended disclosure log for publication via our website is being designed and will be published quarter 1 2025."*

Question 5. In this stated era of openness and transparency, will the new Disclosure Log give information similar to that available in East Devon?

Question 6. If the information were publicly available would it not save some information requests being made as people would be able to clearly see that the matter had already been addressed?

Question 7. Will Scrutiny Committee please carry out a full review as originally requested on my submitted form?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

Paul Elstone: Re: Agenda Item 7
Question 1

Section 3.2 Future Changes says that Quote - *an amended disclosure log on the website is being designed and will be published quarter 1 2025.*

As a point of reference MDDC recently adopted the main body of the East Devon Council enforcement procedure in recognition of its quality.

Similarly, the East Devon Freedom of Information reporting system is a high-quality process. It is informative. It is open. It is transparent. Something the current MDDC FOI reporting is most certainly not.

Will this Council similarly adopt the East Devon Council FOI reporting process and procedure?

Question 2
If not, what precisely is preventing this Council from doing so?

Question 3
Re: Agenda Item 8

Last week I attended two different Parish Council Meetings. At both meetings complaints were made about lack of enforcement in Mid Devon. In one instance there was deep frustration shown by a Council Member given the lack of enforcement action being taken against serial offenders.

The Mid Devon public have been promised an increase in enforcement resources in order to help remedy this situation.

If I remember correctly that it even being said there were now 2 officers in the Enforcement Team

On examining the organisation charts it shows a Senior Planning Enforcement Officer reporting to the Development Manager

The Planning Enforcement Assistant is shown as reporting to the Director of Place.

This could be seen as the Enforcement Assistant having multiple support roles and is not fully dedicated to enforcement work.

Why does the Enforcement Assistant not report directly to the Senior Enforcement Officer?

Question 4
It is noted that the organisation charts only show role positions that they do not show numbers of personnel in each position. As an example, just one Refuse Loader position is shown.

This is believed to be a key omission.

What prevents this information being included in the organisation charts for the future?

Question 5
It is noted that the organisation charts do not show positions which are vacant at the time of issue. Or is there any form of listing in the Establishment Report providing this information.
This is believed to be a key omission.
What prevents this information being included in the organisation charts or establishment report for the future?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

82 **CHAIR'S ANNOUNCEMENTS (00:11:35)**

The Vice Chair pointed out that there were errors in the agenda relating to page numbering and that Members of the Committee should add 2 to the page numbers shown on the agenda.

83 **MINUTES OF THE PREVIOUS MEETING (00:11:55)**

The minutes of the meeting held on 13 January 2025 were approved as a correct record and **SIGNED** by the Vice Chair.

84 **DECISIONS OF THE CABINET (00:12:27)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 4 February 2025 had been called in.

85 **QUARTER 3 MONITORING REPORT ON THE PROCESSING OF FREEDOM OF INFORMATION (FOI) AND ENVIRONMENTAL INFORMATION REGULATIONS (EIR) AT MDDC (00:12:59)**

The Committee had before it a *report from the Head of Digital Transformation and Customer Engagement.

The report had been prepared following a request from the Scrutiny Committee for a quarterly Dashboard for performance monitoring of the processing of Freedom of Information requests. The covering report was to provide an overview of some suggested quarterly metrics for that dashboard.

A member of the public had raised some queries before the meeting as to what the Disclosure Log should look like and about some anomalies. Those anomalies had now been corrected and the member of public was thanked for having drawn it to the officer's attention.

What was being proposed for the future was just the dashboard as shown at figure 2.3 and not a full quarterly report. A full report would continue to be given once a year. The items in the table reflected items that had been responded to and differed to the Disclosure Log which the Council showed on their website, which also gave

details of those requests that had been received and were still being processed so as to better inform members of the public of current requests.

With regard to the metric from the Information Commissioner's Office (ICO), that could only show the cases that the ICO had informed the Council of during the reporting quarter.

The Freedom of Information team were in the process of redesigning what the Disclosure Log would look like, however, the team currently were working on a major cyber security project which remained their primary focus. The amended Disclosure Log for publication via the website would be published for the financial quarter 1 of 2025 covering the period April 2025 to June 2025 and available soon after this period ended.

Discussion took place with regard to:

- A report each quarter to begin with would assist the committee until they became familiar with the dashboard.
- Checks on the Disclosure Logs was effectively a manual exercise.
- When did the ICO become involved and how could that be prevented? There were occasions when the team had got the answer wrong but there were other times when those requesting the information did not agree with the response given and challenged it. That was what the process was for – to determine whether or not the Council had provided the information that they should have under the legislation.
- When the Council redesigned the information it provided on the website it would look at what and how, other Councils including East Devon, provided such information.
- It was important that the data that was provided to members of the public was open and transparent.

The Committee NOTED the monitoring report on the performance of MDDC processing of FOI and EIR requests.

The Committee ****APPROVED** the quarterly dashboard metrics table as sufficient to form the basis of regular reporting to the committee.

Note: (i) *report previously circulated
(ii) **Cllr R Roberts abstained from this vote.

86 **ESTABLISHMENT REPORT (00:25:08)**

The Committee had before it and **NOTED** a *report from the Head of People Performance and Waste.

The following was highlighted in the report:

- The report needed to balance the need to give corporate information whilst ensuring that it was also secure and in line with data protection requirements.
- Sickness year on year was down with projections seeing the Council finish 2024/25 at 7.75 days per full time employee (FTE) down from 10.45 days in the previous full financial year.

- Turnover for the year was slightly up with projections seeing the Council at 18% compared with last year at 17%.
- Agency spend year on year was down with projections seeing the Council finish the current financial year below the £680,000 recorded for the previous financial year.
- Did the flu jab have an impact on the level of sickness the Council faced? Looking at the background data, less staff had sickness absence compared to the previous financial year. Looking at the reasons for sickness absence, infection and flu still remained high. Other measures remained in place such as sanitising stations.
- Employee health checks took place again in January 2025 and the Leisure Team would be back to carry them out again in June 2025.
- How did the Council's sickness absence compare to other authorities? The Council provided regular updates on sickness data, however, it remained a challenge to find comparison data that was in the public domain. In October last year Devon County Council shared that employees took 8.9 days absence a year, however, that was per employee and not per FTE as reported by the Council.
- Were absence management meetings taking place? There was a high correlation between the absence warnings and absence meetings with staff. That, should be seen as a supportive measure in understanding the reasons for absence and the measures the Council took to support the employee.
- Apprenticeships were still a key component of the Council and their `grow our own workforce' policy. There were 14 apprenticeships across the Council at the time of reporting. The Council was working with providers both locally and nationally to cater to the apprenticeship offering for the coming financial year.

Discussion took place regarding:

- The Operations Manager for People Services would report back after the meeting with the percentage take up of the staff survey. Another staff survey would follow later in 2025.
- An overview was provided regarding challenges relating to post 16 education provision in the Mid Devon area.
- How could the Council grow their apprenticeships beyond 14? What were the barriers that kept it stuck around the dozen mark? The apprenticeships across the Council comprised of those termed as upskilling apprenticeships as well as perhaps more traditional apprenticeships, that is, someone being employed as an apprentice. There was a split of delivery methods of education between face to face and on-line. The Council looked at avenues that they could put in place to enable people to undertake and complete apprenticeships.
- Some staff joined the Council as an apprentice in one department and found full employment within another department of the organisation.
- Some apprentices in the Building Services Team had to travel to Barnstaple or Exeter for skills training and the Council looked at how they best supported those individuals.
- Masonry Apprenticeships presented the Council with a challenge due to the limited number of courses available as well as where they were held, when the intake began and whether they were day or block release.
- The Council may need to tailor its apprenticeship offering to what was available in the local area.

- Exit interviews are continuously reviewed, as for reasons why people leave the Council, it is unlikely that they would get a reason from everyone but at the moment they get responses from 50% of those who leave.
- The Council had a good retention rate for apprentices. The Operations Manager for People Services would quote apprentice retention rate statistics in his next report.
- The Job Centre reported that at present few businesses were hiring apprentices.
- Assistance schemes were available for those with mobility needs to allow them to get to college etc.
- Congratulations were given to those officers who were involved in a social occasion and raised £480 for Churches Housing Action Team.
- The Council believed that the current arrangement with regard to hybrid working (2 day 3 day split) was working well. From a job retention and recruitment perspective, hybrid working was very important to staff. The officer was asked to include numbers of staff working in a hybrid way in a future report. How often a member of staff worked from home was at the discretion of their line-manager, who had the ability to insist that a member of staff worked every day from the office.

Note: *report previously circulated.

87 **WHISTLEBLOWING ANNUAL UPDATE (00:48:56)**

The Committee **NOTED** a verbal report from the Head of People Performance and Waste that there had been no instances of Whistleblowing in the past 12 months.

88 **HOW DEVOLUTION MAY AFFECT MID DEVON DISTRICT COUNCIL (00:49:31)**

The Committee had before it and **NOTED** a *report from the Chief Executive.

The following was highlighted within the report:

- The report had been requested by the Scrutiny Committee in order to keep them as well informed as possible.
- Things were moving at a pace with regard to the Government's 'devolution' intent.
- The distinction between devolution and reorganisation of local government– the White Paper on English devolution talked about the Government's intent for new strategic authorities to have populations of 1.5million people, to cover multiple local authority areas and to be headed by an elected Mayor. As part of the devolution White Paper the Government also made mention of a simplification of local authority structures beneath those Mayoral authorities – that was the reorganisation of local government. They were interlinked but two very separate things.
- The timelines for those in Devon were that the Councils would need to submit initial plans on or before 21 March 2025 with final submissions to go to the Government on or before 28 November 2025.
- It was unknown at this stage how many different propositions would be sent to the Government.
- On the devolution piece, the Government had now signed off the new Statutory Instruments to create the Devon Torbay Combined County Authority.

The first board meeting of that Combined County Authority (CCA) would take place on 19 March 2025. The CCA was a non-mayoral authority, but was a new partnership entity between Devon and Torbay. All of the districts as part of that would work together in partnership and collaboratively.

- It was expected that the Council would hold an Extraordinary Council Meeting prior to the 21 March 2025 deadline for all Members to have their input and say on whatever went forward at that point.

Discussion took place with regard to:

- Following formulation of the CCA the authority had secured an initial capital allocation of £16 million for some pilot projects and Mid-Devon had been the beneficiary of some of that, so it had been positive. In terms of its most immediate role, the CCA was likely to get control and influence over adult skills and education funding, which was previously channelled through the Skills Funding Agency, a national body. So it was hoped that there would be local say and influence over where that funding was applied and how best it was utilised, which should be better for local people and local businesses. Over the three years of funding, it was likely to amount to £53 million.
- Another work stream was in relation to building a shared investment pipeline for local housing, where Homes England were working with authorities across that Combined Authority area to identify all of the various opportunities that could be brought forward with a view to building a shared investment pipeline. That would benefit all housing authorities across the area, because, if you have a multi-year investment pipeline where Homes England had agreed what would be put into various schemes, then considerably less time would be wasted on bidding on a scheme by scheme basis as at present.
- The local government reorganisation would take into account numerous things and population would be one. It would not be just housing and the different banding valuations, it would also include where business rates were generated. All proposals would need to be put through a sort of financial assessment because the proposed authority would need to demonstrate to the government that they were financially sustainable.
- 500,000 people was the starting point for the new unitary authorities, but the Government had said that there might be exceptions and some may not get to 500,000 people.
- The Government had asked local authorities to reflect on synergies with other authorities, perhaps the Police, perhaps Health. The proposals should consider geographically, how the new unitary authority would align with other such administrations.
- The reason for the timeline from 18 December 2024 to 21 March 2025 being so short was that the Government wanted to push Local Authorities into making decisions as they were mindful that otherwise it could take a long time. There was also the question of postponing the May 2025 County elections to consider. The time line for the Council now was the submission of the final plan at the end of November 2025 with elections to a shadow authority in 2027 with a view to it becoming a legal entity on 1 April 2028.
- The Cost of making changes had been estimated to be between £30-£50 million. There was likely to be some capacity funding, however, the Government had indicated that they were not going to fund all of this and that the cost of transition was to be borne locally and either funded through reserves or by selling off assets.

- The Leaders had held discussions which had included Plymouth and Torbay Councils. There was no point in working up a proposal that only worked for one part of those involved, it had to work for all.
- Those Councils who were better off would have to integrate with those who were less well off, there was no expectation that the Government would write off existing debt. Legacy debt would be shared across the new Councils. The new institutions would need sufficient robustness to handle the debt. Efficiencies might need to be made to cover the debt.
- As and when any proposal went to the Government from the Council, it was suspected that the Leader would commence it with a statement that this authority did not support Local government reorganisation.

Note: *report previously circulated.

89 **WORK PROGRAMME (01:23:14)**

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

The following was highlighted:

- The Scrutiny Committee could ask for any items listed on the Cabinet Forward Plan to be brought before them.
- The Clerk mentioned that the Scrutiny Work Plan until the end of the Municipal Year and the Plan for the next Municipal Year were now before the Committee for their consideration. There was still plenty of capacity to include matters that the Committee thought worthy of scrutiny.

Cllr Rhys Roberts indicated that he would submit a proposal form to scrutinise the value for money of modular buildings projects.

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

(The meeting ended at 6.26 pm) **CHAIR**

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MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 17 March 2025 at 5.00 pm

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

Also Present Councillors
M Jenkins and S Keable

Also Present Officers:
Richard Marsh (Director of Place & Economy), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)) and David Parker (Democratic Services & Policy Research Officer)

Councillors Online
J Buczkowski, S J Clist, A Cuddy, G Duchesne, A Glover and J Lock

90 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies: Cllr A Cuddy attended on line.

91 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

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

92 PUBLIC QUESTION TIME (0:06:26)

Paul Elstone

The Chair explained that as the questions related to an item that was not on the agenda, that they would not be permitted.

Malcolm Lock

Mr Lock was representing residents of the Ashley Rise Estate. He commented that on the estate there had been an increase in the intolerable smell of fishy sewage. There had been a recent increase in property development in the area that had not been supported, as far as he was aware, with increased sewage facilities. There was believed to be a system of tankers taking sewage from Moorhayes to the sewage works daily and it raised the question of whether there was sufficient capacity in the existing facility to cope with the current sewage volumes? When new developments were begun, it was believed that the developer had to pay a sum to South West Water for each property built to cover any investment required in infrastructure as a result of the development. It was evident that the existing systems were barely adequate before the developments in and around Tiverton were started. Had South West Water invested sufficiently in the sewage schemes and if not when would this happen?

Response from South West Water

Developers do pay an infrastructure charge per property for connecting new properties to mains sewers. However, the capacity of the treatment works was funded separately through the price review process that South West Water (SWW) had with the Water Services Regulation Authority (Ofwat) every five years. In fact, the works at Tiverton had been granted funding through that process and so over the next five years SWW would make improvements to the capacity of the works.

93 **MINUTES OF THE PREVIOUS MEETING (0:15:14)**

The minutes of the last meeting held on Monday 17 February 2025 were approved as a correct record and **SIGNED** by the Chair.

94 **DECISIONS OF THE CABINET (0:16:08)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 4 March 2025 had been called in.

95 **CHAIR'S ANNOUNCEMENTS (0:16:19)**

The Chair gave directions as to how the business of the meeting would be conducted and that questioners would be allowed one supplemental question only. The Chair also explained that South West Water would not be able to answer any question related to; individual casework; anything subject to a legal review or proceedings; anything that was subject to commercial confidentiality and anything relating to shares or dividends.

96 **PRESENTATION FROM SOUTH WEST WATER (0:17:54)**

Attending from South West Water (SWW) were:
Mr Alan Burrows, Head of Local Government Liaison,
Mr Mark Worsfold, Director of Asset Management,
Mr Ian Lake, Head of Solution Development and Technical Performance.

SWW overview of current position:

SWW's priorities for 2025-2030 were:

- Water Quality and Resilience – was there enough water in the region?
- Storm overflows and pollutions,
- Net zero and environmental gains,
- Delivering for customers and addressing affordability.

Pollutions

- There were 6 minor water quality pollutions in the Council's area in 2024.

Storm Overflows

- SWW had 100% monitoring of all 1,379 storm overflows, which was ahead of the Government target.
- The Environment Agency (EA) published the storm overflow annual review in March each year after they had validated SWW's data.
- The public could see where and in what 5 year period, investments were being made by looking at SWW's Storm Overflow Action Plan: https://www.water.org.uk/overflows-plan
- The National Storm Overflow Action Plan provided an overview of their investment to 2040.
- SWW's investment would focus on bathing waters and shellfish water in the first instance as well as highly sensitive areas such as nationally designated nature sites.
- SWW would deliver their overall programme by 2040 (10 years ahead of the Government target of 2050).

Sewage Treatment Works

- There were 655 wastewater treatment works in SWW's region.
- All wastewater treatment works in the Council's area were compliant with their permit conditions. Those were continuous discharges and were separate from storm overflows.
- All leakage targets that had been set for the periods 2021/2022, 2022/23 and 2023/24 had been met. 2024/25 had yet to be closed and verified.

Performance

Public Information:

- WaterFit Live provided information on the operation of their storm overflows in near real time.
- The National Storm Overflow Action Plan (SOAP) showed where and when SWW planned to improve each storm overflow.

River Quality

- South West Region River Basin Management Plan (RBMP) provided the detailed analysis on causes and was 'owned' by the EA.
- Overall SWW operations contributed circa 12% towards the Reasons for Not Achieving Good (RNAG) ecological status, the remaining 88% could come from agriculture, industry, urban run-off, private septic tanks or quarries etc.
- Main catchments in mid Devon included: River Exe, River Culm and River Creedy.
- Reasons for not achieving good ecological status formed the basis of SWW's Environmental Programme.

Bathing Water Quality

- Achieved 100% compliance with bathing water standards across bathing beaches in Devon in 2024.

Environmental programme

- Peatland restoration, fish migration, catchment management. SWW had a number of programmes that were to do with bio-diversity and natural improvement. Those programmes looked at how they could use nature and bio-diversity to improve water quality within the South West.

Leakage

- Achieved target for 2021/22, 2022/23 and 2023/24.

Reservoirs

- A new reservoir was planned to be built at Cheddar and would be called Cheddar II. Water could be moved from there over to the River Exe and then abstracted at Bolham and at Pynes.
- Water could be released from Wimbleball Reservoir when SWW needed to supplement abstraction from the River Exe.
- Additional resources were being developed in Cornwall and the plan was to integrate that network across the region.

Councillors and members of the public then asked questions of SWW, the questions and responses were as follows:

Sewage Discharge

Question 1: As we know, water companies were only allowed to discharge overflows in exceptional circumstances, how did they decide what was an exceptional circumstance?

Response from SWW

The EA permitted water companies to discharge treated effluent to the environment. Each permit would be specific to the location and would be set to protect the objectives set for a particular water course or estuarine /coastal environment. Those objectives were provided by the Water Framework Directive which was transcribed in UK Law following BREXIT. For storm overflows, this meant that when the permitted 'pass forward flow' had been exceeded i.e. the rate at which the pumps could pass flow to the water treatment works, then the storm overflow may be operated. This was to protect houses from sewer flooding. The target set by the Government for all Water Companies was to achieve no more than 10 spills per annum on average over 10 years (the rainfall target). Those were required by 2050.

The Government had set out a clear set of targets for water companies which covered bathing waters, shellfish water and sensitive sites. Those each had different timeframes and targets:

But broadly,

- Bathing waters (BW) were allowed to achieve 2 or 3 spills per bathing season (2 for excellent BW and 3 for Good/Sufficient) as well as achieving the 10 spills per annum on average over 10 years. These were required by 2035.
- Shellfish waters were required to achieve the 10 spills per annum on average over 10 years by 2030.

- Sensitive sites required an Environmental Assessment but otherwise were required to achieve 10 spills (or subject to individual analysis or a more stringent target by 2045).
- All overflows were required to achieve the 10 spills on average over ten years by 2050.
- South West Water planned to achieve this target 10 years ahead of schedule i.e. by 2040.

Question 2: When would the practice of untreated discharges and therefore the pollution of the seas and protected nature sites end?

Response from SWW
The Government had set a target to reduce the operation of all storm overflows by 2050. SWW planned to achieve this target 10 years ahead of schedule i.e. by 2040. SWW had set aside circa £780m as part of their £3.2bn programme for 2025 – 2030 to tackle the use of storm overflows which was brought about by the implementation of the Environment Act in 2022.

Achieving the targets did not remove all spills - it just reduced the number below the targets set. There was no plan to end the practice of storm overflows.

Question 3: In Padbrook Ward, at the sewage farm, (which we had been told for a long time was too small for the local need), a large macerator fed liquidised faeces, etc. into the River Culm, which was now so badly affected that many rare species of flora and fauna had entirely disappeared. When would SWW upgrade the treatment works?

Response from SWW
Cullompton Sewage Treatment Works in the Padbrook Ward did not “feed liquidised faeces” into the River Culm and there was no macerator on site. The treatment process started with a large screen to remove any material such as grit, plastics, wet wipes, nappies etc (or anything that was not pee, poo and paper). Next the waste was moved to a primary settlement tank where solids (poo / paper) were separated from the liquid. The liquid was then processed using a biological treatment using filter beds (which had gravel and good bacteria) to reduce the ammonia and improve the oxygen. A final settlement tank and cloth filter underneath were used to further remove suspended solids before being discharged back into the environment. This discharge was permitted by the Environment Agency and subject to strict conditions.

Based on current Local Plans, SWW were designing for increased population growth to circa 11,000 people. This growth planned to accommodate housing in the Culm Garden Village and Kentisbeare areas. This investment was planned to be completed by 2030.

Question 4: There were 49 salmon rivers in the UK, of which the Exe was one of the very few in the South West. It ran from North West of Tiverton, in a South East direction, and through Exeter to Exmouth.
Those were Atlantic salmon, who returned to their spawning grounds annually.
On either side of the River Exe, 90% of our wetland habitat in the past 100 years had been lost.
On specific, agreed, days, during June, salmon were caught, weighed, and returned to the river. The relevant data was in the Appendix (sent to SWW with the question), from the Environment Agency data on the Annual Salmon Count on the River Exe,

tables and charts. (The lowest tally to that date was shown in bold. Data collection began in 1971.)
Please would SWW review this data, and comment, wherever possible, on what the changes to our environment may have been, to have led to yet another sharp decline in our salmon numbers and what could be done to reverse the decline?

Response from SWW
This question was best answered by the EA who were the Government's lead for water, air and land quality and were the lead for this protected species i.e. salmon and sea trout. There were many factors that impacted the survival rate of salmon and included: sea survival and over exploitation at sea, changes in climate effecting and migratory routes and river temperature, environmental habitat changes e.g. in river works or tree removal, farming practice and sedimentation, tourism and impacts of people in rivers etc. The EA set standards for environmental protection which required water companies then to invest to either protect or where necessary improve both water quality and quantity and remove features which may impact salmon migration. This was called the Water Industry Environment Programme. The EA monitored SWW's Water Industry National Environment Programme (WINEP) and reported on their progress to the Department of Food and Rural Affairs (DEFRA).

Question 5: What was SWW doing to upgrade sewerage plants so that the amount of macerated sewerage deposited into rivers significantly decreased? What funds had been set aside for any upgrades and how did those funds compare to monies received by SWW directors and shareholders on an annual basis?

Response from SWW
SWW had allocated circa £780m to address pollutions and storm overflows for the period 2025 – 2030. This investment was approved by OFWAT on 19 December 2024 as part of their Final Determination. SWW were now working on their plans to deliver the Business Plan requirements for 2025 to 2030. Maceration was a part of the treatment process but no macerated sewage went straight into rivers. A screening process prevented any solids from entering water courses.

Question 6: Were SWW still pumping raw sewage into our coastline, if so, why? And when would this practice stop? This region relied very heavily on its tourist industry, therefore we should be cleaning our coastline, not polluting it.

Response from SWW
At the time of privatisation in 1989, 60% of all sewage discharges were raw sewage and discharged through long sea outfalls many of those were continuous discharges. Today, all continuous discharges had different levels of treatment including ultra-violet (UV) treatment in places of higher sensitivity. The only discharges were associated with intermittent discharges (CSOs), SWW calculated that those now represented only circa 3% of the flows with circa 97% being treated. The programme of work by 2040 would reduce the circa 3% to less than circa 1%.

All discharges required a specific level of treatment based on the permit SWW had been provided by the EA. Many of SWW's discharges to the coastal environment had tertiary treatment which included UV to protect both bathing waters and shellfish waters. If those designated areas were impacted by our operations SWW would be required to make further improvements. Bathing water quality, as measured by the EA was better than it ever had been. More details on the bathing water classification

could be found here: https://environmentagency.blog.gov.uk/2024/05/15/how-the-environment-agency-monitors-and-tests-bathing-water-quality/

Howard Cuthbert – Member of the Public – Question supplied in advance

Question 7: The Rivers Trust for the Exe and Lowman as they pass through Tiverton had a number of storms drain sites listed "Not Asset Maintenance, Hydraulic Capacity". This was a result of the SWW asset being undersized and no amount of fiddling on how they were operated could prevent a spillage. Did this not cause concern and suggest corrective action be taken to remedy before pollution occurred?

Response from SWW
The information highlighted by the Rivers Trust was data SWW had been required to provide to the Government as part of the National Storm Overflow Action Plan. This set out where SWW's storm overflows were and what they believed to be the reason for them operating. SWW had allocated circa £780m to reduce the use of storm overflows and pollutions over the next 5 years and had committed to meet the national storm overflow target by 2040, 10 years ahead of the Government target of 2050. Preventative measures included disconnecting surface run off (for instance from highways and car parks) from the sewer network and channelling it through rivers and streams and also the building of large capacity storage tanks. All of SWW's programme could be found on the WaterUK website: https://www.water.org.uk/overflows-plan . In Mid Devon there were 88 storm overflows, with 10 sites in Tiverton of which 5 already met the storm overflow reduction target. All storm overflows in Tiverton had a current target improvement date of 2030.

Floods
Question 8: Reference the Cole Brook, and the Main River (leat), both in Padbrook, Cullompton. What measures were being put in place to reduce the risk of further flooding, given the very serious nature of the floods in September 2023?

Response from SWW
The EA held the Strategic Overview for flooding. This question would best answered by them in the first instance. There were many sources of flooding and where SWW had a role to play they would, and they would work with the EA and other Risk Management Authorities for example Devon County Council (DCC) as the Lead Local Flood Authority to resolve the issues. They could be contacted via the following email address: https://www.gov.uk/government/organisations/environment-agency/about-access-and-opening The Area Flood Risk Manager at the EA was called Ben Johnston and questions could be addressed to him. The Regional Flood and Erosion Coastal Committee made decisions about future investment in flood schemes.

Question 9: It had been known since 2015 that there were problems with the shutlake at Station Road, Hemyock. The drains were now blocked or ineffective. This meant that heavy rain resulted in a lot of water on the road and certain driveways of residential properties, which could freeze in cold weather presenting a safety hazard. Families with children walking to school got drenched when a car passed. DCC Highways Department had been approached and clearly mentioned it was SWW's responsibility to remedy the situation. Residents were told on 10 January 2025 that

there were ‘multiple defects in the sewer that had been raised for repair,’ but that the repairs were not yet planned. When was this problem likely to be remedied?

Response from SWW
SWW wrote to the Clerk of Hemyock Parish Council on 5 February 2025 and 5 March 2025 and confirmed that a thorough investigation had been conducted approximately 5 years ago. It was found that this pipework was not a SWW asset. Hence, SWW held no responsibility for the drains and the responsibility for physical ownership and maintenance was a riparian responsibility. Copies of SWW’s replies had been sent to Hemyock Parish Council Clerk.

Environment Agency
Question 10: What were the responsibilities SWW accepted, and which were the responsibilities of the EA?

Response from SWW
SWW’s primary objective was to treat and supply safe wholesome drinking water then remove wastewater and return it to the environment. SWW were regulated by a number of authorities as followed: EA for environmental protection, Drinking Water Inspectorate (DWI) for drinking water quality, OFWAT for financial purposes, DEFRA for future water resources, Consumer Council for Water for Customer purposes and well as other financial institutions. SWW also had WaterShare where their customers could provide feedback direct to them on their services. The EA’s role could be found here: Environment Agency - GOV.UK . https://
EA Pollution Hotline number was 0800 807060.
When it could not be agreed which agency should be responsible for a problem, SWW, EA and DCC Highways had a duty to co-operate and work together, they did that through the South West Regional Flood Committee. Such issues could be raised to that Committee where the agencies would co-operate and try to solve the problem.

River Management
Question 11: SWW was contracted to release 900 million litres of water annually from Wimbleball Reservoir into local rivers – this has not happened. Why?

Response from SWW
SWW would release water from Wimbleball for two main reasons: (i). To enable water to be abstracted further downstream at Allers (near Tiverton) for use in drinking water (ii). To protect salmon migration. Releases were made when the river levels in the River Exe met certain conditions. If it had been a wet year, releases may not be required as often. Those conditions were included on operating agreements or permits as issued by the EA who would monitor whether SWW were meeting their requirements.

Question 12: Why does SWW, along with RETA (River Exe and Tributaries Association), wish to get rid of 19 weirs on the Exe? Was this to help landowners so that they no longer had to maintain weirs on their land?

Response from SWW
SWW worked with a variety of organisations such as RETA, EA, West Country River Trust, Devon Wildlife Trust to review if any of SWW’s operations may impact protected species including salmon and sea trout. Where SWW owned a weir and if it was causing an issue with salmon migration, SWW may be required to make

improvements under the Water Industry Environment Programme – it was for owners of other weirs to do the same if they were able to. However, establishing the ownership of historic weirs was problematic and time consuming. Some weirs had a heritage value and so had to be maintained.

Water Quality

Question 13: Why would SWW not allow public access to the water quality analysis in the rivers Exe, Culm and Barle?

Response from SWW

SWW were not responsible for the water quality analysis on the rivers Exe, Culm and Barle. The EA collected and managed this data and placed this into the public domain.

SWW did provide water quality data if requested under the Environment Information Regulations (EIR) – if it was their data to provide. This could be requested via their EIR team. Any request would need to be specific to enable the EIR team to process it – SWW's services level agreement was to provide this within 20 working days.

Question 14: Why had there been such a deterioration of water quality since 2012?

Response from SWW

The EA monitored and reported on water quality and would be the authority to speak to on this matter. Where the EA's data indicated that an improvement was required and it was for SWW to deliver, SWW would do this under the Water Industry National Environment Programme.

Question 15: In relation to the very low water pressure in the Whitnage Road area of Sampford Peverell, which had occurred since the new housing estate (The Orchards) had been occupied, what measures were being taken to remedy this, currently and planned? When was it expected to be resolved? (SWW had not seen fit to state any difficulty in relation to the planning application for this estate in relation to water supply).

Response from SWW

SWW had carried out some work to resolve pressure issues on this housing estate and were hoping this would solve the problem. At this stage, SWW did not believe they had fallen below the minimum standards. However, they had some follow-on work to ascertain if their interventions had been successful. Unfortunately when SWW considered this housing estate their modelling did not pick up on the low pressure issue. The team at SWW considered circa 30,000 planning applications every year. They looked at whether they could supply the water that was required for each property and from the perspective of whether the existing drainage network would support the discharges from those properties. Thirdly, they considered the application from the perspective of what impact the development would have on their assets.

Question 16: How was SWW working with Local Planning Authorities (LPAs) to control the amount of run off and sewage from new developments near rivers?

Response from SWW

SWW continued to work closely with LPAs to support the planning process including engagement on Local Plans and individual planning applications. SWW's engagement was to provide information in relation to available capacity within their drinking water and wastewater networks as well as ensuring that new development was not built too close to their assets, which could impact their ability to undertake maintenance in the future.

Historically there were a lot of combined surface water and foul drainage sewers.
For all new sites developers could request a connection to SWW's networks and they followed best practice to deal with domestic surface water drainage which were the flows which came off roofs and hard standing areas.

When considering any request SWW insisted upon the applicant following the surface water drainage hierarchy through which surface water run off must aim to be discharged as high up the following hierarchy as possible:

- Rainwater re-use (rainwater harvesting/greywater recycling)
- An adequate soakaway or other infiltration system
- Hybrid solution of infiltration and discharging to a surface water body
- To a surface water body (e.g. an ordinary watercourse)
- To a surface water sewer, highway drain, or other drainage system
- To a combined sewer

Land drainage and surface water runoff was not permitted to be discharged to SWW's networks and must therefore be addressed by the developer within their drainage proposals, which should be signed off by the LPA supported by DCC as the Lead Local Flood Authority.

Similarly, highway drainage could only be discharged into the public sewerage with the permission of the Water Company and SWW would continue to insist upon this being a last resort after all other discharge options had been considered.

Foul sewage connections would be made to either a dedicated foul sewer or a combined sewer and SWW would consider the impact of those flows into their network as part of their investment planning process.

SWW's Drainage and Wastewater Management Plans (DWMP) included proposed development growth, as identified within the Planning Authority's Local Plans, to ensure that they understood what growth was anticipated and incorporate it into their investment programmes.

Agricultural Runoff

Question 17: What had SWW done to prevent the runoff from the Exmoor Mires Project running into local streams and rivers?

Response from SWW
SWW commissioned a research report from the University of Exeter published in 2020, which set out all the benefits of the package of interventions delivered through the Mires programme to slow the flow of water across the landscapes of Dartmoor, Exmoor and Bodmin Moor. The full report could be read here, including specific

sections on Exmoor. https://issuu.com/universityofexeter/docs/creww_mire_on_the_moors_report_2020 .

Question 18: Would SWW support the funding of countryside stewardship from their fines, rather than being paid to HM Treasury?

Response from SWW
SWW believed that this was referring to the Water Restoration Fund rather than the "Countryside Stewardship". If so, that was an issue for Government – and was currently part of the Water Special Measures Bill currently going through Parliament.

Water Management and Monitoring
Question 19: How much water was lost through leaks?

Response from SWW
SWW met their targets for leakage 2021/22, 2022/23 and 2023/24, their outturn for 2024/25 was currently being verified. In 2023/24 SWW reported that across their network (including Bournemouth) 107.1 million litres per day was lost through leakage. Over the next 5 years SWW had a target to reduce that figure to 85.9 million litres per day.
SWW's Water Resources Management Plan provided the details on leakage and their plans for improving this over the next 5 to 25 years. The link to their Water Resources Management Plan is here: https://www.southwestwater.co.uk/about-us/what-we-do/improving-your-service/water-resources-management-plan . Water loss included that lost on private land such as dripping taps and slightly leaking toilet cisterns. People were encouraged to take a meter reading just before they left to go away for 4 or 5 days and to take one on return to gauge if any water was being lost on their premises (which they would be paying for). Water lost from the network went back into the environment.

Question 20: Was anything being done to speed up the responses to complaints about faulty water meters? Residents had made comments that there were very long waits to replace faulty or suspect water meters, one was over 6 months and the occupant was told that SWW receive 30 complaints a day. Could SWW clarify the procedure and current times involved from complaint to repair and the number of such complaints?

Response from SWW
SWW were not a limitless organisation and sometimes had to make tough choices on resources and priorities, it was admitted that sometimes they got the decision wrong. If there was a specific issue on this matter then the Councillor could take it to SWW outside of the meeting and they would look at it.

Question 20A: What was SWW's approach to assessed charges which appeared to unfairly penalise customers that could not have individual water meters installed? This happened for instance in flats where there was a shared water supply and SWW stated that a meter could not be installed and an assessed charge was made.
Why did SWW not allow customers to challenge an assessed charge using previous meter readings as evidence of actual consumption? What work had SWW done to investigate modern solutions that allowed more accurate measurement of usage in shared supply properties?

How many households in Mid Devon were being charged on an assessed basis because SWW said a water meter could not be fitted and what steps was the company taking to ensure that those residents were not being unfairly overcharged?

Response from SWW
This question referred to a casework issue. SWW worked with other water companies through the OFWAT Innovation Fund to look at various projects including SMART meterage. SWW would answer those questions in writing after the meeting directly to the Councillor.

Question 21: What support did SWW give to those customers who were struggling to pay bills on low incomes or had particular circumstances they were facing when customers were facing bills which were currently the highest in the country?

Response from SWW
SWW's Business Plan for the period 2025 to 2030 set out a £200m fund to help customers with affordability issues. More information could be found here: https://www.southwestwater.co.uk/siteassets/documents/about-us/business-plans/2025-30/addressing-affordability-and-delivering-for-customers.pdf .
That information was circulated to SWW's customers on their website.

Question 22: What assistance was currently given to customers who were struggling to pay their bills, and had SWW assessed how the planned higher than inflation price increases would affect this group of customers?

Response from SWW
SWW's Business Plan for the period 2025 to 2030 set out a £200m fund to help customers with affordability issues. More information could be found here: https://www.southwestwater.co.uk/siteassets/documents/about-us/business-plans/2025-30/addressing-affordability-and-delivering-for-customers.pdf

Question 23: SWW was hit with a £12m fine from the regulator and the company was ordered to pay back the money to its customers in the form of discounts, had this money been refunded in full?

Response from SWW
SWW were fined £17.4m in 2024 by OFWAT for failure to meet performance targets. That money had been returned to customers.

Question 24: Could SWW provide details of all discharges, giving: location, date/time; duration; and volume of fluid discharged?

Response from SWW
This question fell within the Environmental Information Regulations(EIR)s and would need to be directed to SWW's EIR team. They would process this request and ensure a response was provided within 20 working days. The questioner would need to be specific i.e. what location or area they were interested in, over what period to enable SWW to respond accurately to the request. The EIR team would then ensure the request was logged, tracked and responded to within 20 working days. SWW was limited in terms of volume information that they provided because the Event Duration Monitoring data set did not capture details of volume, but SWW would provide the

information they had available. The flow of continuous discharges was measured but due to the nature of storm overflows, intermittent discharges could not be measured.

Question 25: Were there different types of discharges? (if so, what were they?) What were the reasons for the discharges? (e.g. rainfall, failure of technology, maintenance etc.)

Response from SWW
There were two main types of discharges: continuous and intermittent. Continuous discharges were primarily related to treated final effluent from sewage treatment plants. Those were permitted by the EA and SWW were required to monitor them and provide this data to the EA for compliance purposes. Each discharge would have a site specific permit to protect the environment.
The second was intermittent discharges which were primarily related to storm overflows. All storm overflows were monitored and SWW were required to provide this data to the EA as requested and annually were part of their Event Duration Monitoring Returns. Each discharge would have a site specific permit to protect the environment. The return was published by the EA in March each year and could be found here: Environment Agency publishes Event Duration Monitoring data for 2022 - GOV.UK

Emergency discharges came from a pumping station, where for instance there was a loss of power to the pumping station which caused a discharge. The reasons for any emergency discharge were recorded and that information could be disclosed unless there was any legally prejudicial reason why SWW were not able to.

Question 26: Can SWW advise on how this is monitored? Was it empirically measured or was it a "guesstimate"? Were there documented procedures around this? How were the figures:
a. Verified?
b. Audited
   i. Internal?
   ii. external?
c. Monitored
   i. By whom?
   ii. Method?
   iii. Frequency?
d. Investigated
   i. Random check?
   ii. Regular reviews?
   iii. Incident investigation?
   iv. Was there a documented procedure?

Response from SWW
The permits set out how often and what was required to be monitored. Those permits were set to protect the environment and had clauses which described how SWW measured and to what standards. Each permit had its own permit conditions. SWW had both internal and external audits undertaken. External audits were completed to ensure they complied with Monitoring Certification Scheme (MCERT)s certification. The EA would also review data and undertake site visits to check SWW's sites were compliant with specific permits. SWW would review data daily to ensure their sites were operating to the required standards this would form part of SWW's overall

operational activity. Ultimately, there were two primary outcomes: maintain compliance with the permit conditions and protect the environment – if either were compromised, SWW would rectify and / or the regulator would decide what action they may wish SWW to take under the WINEP.

Question 27: Were any of the items above published:
a. For the general public?
b. For stakeholders
   i. Local councils?
   ii. Central government?
   iii. National bodies?

Response from SWW
There was a plethora of information in the public domain which was available to anyone who wished to use it. Where information was not available direct to the public via SWW's website or others, individuals could request information under the EIRs. If Members would like, SWW could offer a 'teach in' session where they could explain in more detail how the water industry was regulated. SWW published data on all storm overflows on their website which could be viewed ahead of the annual return. All storm overflow data was published on the website within an hour of the discharge commencing and within an hour of the discharge finishing and was visible on SWW's WaterFit Live Website where all storm overflows could be seen live at any moment. That information was replicated on the National Storm Overflow Hub which contained data from all the Water Companies in England within an hour of the data being published.

Question 28: There had been a lot of comment recently from the Government reported in the news, that there had not been any new reservoirs built in England since 1972 and that new reservoirs were desperately needed. Did SWW have any plans to build a new reservoir? If so could it be built in Mid Devon?"

Response from SWW
No new reservoirs were planned for the Council's area. SWW's Business Plan and Water Resources Plan set out future investment and water needs. SWW had already established new resources in Cornwall: Hawkstor and Blackpool Pit and SWW had new abstractions established on the River Tamar at Gatherleigh. As part of the wider Strategic Resource Options lead by RAPID link here: RAPID - Ofwat SWW would be building a new reservoir near Cheddar called Cheddar II during the 2030's.

Ms Tara Fraser – Member of the Public – Question supplied in advance

Question 29: Reviewing the newspaper archives for the Ashley area we note that the residents of Ashley had been complaining about the smell from the water treatment works for well over 150 years! What updates to the system had been made since it was first built and if the reason it smelled so bad was that it was, and had always been, inadequate for the number of dwellings it served? How and when would the system be updated so that it could cope effectively without blighting the lovely hamlet with obnoxious smells on a regular basis?

Response from SWW
SWW had plans to update the Tiverton Sewage Treatment Works (STW) by 2030. Tiverton STW was also a sludge treatment holding area where solids created as part

of the treatment process from in and around Tiverton were all brought to Tiverton and stored prior to being treated. It could be that that was what was causing the odour. SWW would investigate further the odour issues from this site that were being reported by the local residents and report back.

Fly Tipping
Question 30: Who and how did one contact the agency about fly tipping for example in the River Lowman? It did appear that SWW had assumed the role of water bailiff.

Response from SWW
SWW had not assumed the role of water bailiff – the EA and relevant local authority were responsible for waste incidents including major waste crime and fly tipping.

SWW had been working with Environmental Health and others, as part of the Food Hygiene rating, to consider whether or not the establishment had a fat trap.
If there was an issue causing pollution SWW would prefer that the incident was reported to them.

Community
Question 31: There was a leat that went through several wards in Tiverton. This was a valuable asset to the people of Tiverton. The Friends of the Leat were a new charity set up to restore the leat. So that it ran again.
How could The Friends of the Leat or other groups like them form a formal partnership, (in whatever form) moving forward, with SWW?

Response from SWW
SWW's Natural Resources Team had many links with environmental organisations and would be happy to discuss issues with you. In a large number of instances there may be a partnership that had already been formed so it would be advisable to see what already existed. To understand more contact SWW's Stakeholder Engagement Manager, Nick Paling who would be pleased to help. His email address was: npaling@southwestwater.co.uk.

The Committee should note SWW had no assets in relation to that leat. Hence, there may be limited help that SWW could offer. There was a Neighbourhood Fund which could be bid into. This would start up again from 1 April 2025 and details could be found on SWW's website here: https://www.southwestwater.co.uk/our-south-west/community/neighbourhood-fund .

Question 32: The River Culm in 2023 was designated the eighth most polluted river in the United Kingdom for illegal sewage spills. Plans were outlined in 2023 for alleviating that problem. In context the pollution came from 655 spills lasting a total of 7,303 hours and approximately 1.8 times per day. What had SWW done to alleviate that problem?

Response from SWW
£780m had been set aside for the next business period, 2025–2030, to address pollution and storm overflows. The work was shown on the National Storm Overflow Action Plan which showed when the storm overflows would be addressed. If the storm overflows into the Culm were into an area of Environmental Sensitivity then those issues would come forward in the programme to 2030-2035. The National Storm Overflow Action Plan showed when the investment was planned to occur.

Question 33: Did SWW monitor microplastics and how?

Response from SWW
A source control measure, removing microplastics from things like face creams, was put in place by the Government to ban microplastics going into products. SWW were taking part in a number of research projects looking at the presence of microplastics. The treatment processes that SWW operated removed approximately 99% of all microplastics from waste water.
SWW requested that Councillors promote that pee, poo and paper were the only items that were put into the sewage system.
Two Members of the Council would be offered the opportunity to see what SWW were doing with Exeter University at the Centre for Resilience in Environment, Water and Waste (CREWW). There they had a microplastic lab analysis where they could look at micropastics down to nanoparticles.

Question 34: The Council were currently trialling recycling for nappies and sanitary products etc. Would SWW support this measure and would there be any possibility in the future of some financial assistance?

Response from SWW
SWW applauded the Council for this trial as it would lead to less blockages occurring on the sewer network. It would be useful to share data where they could to see whether the Council's trial reduced blockages and hence the true economic benefit to SWW.

Question 35: Bearing in mind the projected increase in housing numbers, would the new reservoir at Cheddar II have sufficient capacity to supply a certain amount of its water to the Mid Devon area? Had climate change and prolonged dry spells in weather been taken into account? Had SWW considered the potential for desalination plants?

Response from SWW
Climate change, population growth and housing increase was all part of the Water Resource Management Plan. The plan took into account the latest climate change projections, each time those changed, that had to be built into the plan. Housing numbers and plans were also built into the plan. SWW also had to look at per capita consumption (how much water each individual used). SWW were working with developers to encourage less water being used by household appliances for instance and lower capacity toilet cisterns and shower heads. SWW were encouraging the take up of water meters so that customers could see how much water they were using. SWW were looking at leakage on their own network but also encouraged customers to look at it on their network.
SWW already engaged with the Council's Forward Planning Team. SWW were putting in place some incentive schemes to encourage developer customers to use less water and so reduce the impact of new development.

Question 36: Would it be possible to have an off line conversation about the shutlake in Hemyock? It was an ever escalating situation with ongoing problems.
Response from SWW
SWW agreed to respond after the meeting.

Question 37: Accidents by their nature were urgent, how were they managed? What were the internal processes and procedures undertaken? What engagement happened with the EA or the Council's own Public Health Team? What was the reasonable timescale for when a spillage clear up could be expected? What was the context of reasonable in terms of making good when something had gone wrong?

Response from SWW
The Wastewater Operations Team would be responsible for clearing up any mess that SWW may have made at a location. Reasonable timescales may depend upon what was the immediate impact? Was it causing an environmental impact to the water course at that moment in which case it would probably have a higher priority? It would depend upon the potential risk and impact upon a water course. If the Regulator was made aware of it they may instruct SWW to clear the mess within 12 or 24 hours depending upon what the Regulator believed to be the impact of the issue on the water course. It did depend upon the risk and what else SWW were dealing with at the time and whether they could get people there in the time that they would ideally wish to. SWW would take away the question of the Service Level they operated when a spill had occurred.

Question 38: What were SWW's protocols and treatment of residents when new sewage pipes had to be laid across their land? How did SWW consider, consult with and communicate with those residents?

Response from SWW
Water companies had something called a requisition which was part of the Water Act. A developer could requisition SWW to provide either a water main or a sewer for a new development. It avoided the principle of ransom so that if the developer could not get their drainage out or their water main in by any means that they could negotiate, they could approach SWW who had land entry powers. SWW would serve a Notice to go and do the work. However, whilst SWW had the legal powers, there was a certain way to engage. As part of any work SWW carried out, they would be responsible for reinstating and making good.

Question 39: How did SWW deal with complaints and how were the non-standard complaints escalated?

Response from SWW
There was an escalation process with complaints however, first SWW needed to determine whether or not they were part of the problem or if they were not the organisation to resolve it. If a customer felt that their complaint had not been taken up, they could write to their MP who may ask SWW to review their decision. If an individual felt that they had not been dealt with properly they could take the issue to the Consumer Council for Water.

The Chair on behalf of the Committee thanked the officers of SWW for their presentation, for answering the questions and for their time that evening.

97 **WORK PROGRAMME (2:29:58)**

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

The following was highlighted:

(i) The only item on the agenda for the next meeting was the Scrutiny Chair's Annual Report. The Committee did not ask to add anything to that agenda having taken into account the Cabinet's Forward Plan.

(ii) There would be an item on Local Government Reorganisation and Devolution which would likely be scheduled for 9 June and failing that 14 July dependent upon what information was available.

(iii) The work item on Progress to Junction 28 and inviting the DCC Cabinet Member for Highways Management had been postponed due to the Pre-election Period. Once it was confirmed who the new Cabinet Member for Highways Management would be, an invitation would be sent to them.

(iv) To be added to the Work Plan for 9 June, a report from the Leader of the Council on the State of the District, the Cabinet's priorities for the coming year and its performance in the previous year.

(v) The report on house maintenance, general and emergency repairs, pollution monitoring and resident safety would be included in the Work Plan for 9 June.

The following work proposals were received:

- Cllr R Roberts – Modular Buildings (Zed Pods)
  As a report covering the work proposed was already being prepared for the Homes PDG it was **agreed** that that report also came to the Scrutiny Committee.

- Cllr G Czapiewski – Land use for planning.
  After discussion it was agreed that this proposal was amended by the proposer and then sent to (Planning Policy Advisory Group) PPAG for them to review and consider in the new local plan.

- Cllr G Czapiewski – Ambulance Response Times
  After discussion regarding whether the Council was the right body to look at this matter and it was **agreed** that DCC was the most appropriate body and that the Chair and Clerk together with the Cabinet Member for Parish and Community Engagement would encourage Town and Parish Councils to offer CPR/defibrillator and First Aid training in their locality.

- Cllr G Czapiewski – Social Housing Review
  As a report covering the work proposed was already being prepared for the Homes PDG it was **agreed** that that report also came to the Scrutiny Committee.

- Cllr G Czapiewski – S106 Review – did current and future awards meet relevant infrastructure and social needs?
  It was **agreed** that a report be produced explaining the procedure and processes that the Council went through and append the December 2024 Infrastructure Funding List to that with the report to come before the Scrutiny Committee over the summer.

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

(The meeting ended at 8.05 pm) **CHAIR**

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MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 25 March 2025 at 5.00 pm

Present Councillors	L Knight (Chair) D Broom, E Buczkowski, G Czapiewski, J M Downes and R Roberts
Apologies Councillors	B Fish and A Stirling
Also Present Officers	Paul Deal (Head of Finance, Property & Climate Resilience), Matthew Page (Head of People, Performance & Waste), Simon Newcombe (Head of Housing & Health), Dr Stephen Carr (Corporate Performance & Improvement Manager) and Sarah Lees (Democratic Services Officer)
Councillors Online	J Buczkowski, J Lock and D Wulff
Officers Online	Dean Emery (Head of Revenues, Benefits and Leisure) and Lisa Lewis (Head of Digital Transformation and Customer Engagement)
Also in Attendance	Jo McCormick (Devon Assurance Partnership), Craig Sullivan (Bishop Fleming) and Jennifer Whitten (Independent Person to the Audit Committee)

43. **APOLOGIES**

Apologies were received from Cllr B Fish and Cllr A Stirling.

44. **PUBLIC QUESTION TIME**

The following questions were received from members of the public:

Barry Warren

My questions are prompted by Item 6 on your agenda and in particular page 29 of your bundle, item CR9a. The risk description still contains the following:

Public debate has, at times, included unhelpful and inaccurate statements about the company and the consequential impact on the Council, with these inaccurate statements being repeated in wider circles.

A number of the assets have been purchased by Mid Devon District Council (MDDC) for use by Housing or to be sold on the open market. Information has been sought by some members of the public to ascertain if correct use is being made of public money and due diligence and openness of information is being exercised. Most responses from MDDC have been guarded, misleading or even denial, leading to the Information Commissioner giving direction to release information.

1. Should CR9a be modified to be a risk description which reflects potential reputational damage to the Council by the failure of the Council to provide open, honest and full information in reports to Members from the outset or in response to enquiries from the public?

2. Should there also be an additional risk created with regard to the expenditure in relation to the providing of modular homes? This has already prompted questions in Scrutiny Committee.

On the 11th March 2025 a double page spread appeared in the Tiverton Gazette which had all the appearance of being an advertisement. It had a number of sections concerning differing housing sites, some of these did not tell the full circumstances. Enquiry of the Council revealed that this advertisement was commissioned by the Head of Housing and Health and approved by the S151 Officer. It was prepared in-house, and the cost of £1266 (plus VAT where applicable) to print in the Gazette was met from the Housing Revenue Account Tenant Involvement and Engagement budget.

3. Is it known how many Council tenants actually read the Gazette?
4. How did such information benefit our current tenants?
5. Why is this an appropriate expenditure of Housing Revenue Account (HRA) money?

Paul Elstone

Question 1
Firstly, I would like to thank the Chairman for his recognition that members of the public, by their routine attendance of meetings and that in asking the questions they do, add value.

It is however important for me to place on record that I do not ask my questions because I have an axe to grind against a former administration. Something recently said in a public meeting and by another Chairperson.

My personal driver when asking the questions I do, is solely related to expecting to see value for money, good governance, competency and integrity in this Council and

involving all Officers and Members. Qualities I personally believe and have evidence to show are increasingly in decline. Not least involving 3 Rivers and more recently the Zed Pod's modular developments.

My question: what was the exact date that the "Housing Rents Error" was discovered by the External Auditors?

Question 2
What was the first date that Tenants were advised of the existence of this error?

Question 3
Please can you provide a simple Yes or No answer to this question….

Is it this Council's intention that in order to accept the amount of the refund of their rent over-payment, the residents will be required to sign any form of legal disclaimer preventing the tenants from taking any further action against MDDC. This in relation to this Council's rent calculation error?

Question 4
Table 1 Title - Actions taken, completed or ongoing:

Action No 22 says detailed engagement with other Local Authorities currently working on a similar rent errors issues e.g. Cambridge is ongoing.

On fully interrogating the Social Housing Regulators database only two Councils can be found as having Notices against them in respect of rent calculation errors. Namely Cambridge City Council and East Suffolk Council. Rent calculation errors very different from MDDC and much more understandable in their nature and not going back anywhere near as long.

Unlike MDDC both Councils it would seem are not using the 1980 Limitation Act to avoid making rent overpayment refunds beyond 6 years.

Which Councils and exactly are this Council engaging with?

Question 5 (Supplementary Question).
It is known beyond doubt that a member of the public submitted questions at relatively short notice compared to mine at the Audit Committee Meeting of the 21st January 2025. Questions which were answered at the meeting.

Therefore, Chair why am I now being treated any differently and especially as my three questions only require one word type answers and answers which could have been made readily available to you ?

The Chair stated that as these questions had not been submitted within the necessary timescale a written response would be provided within the next 10 working days and attached to the minutes of the meeting.

45. **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

46. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 21 January 2025 were confirmed as a true and accurate record and **SIGNED** by the Chair.

47. **CHAIR'S ANNOUNCEMENTS**

The Chair had no announcements to make.

48. **CORPORATE RISK Q3 (00:15:00)**

The Committee had before it, and **NOTED**, a report * from the Corporate Performance and Improvement Manager and the Head of People, Performance & Waste providing it with a quarterly update on the Corporate Risk Register.

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

- The report presented the Council's current corporate risks with their updated position as of February. These were the risks which had been identified and which were most likely to impact the Council meeting its objectives.
- At paragraph 2.1 of the report there was a summary table showing the 17 corporate risks that the Council was currently managing.
- A risk matrix or heat map was presented at Appendix 1 showing the relative position of the 17 corporate risks.
- At Appendix 2 of the report, further details were provided for each risk in a standard template.
- Any significant changes to the risk register since it was last reported to the Committee were listed in the covering report, at paragraph 2.3.

Discussion took place regarding whether the properties bought a year ago during the closure of 3Rivers needed to be identified on the Risk Register since their value had fluctuated as a result of market factors? It was confirmed that at the current time this was not considered to be a significant risk.

Note: * Report previously circulated.

49. **RISK MANAGEMENT POLICY (00:24:00)**

The Committee had before it a report * from the Corporate Performance and Improvement Manager and the Corporate Manager for People, Performance & Waste presenting the updated Risk Management Policy for the 2025/26 financial year.

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

- This report presented the Risk Management Policy which was reviewed annually by officers before being considered by this Committee for approval.
- The Risk Management Policy was thoroughly reviewed in March 2023. As part of that review, the risk management process was revised, with detailed guidance provided at each stage. The Policy was then reviewed in 2024 with a number of small changes.

- The Policy and associated processes had become embedded and were working well. Therefore only a small number of changes were suggested to the Policy this year. These changes were highlighted in red text in Appendix 1.
- To further strengthen the Council's approach to risk management, the Council had provided in-house training. This would now be made mandatory for staff with senior responsibilities.
- In addition an internal audit on the Council's approach to Risk Management had begun and the results of this audit would be reported back to this Committee in due course.

The Chair thanked the Corporate Performance and Improvement Manager for all his work in reviewing and embedding this Policy within the Council.

RESOLVED that the updated Risk Management Policy be approved.

(Proposed by Cllr D Broom and seconded by Cllr E Buczkowski)

Reason for the decision

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

Note: * Report previously circulated.

50. **WHISTLEBLOWING POLICY (00:27:00)**

The Committee had before it a report * from the Corporate Performance and Improvement Manager and the Head of People, Performance and Waste presenting it with the updated Whistleblowing Policy for 2025.

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

- This report presented the Council's Whistleblowing Policy, which was reviewed every four years.
- It had been reviewed by officers and any changes made to the policy were highlighted as tracked changes.
- The changes were mainly to keep the Policy accurate, such as to job titles, or the details of the Council's external auditor.
- In addition to these factual changes the Council had also explicitly stated the legal basis for whistleblowing towards the start of the Policy.
- Links to the Grievance Policy had been strengthened as issues could be raised through that route if it was not deemed to be a whistleblowing matter.
- A web link had also been included to a full list of the prescribed bodies that a whistleblowing disclosure can be made to, depending on the nature of the concern.

RESOLVED that the updated Whistleblowing Policy for 2025 be approved.

(Proposed by Cllr D Broom and seconded by Cllr R Roberts)

Reason for the decision

Without this Policy, the Council was at increased risk of not detecting fraud, corruption or financial irregularities, which could result in loss to the Council or damage its reputation.

Note: * Report previously circulated.

51. **REVIEW AND REVISION OF THE FINANCIAL REGULATIONS (00:29:00)**

The Committee had before it a report * making recommendations for amendments to the Financial Regulations following implementation of the new Procurement Regulations.

The following was highlighted within the report:

- It had been a year since the last review of Financial Regulations and during that time a number of changes had occurred. The report highlighted the pertinent changes using "tracked changes" for ease of review by Members. In summary, amendments had been made to:
    - Job titles, reflecting the corporate restructure moving from "Corporate Managers" to "Heads of".
    - Amendments to Section 5 Procurement, following the implementation of the new Procurement Act – shown through tracked changes.
    - Section 13.2 – Capital Strategy and Asset Advisory Group (CSAG) – updated in line with recently agreed revised Terms of Reference.
- Financial thresholds had been reviewed and were stated in Appendix A. The revised limits would enhance the Council's risk mitigations.
- The new Act removed the alignment to the old European Union (EU) Regulations following Brexit and enhanced the requirement to use local suppliers where possible.

Discussion took place with regard to:

- Fraud for personal benefit, this would always be a risk but mitigations were in place.
- Quarterly budget monitoring reports listed waivers.
- Members recently approved a Resilience Strategy. It was confirmed that Business Continuity Plans would be tested in the near future. A dedicated Resilience Officer monitored all activity in this area and regularly fed back to the Corporate Management Team.
- A new Modern Slavery Statement would be published shortly.
- Public Sector Procurement Standards informed the competitive tendering process detailed in the Financial Regulations.
- It was confirmed that any goods or services needing to be procured that were over £100k were subject to a full tendering process.

RECOMMENDED to full Council that the amendments to the Financial Regulations be approved subject to tables A1 and C being amended to reflect the thresholds in table A.

(Proposed by Cllr J Downes and seconded by Cllr R Roberts)

Reason for the decision

Failure to comply with legislation could lead to non-compliance and potentially prosecution and claims for damages.

Note: * Report previously circulated.

52. **DEVON ASSURANCE PARTNERSHIP INTERNAL AUDIT PROGRESS REPORT 2024-2025 (00:52:00)**

The Committee had before it, and **NOTED**, a report * from the Devon Assurance Partnership (DAP) updating it on progress to date with the internal audits undertaken since their last report.

The following was highlighted in the report:

- High level summaries had been provided regarding all the audits which had taken place since the last report was brought before the Committee. One limited assurance opinion had been provided in relation to a follow up audit in the Building Control area.
- All reports were presented to the Leadership Team.
- An outturn report for 2024/2025 would be presented to the Committee in June.
- DAP had a dedicated Fraud Prevention Team who provided training to partner authorities.
- There were no high risk overdue audit recommendations but a number of medium risk recommendations remained which needed to be followed up and resolved.

Consideration was given to the responsibility of the Council for monitoring audit recommendations. The Corporate Performance and Improvement Manager confirmed that he regularly liaised with officers and worked closely with DAP in regard to this. He confirmed that over time the number of overdue recommendations had steadily decreased.

Note: * Report previously circulated.

53. **DEVON ASSURANCE PARTNERSHIP INTERNAL AUDIT PLAN 2025-26 (01:01:00)**

The Committee had before it, and **NOTED**, a report * from the Devon Assurance Partnership presenting the draft Internal Audit Plan for 2025/2026.

The following was highlighted within the plan:

- A robust process was entered into to ensure that the right audits featured in the audit plan. Partnership knowledge also helped to inform the draft plan in terms of where the focus should be.

- The audit plan was very agile and reactive to issues has they developed. If changes were needed to the plan it would be brought before the Audit Committee for approval.

Discussion took place regarding what advice DAP could provide in relation to the risks associated with Local Government Review (LGR)? It was confirmed that DAP had a team looking after this. They were in the process of understanding the time frame and would be liaising with the Council. The Corporate Performance and Improvement Manager confirmed that LGR had been added to the Corporate Risk Register and this would be reviewed on a monthly basis.

Note: * Report previously circulated.

54. **DEVON ASSURANCE PARTNERSHIP INTERNAL AUDIT CHARTER AND STRATEGY FOR 2025-2026 (01:08:00)**

The Committee had before it a report * from the Devon Assurance Partnership presenting the Internal Audit Charter and Strategy.

It was explained that this was an annual report which set out the necessary statutory requirements of the internal audit process and the code of ethics.

RESOLVED that the Internal Audit Charter and Strategy for 2025 be approved.

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

55. **MID DEVON HOUSING RENT ERROR UPDATE (01:10:00)**

The Committee had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) and the Head of Housing and Health providing an update on the corrective measures completed and next steps in order to rectify an identified historic rent setting error.

The following was highlighted within the report:

- The background to the issue, how it was discovered and the actions taken thus far were outlined.
- It was confirmed that the rent formula had now been formally corrected and the Council had received external assurance that the approach being taken was appropriate and 100% correct.
- Tenants had been written to on a regular basis and the FAQ's on the website regularly updated.
- There was now an internally appointed dedicated team solely dealing with this issue who reported to the Head of Revenues, Benefits and Leisure.

- Details were provided regarding the complexities around assessing the position of any tenants who had been in receipt of Universal Credit and / or Housing Benefit.
- National conversations were now taking place with the Department for Work and Pensions (DWP) regarding this issue. Their systems were involved and they were not obliged to share all information with the Council making a possible refund assessment very difficult in each case.
- A full and thorough update had been provided to the Homes Policy Development Group in the previous week.
- All 70 eviction cases would be reviewed and assessed but the complexities involved were not to be underestimated, however, the team were in place to do this.

Discussion took place regarding:

- The costs involved were now in the region of £1.8m.
- The cost of the appointed dedicated team would be met through operational budgets but staff had been redeployed internally with some officers uplifting their hours.
- The integrity of the Housing Revenue Account (HRA) needed to be protected to support the health and safety of future tenants. They could not suffer as a result of this historic error. The right balance needed to be struck.
- Refunds would be conducted in three tranches starting with those that were more straightforward to calculate. Refunds would only made when the Council was confident the figures were correct and all appropriate safeguards were in place. Those conversations had already commenced.
- Re-payments would not be withheld where they were due but in some cases this would take time.
- Further decisions may need to be made by the Cabinet under guidance from the Regulator for Social Housing. Regulatory judgements regarding certain issues were still awaited.

The Committee thanked the officers involved and acknowledged the amount of work which had taken place to date and which would be ongoing for some time yet in order to resolve this issue.

Note: * Report previously circulated.

56. **UPDATE ON EMPLOYERS NI CONTRIBUTIONS (01:36:00)**

At the request of the Committee at its last meeting, the Head of Finance, Property Services and Climate Resilience provided a verbal update on the implications to the Council of the rise in employer National Insurance (NI) Contributions.

This included the following information:

- The Government had announced in January 2025 that the NI rate would rise from 13.8 to 15% and the threshold for employers having to pay NI would drop from £9100 to £5000. The Government had provided reassurance that local authorities would be reimbursed, this had not been forthcoming.
- The Government's methodology for reimbursement was explained. In summary the financial burden would increase from £122k to £151k, £27k of

this would need to come out of the HRA with the rest needing to be found from within the General Fund.

The information provided was **NOTED**.

57. **BISHOP FLEMING - EXTERNAL AUDIT PLAN FOR 2024/2025 (01:40:00)**

The Committee had before it, and **NOTED**, a report * from the External Auditors, Bishop Fleming, presenting their External Audit Plan for the year ended 31 March 2025.

The following was highlighted in the report:

- The report set out their role and responsibilities.
- It was highlighted that the way the Council accounted for leases would be changing and this was set out in the report.
- How the Council's 'Value for Money' arrangements would be audited was also set out, a key area within their annual audit.
- No significant risks were anticipated.
- They would be following up on the Social Housing Rents Error but noted that good progress was being made on that.
- The timetable for the forthcoming audit had been discussed with Leadership Team.

Note: * Report previously circulated.

58. **CHAIR'S ANNUAL REPORT 2024/2025 (01:43:00)**

The Committee had before it, and **NOTED**, the Chair's Annual Report * for 2024/2025.

This report, along with all other Chair's reports, would be presented to full Council on 23rd April 2025.

59. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:43:30)**

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

(The meeting ended at 6.44 pm) **CHAIR**

Report for:	Full Council
Date of Meeting:	23 April 2025
Subject:	**REVIEW AND REVISION OF THE FINANCIAL REGULATIONS**
Cabinet Member:	Cllr James Buczkowski, Cabinet Member for Governance, Finance and Risk
Responsible Officer:	Andrew Jarrett, Deputy Chief Executive (S151)
Exempt:	N/a
Wards Affected:	All
Enclosures:	Appendix 1 – Financial Regulations – tracked changes Appendix 2 – Extract of updated Financial Thresholds recommended during Audit Committee

Section 1 – Summary and Recommendation(s)

To receive recommendations from Audit Committee for amendments to the Financial Regulations of the Authority following implementation of the new Procurement Regulations, and ensure they are appropriate, reflecting the Authority's latest structure and delegations.

Recommendation(s):

That the revisions to the Financial Regulations recommended by the Audit Committee, are approved.

Section 2 – Report

1.0 Introduction

1.1 The Financial Regulations provide the framework rules for the management of the Council's finances. The Council has a responsibility in law for 'making arrangements for the proper administration of its financial affairs'.

1.2 This responsibility includes ensuring that the Council complies with the law, implementing an effective system of governance, financial management and internal control, making proper arrangements for the management of risk, preparing accounts and budgets, undertaking effective internal audit, preventing and detecting fraud, and putting in place arrangements for securing economy,

efficiency, and effectiveness in its use of resources, and achieving value for money.

1.3 The Financial Regulations are designed to demonstrate how the Council will meet these financial responsibilities and they apply to every Member and Officer of the Council.

1.4 The Financial Regulations must be regularly reviewed and updated and to ensure that they comply with current statutory requirements, internal and external audit expectations, and current 'proper practices' with regard to financial management issued by professional bodies such as the Chartered Institute of Public Finance and Accountancy (CIPFA).

2.0 Updates included within the Financial Regulations

2.1 It has been a year since the last review of Financial Regulations and during that time a number of changes have occurred. This report highlights the pertinent changes using "tracked changes" for easy of review by Members. In summary, amendments have been made to

- Job Titles, reflecting the corporate restructure moving from "Corporate Managers" to "Heads of" – Not shown as tracked changed to keep the document simple to follow
- Amendments to Section 5 Procurement, following the implementation of the new Procurement Act – shown through Tracked Changes. Given the extent of the changes, a clean version of Section 5.1 is also attached as Appendix 2 to help Members read the section.
- Section 13.2 – Capital Strategy and Asset Advisory Group (CSAG) – updated in line with recently agree revised Terms of Reference – shown through Tracked Changes.
- Appendix 1 – replication of table A under sections A1 and C to ensure consistency.

3.0 Conclusion

3.1 The recommendation above is proposed to ensure compliance with current legislation and maintain best practice. Improving the efficiency of our operations, whilst safeguarding the Council's assets remains an ongoing commitment. Going forward therefore, further revisions will need to be made from time to time to ensure these goals continue to be met.

Financial Implications

There are no direct financial implications arising from this report, however the Financial Regulations set the boundaries in which the Council operates.

Legal Implications

Failure to comply with legislation could lead to non-compliance and potentially prosecution and claims for damages.

Risk Assessment

Failure to comply with legislation could lead to non-compliance and potentially prosecution and claims for damages. Failing to review thresholds and procedures could lead to inefficient practices damaging value for money assessments.

Impact on Climate Change

There are no direct Climate implications arising from this report

Equalities Impact Assessment

There are no direct Equality implications arising from this report

Relationship to Corporate Plan

The safeguarding of assets and the provision of practical efficient processes to provide value for money are intrinsic to the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 12/03/2025

Statutory Officer: Maria De Leiburne
Agreed on behalf of the Monitoring Officer
Date: 12/03/2025

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 12/03/2025

Performance and risk: Dr Stephen Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 12/03/2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Paul Deal – Head of Finance, Property & Climate Resilience
Email: Pdeal@middevon.gov.uk
Telephone: 01884 234254

Background papers:

Papers from the Audit Committee on 25th March 2025

Committee Report Template

Appendix 1

Appendix 2

MID DEVON DISTRICT COUNCIL

FINANCIAL REGULATIONS

Chief Officer: s151 Officer

Revision History

Version	Date	Main Amendment
1.0	Apr 2013	First Release
1.1	Oct 2016	Chapter 5 Procurement/App A Financial Limits
1.2	Jan 2019	Full update incl. amended App A
1.3	Dec 2021	Full review and update job titles and thresholds
1.4	Jan 2024	Update for IFRS16 implications and amend financial thresholds
1.5	Feb 2025	Update for New Procurement Act, amendments to Job Titles and increased consistency in financial thresholds

MDDC Financial Regulations

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1.2 Financial roles and responsibilities
1.3 Awareness of existence and content of Financial Regulations
1.4 Reviewing and changing Financial Regulations
1.5 Compliance

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2.2 Controlled stationery
2.3 Officer authorisation procedures
2.4 Security of cash, tills, safes and keys
2.5 Document retention
2.6 Segregation of duties
2.7 Business continuity
2.8 New electronic systems

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3.2 Service performance plans for financial years
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3.4 Year end balances and earmarked reserves
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Definitions / Glossary of Terms

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Appendix B – IFRS 16 Lease Assessment Flowchart

1.0 General Introduction

1.0 Introduction and overview

1.1 Status of Financial Regulations

1.2 Financial roles and responsibilities

1.3 Awareness of existence and content of Financial Regulations

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1.5 Compliance

1.0 Introduction and Overview

1.1 Status of Financial Regulations

The Financial Regulations provide the framework for managing the Council's financial affairs and contribute to good corporate governance, internal control and the management of risks. In addition they assist sound administration, reduce the risk of irregularities and support delivery of effective, efficient and economical services. Article 16 of The Constitution provides for their authority.

The Financial Regulations, which include Procurement Regulations and financial aspects of the Constitution, are formally adopted by the Council and provide the framework for the financial administration of the Council. The framework is designed to promote sound and proper financial management of the Council's financial affairs, meet Best Value principles and to safeguard the interests of the Council, its employees, or any person acting on behalf of the Council.

The Financial Regulations apply to all officers and Members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships that the Council is a member of and for which the Council is the accountable body. Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk.

All elected Members, employees of the Council and persons acting on behalf of the Council are responsible for ensuring that they use the Council's resources and assets in a responsible and lawful manner. The Council is under a statutory obligation to secure Best Value and everyone should strive to achieve the principles of Best Value and avoid any legal challenge to the Council.

These Financial Regulations cover all areas of Council activity and to assist Members and officers, the Financial Regulations are set out in self-contained sections. Any financial values are summarised in **Appendix A** to allow ease of update.

All decisions with financial implications must have regard to proper financial propriety. Where there is any doubt as to the appropriateness of a financial proposal or correctness of a financial action, clarification must be sought from the Deputy Chief Executive (S151) in **advance** of any decision or action.

To help you understand the terminology used in the Financial Regulations, a Glossary of Terms is located after Section 18.

1.2 Financial Roles and Responsibilities

1.2.1 Chief Executive

The Chief Executive, as the Head of Paid Service, is responsible for the corporate and overall strategic management of the Council as a whole. He/she must report to, and provide information for, the Cabinet, the Full Council, the Scrutiny Committee and other committees. He/she is responsible for establishing a framework for management direction, style and standards, and for monitoring the performance of the organisation.

1.2.2 Deputy Chief Executive (S151)

These Regulations (in conjunction with the remainder of the Council's Constitution) identify the financial responsibilities of Council, Cabinet, Scrutiny and Audit Committee Members, the Head of Paid Service, the Monitoring Officer, the Deputy Chief Executive (S151) and other Service managers. The functions of the Deputy Chief Executive (S151) are detailed in the Constitution at section 12.04.

Section 151 of the 1972 Local Government Act requires that every local authority shall make arrangements for the proper administration of its financial affairs. Every authority shall make one officer responsible for the administration of those affairs. Within Mid Devon District Council (MDDC) this role has been assigned to the Deputy Chief Executive (S151). The Financial Regulations assist the Deputy Chief Executive (S151) in discharging his/her duties under the 1972 Act and the Accounts and Audit Regulations 2015.

The Deputy Chief Executive (S151) is responsible for issuing advice and guidance to underpin the Regulations that Members, Officers and others acting on behalf of the authority are required to follow.

His/her responsibilities include:

- Reporting to Council Members or the Cabinet, in consultation with the Monitoring Officer and Chief Executive, if there is likely to be unlawful expenditure or an unbalanced budget (Section 114, Local Government Finance Act 1988, as amended).

- Advising Members or relevant Officers, in consultation with the Monitoring Officer, about particular decisions where those decisions are likely to be contrary to the agreed policy framework or budget (Local Government Act 2000).

- Ensuring the adequacies of accounting records and supporting information, control systems and the statement of accounts (Accounts and Audit Regulations 2015).

- Undertaking an effective system of internal audit (Accounts and Audit Regulations 2015).

- Reporting to the Council, at the time the budget is considered and the Council Tax set, on the robustness of the budget estimates and the adequacy of financial reserves (Section 25, Local Government Act 2003).

- Reporting to the Council where, in relation to the previous financial year, it appears that a controlled reserve is or is likely to be inadequate (Section 27, Local Government Act 2015).

- Setting affordable borrowing limits and to arrange the Council's affairs to remain within those limits (Section 3, Local Government Act 2003).

- Preparing five year capital and revenue forecast plans with their consequential impact on Council Tax, taking account of affordability in both the short and long term (The medium term financial plan).

- Keeping the Council's finances under review during the year and to take action if there is evidence that financial pressures will result in budget overspend or if there is a shortfall in income (Section 28(3) Local Government Act 2003).

- Maintaining strong financial management underpinned by effective financial controls.

- Contributing to corporate management and leadership by the provision of financial advice for service delivery, strategic planning and policy making across the authority.

- Supporting and advising Members on financial matters and decisions.

- Supporting and advising Officers in their operational role on financial matters and decisions.

- Producing Financial Regulations for adoption by the Council.

- Advising Corporate Managers and Directors of any amendments to Financial Regulations.

- Acting as or appointing a Money Laundering Officer in compliance with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.

- Producing a robust Financial Plan, in consultation with all Corporate Managers and Directors, to achieve efficiency targets set by the Council and facilitate their delivery.

- Providing advice on the optimum use of available resources in the management of capital and revenue budgets.

- Providing financial management information in a timely manner.
- Preparation of statutory and other accounts, associated grant claims and supporting records.
- Provision of effective financial management systems and procedures.
- Provision of effective income collection and payments systems.
- Advising on treasury, investment and cash-flow management.

To ensure that the Deputy Chief Executive (S151) is able to fulfil the responsibilities identified, the post holder shall:

- Be able to contribute to papers for corporate management meetings in advance and have access to decisions made.
- Have the right to attend meetings of corporate management where financial issues are being considered.
- Have unrestricted access to the Chief Executive, the Monitoring Officer, Corporate Managers and Directors and to Members whenever they consider it appropriate to do so.
- Have unrestricted access to external organisations where the Council acts either as Accountable Body or enjoys an external relationship with a Specific Entity.
- Have the right to report to Full Council, the Cabinet and the Scrutiny Committee whenever they consider it appropriate to do so.
- Have unrestricted access to the Council's Internal Audit team, to external auditors and to other inspectorates.

1.2.3 Corporate Managers and Directors

Corporate Managers and Directors duties include**:**

- Consulting with the Deputy Chief Executive (S151), or his/her Departmental Representative, on any matter, including submission of plans and/or bids for external funding or potential costs identified through external financial relationships, that is likely to have a financial impact on the capital programme or revenue budget, prior to committing the Council to that impact.
- Managing the financial activities of their services, within the agreed budgets and procedures determined by the Deputy Chief Executive (S151).

Corporate Managers and Directors must therefore ensure that:

- Departmental financial arrangements are adequate and effective in order to comply with these Financial Regulations.
- Departmental measures are taken to confirm the legality of all financial activities.

- Implementing financial administration and accounting procedures determined by the Deputy Chief Executive (S151) and adopting detailed financial records as agreed with the Deputy Chief Executive (S151).

- Ensuring the operational use of the Council's main financial systems, except in exceptional circumstances, are agreed with the Deputy Chief Executive (S151) prior to use.

- Providing departmental support in the keeping and closing of the Council's accounts, in particular that background documentation is available, which meets the standards set by the Deputy Chief Executive (S151) in liaison with the Council's external auditors.

- Obtaining the approval of the Deputy Chief Executive (S151), or his/her Departmental Representative, prior to introducing or significantly changing financial administration/accounting procedures or associated financial records.

- Ensuring that the Deputy Chief Executive (S151) and/or his/her Departmental Representative are provided with all necessary data to allow the timely submission of grant claims, financial returns or publication of financial information.

- Ensuring the security and confidentiality of financial information within their Department, including adherence to guidance issued relating to data protection legislation.

- Where staff have financial responsibilities, ensuring wherever possible that separation of duties exist.

- Acting to implement the recommendations of reports issued by the external and internal auditors in consultation with the Deputy Chief Executive (S151) and their Departmental Representative and the appropriate Service Cabinet Member where relevant.

Corporate Managers and Directors may vest their responsibilities to other Officers provided that such authorisation is given in writing. Corporate Managers and Directors must ensure that they always retain accountability for their responsibilities.

1.2.4 Service Managers/Budget holders

Service Managers/Budget holder's duties include**:**

- Planning and agreeing budget and corresponding service provision with Corporate Managers and Directors on an annual basis.

- Ensuring that financial objectives within their area of responsibility are achieved and Best Value secured.

- Reporting adverse variances to budget and to agree remedial actions with Corporate Managers and Directors.

- Vireing between cost centres/budgets in their areas of responsibility, subject to Financial Regulations (See Section 4).

Managers are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies.

1.2.5 Personal Responsibility

All Members and Officers have a general responsibility for taking reasonable action to provide for the security of the Council's assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves Best Value.

All employees shall inform their line manager immediately about any matter that involves or is thought to involve irregularities concerning cash, stores, income, expenditure, assets (including data held by the Council) or any suspected irregularity concerning the exercise of the functions of the Council. Line managers should consult with their Corporate Managers and/or Directors without delay.

As an alternative to the Financial Regulation above, employees may raise concerns under the Whistle-Blowing Procedures confidentially.

1.2.6 Emergency Action

In the event of an emergency, the Chief Executive, Corporate Managers or Directors are empowered to authorise all necessary actions. The Chief Executive, Corporate Managers or Directors shall notify the Deputy Chief Executive (S151), in writing, of the circumstances and estimated financial impact and report formally to Cabinet subsequently.

1.2.7 Powers of Delegation

The powers of delegation in respect of the Deputy Chief Executive (S151) are detailed in the Constitution at Section 5, page 65. Corporate Managers are required to maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to responsible budget holders/service managers or other designated officers, references to the Service Manager in the Regulations should be read as referring to them.

1.2.8 Money Laundering Reporting Officer

The Head of: Revenues, Benefits, Corporate Recovery, Corporate Fraud, Welfare & Leisure is appointed as the Money Laundering Reporting Officer. He/ she is responsible for notifying the National Crime Agency of any suspected cases of money laundering committed within the Council as soon as possible and fulfilling other duties as defined by legislation or regulations.

1.3 Awareness of Existence and Content of Financial Regulations

Service managers are responsible for ensuring that all of their staff are fully aware of the existence and content of the Regulations and other internal regulatory documents (such as Human Resource and ICT policies and procedures) and that they comply with them.

Any non-compliance with the Regulations must be reported to the Deputy Chief Executive (S151) immediately.

1.4 Reviewing and Changing Financial Regulations

The Deputy Chief Executive (S151) is responsible for maintaining a continuous review of these Regulations and submitting any additions or changes necessary to the Council for approval. The Deputy Chief Executive (S151) is also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Council via the
Audit Committee.

1.5 Compliance

A failure to comply with these Financial Regulations, or procedures issued under them may constitute misconduct in the case of Officers, or a breach of the Members Code for Members. Reported breaches will be investigated by Internal Audit in the first instance and could lead to disciplinary action. The Deputy Chief Executive (S151) is to be advised immediately.

If you have any queries, comments or concerns on the content of the Regulations, please contact the Deputy Chief Executive (S151).

2.0 Systems and Internal Control

2.1 Accounting records

2.2 Controlled stationery

2.3 Officer authorisation procedures

2.4 Security of cash, tills, safes and keys

2.5 Document retention

2.6 Segregation of duties

2.7 Business continuity

2.8 New electronic systems

2.0 Systems and Internal Control Procedures

Why are these important?

Maintaining proper accounting records is the way in which the Council evidences its responsibility for the stewardship of public resources.

The Council has a statutory responsibility to "present fairly" the financial consequences of its operations during the year, which are subject to external audit. This audit provides assurance that the accounts have been prepared in accordance with the current Code of Practice on Local Authority Accounting in the United Kingdom and the Service Reporting Code of Practice for Local Authorities (SeRCOP) and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

Risks:

- The Council cannot account for all income received and expenditure made.
- Financial systems provide inaccurate or misleading information leading to poor decision making.
- Insecure accounting or financial systems give rise to opportunities for fraud or loss.
- Statutory timescales for reporting on the Council's financial affairs are not met.

2.1 Accounting Records

The Deputy Chief Executive (S151) is responsible for determining the accounting systems and procedures adopted and maintained by the Council. All income, expenditure, assets and liabilities are to be properly accounted for in line with published guidance, with the maintenance of a complete audit trail, either electronic or paper for all entries made.

All financial systems and records of accounting are to be in a form approved by the Deputy Chief Executive (S151), who is to be consulted and must approve any changes to accounting records and procedures prior to them being made.

Financial and accounting systems shall incorporate appropriate controls to ensure that, where relevant:

- All data input is genuine, complete, accurate, timely and not duplicated.
- All processing of data is carried out in an accurate, complete and timely manner.
- Output from the system is complete, accurate and timely.
- Segregation of duties wherever possible is built into business processes to reduce the risk of fraud e.g. a single individual cannot authorise and make payment to others.
- All transactions and activities have a clear trail of accountability by authorised, responsible officers.
- Appropriate authorisation levels are set for all staff dependent upon their level of responsibility.
- Records and data are securely retained and in accordance with data protection guidance.
- The Council's transactions, material commitments and contracts and other essential accounting information must be recorded completely, accurately and on a timely basis.

2.2 Controlled Stationery

Why is this important?

Controlled stationery by its very nature has an inherent value. Examples of such stationery are official receipt books, cheque books and cheque stationery. If such stationery is lost or stolen income due to the Council may never reach it or money may be paid out to fraudulent payees.

Risks:

- Stationery could be lost or stolen leading to financial, possibly considerable, loss to the Council.
- Income based services could be put at risk if monies collected are being diverted into fraudsters hands.

Regulations:

- The Deputy Chief Executive (S151) shall be responsible for controlling financial stationery.

- The design and use of all financial stationery shall be subject to the approval of the Deputy Chief Executive (S151).

- The Deputy Chief Executive (S151) shall nominate officers responsible for the ordering, secure storage and issue of financial stationery.

- Proper arrangements are to be made for the security of financial stationery held. No stationery is to be left in circumstances which could lead to unauthorised use.

- An adequate, but not excessive stock of financial stationery will be held. Proper and secure arrangements are to be made for the destruction of any out of date stationery.

- A record of all cheques issued, either electronic or manual is to be made.

2.3 Officer Authorisation Procedures

Why is this important?

Officers can have considerable financial power that needs to be controlled through effective delegation, with clearly defined limits to their delegated authority. Many transactions are now electronically approved and formal paper based lists of authorised signatories are now impractical.

Examples of related areas:

- Official orders
- Sales invoices
- Cheque signatories
- Electronic funds transfers
- Valuation certificates and fee accounts
- Expense claims forms
- Travel and subsistence claim forms
- Wages/timesheets
- Overtime claims

Risks:

- Officers could exceed their authority.
- Fraud, loss, extravagance or waste could arise.

Regulations:

- Procedures are to be put in place to ensure appropriate officers authorise transactions up to agreed levels. Specific guidance will be cited in relevant sections of the Financial Regulations and People Services policies.

2.4 Security of Cash, Tills, Safes and Keys

Why is this important?

Money collected by the Council is extremely vulnerable until it is banked. Up to that point it is the Council's responsibility to ensure the safe storage and transit of cash. The security of cash, tills, keys and safes is therefore, essential if the Council is to fulfil its duty.

Risks:

- Cash could be lost or stolen.
- Suspicion in respect of stolen cash may rest with a number of staff if they all had access keys.
- Claims against the Council's insurers may be invalidated.

Regulations:

- Employees of the Council responsible for collecting, holding and the paying in of cash receipts must ensure that it is held under secure arrangements at all times. All cash holdings are to be kept to a minimum and within agreed insurance levels.
- Members of staff who are authorised to gain access to any Council safe or till are responsible for the security of the keys at all times.
- The combination of any Council safe must not be disclosed to another person without the express authorisation of the relevant Service manager. The combination of a safe must be changed immediately when a member of staff, who is authorised to open that safe, leaves the services of the Council.
- All keys held for any official purpose by an authorised member of staff must be held under proper and secure arrangements and not passed or be available to any unauthorised person. The loss or theft of keys is to be reported to the Deputy Chief Executive (S151) immediately.
- All staff are to ensure that all windows, safes and drawers are locked in any location wherever cash or keys are held out of hours.
- Where a till discrepancy is in excess of the amount cited in Appendix A, they shall be referred to Internal Audit.

2.5 Document Retention

Why is this important?

Although the archiving of documents may cause operational difficulties for management, it is vital that these are retained for as long as necessary, and in an adequate environment, to satisfy legal and all other practical requirements. In particular, prime records used within the Council's financial

and key non-financial systems must be given due protection to maintain an adequate trail from source right through to completion of transactions.

Risks:

- Statutory obligations concerning the retention of key documents are not met, e.g. HM Revenue and Customs requirements and penalties may arise.

- The Council may be disadvantaged in taking or defending legal action if prime documents are not retained.

- Performance statistics cannot be verified.

- The external auditor may not be able to verify the Council's final accounts and grants may be lost.

Regulations:

- Financial records, whether electronic or paper, must be retained for six years plus the current year. The Deputy Chief Executive (S151) will provide guidance to Service managers on the retention of documents which is available on SharePoint.

2.6 Segregation of Duties

Wherever possible the following principles should be complied with when allocating accounting duties:

- The duties of providing information about sums due to, or from, the Council and calculating, checking and recording these sums must be separate from the duty of collecting or dispersing them.

- Employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

2.7 Business Continuity

The Deputy Chief Executive (S151) is to ensure that accounting and financial records are held securely and procedures are in place to enable accounting records to be reconstituted in the event of a systems failure. Working with the Corporate Managers and Directors responsible for Business Continuity and ICT, a documented and tested business continuity plan to allow information processing to resume quickly in the event of an interruption, shall be in place.

2.8 New Electronic Systems

The acquisition or renewal of all accounting software must be subject to the approval of the Deputy Chief Executive (S151), the Data Protection Officer and Head of Digital Transformation and Customer Engagement. The purchasing or leasing of computer and ancillary equipment is only to be undertaken in accordance with the ICT Strategy.

All new financial systems shall be documented, tested in parallel and users trained in their operation, prior to the system being used in a live environment.

3.0 Financial Planning

3.1 Overall strategic policy framework

3.2 Service performance plans for financial years

3.3 Asset and vehicle management

3.4 Year end balances - earmarked reserves

3.5 Maintenance of reserves

3.6 Ring-fencing of reserves

3.7 Medium term financial planning

3.8 Reports with financial implications

3.1 Overall Strategic Policy Framework

The strategic plans of the Council are embraced by these key documents:

- Corporate Plan
- Medium Term Financial Plan
- Workforce Plan.

The Corporate Plan sets out the Council's key service priorities as agreed by Members. Policy Development Groups propose policies to the Cabinet in accordance with these priorities. The Medium Term Financial Plan looks forward to the next five years and examines the forecasted income and expenditure for both revenue and capital linked to the Corporate Plan's priorities. (See 3.7 below). Finally, the Workforce Plan looks at staff deployment and employment strategies linked to the Corporate Plan. Constraints imposed by our financial resources often limit what the Council can achieve, within a given time frame, for both revenue and capital.

3.2 Service Performance Plans for Financial Years

Corporate Managers and Directors working with their Cabinet Members are required to produce service plans detailing service provision and level of performance linked to their budget for each

financial year. Initial draft service plans should be created and available in September of each year to assist in the budget setting process.

These plans should be discussed by the Policy Development Groups when budgets are reviewed and amended accordingly. New Government initiatives and other legislative requirements will need to be brought in, also any possible savings identified to help facilitate an overall balanced budget. The service plans will therefore evolve over the budget setting period.

The final service plans, with agreed budgets and salary estimates, are to be presented to Leadership Team for approval before the commencement of the financial year, April 1, for each service.

3.3 Asset and Vehicle Management

Corporate Managers, Directors and Service Managers need to consider the equipment and assets used in the provision of their service in relation to their service performance plans. It is vital that we can demonstrate value for money in our decision making. Assets used by services will have finite lives and provision in their service revenue budgets is needed to facilitate the asset's replacement at the end of its useful life.

Where an item of equipment is needed for a service due consideration should be given to:

- the frequency of use by staff.
- the priority of future service provision.
- the asset's expected life.
- the cost of ongoing maintenance and other running costs of the asset.
- the cost to purchase the asset.
- the cost and conditions relating to leasing the asset.
- the expected residual value of the asset at the end of its useful life.

These factors should then lead to a Best Value decision as to whether the Council:

- purchases the asset.
- procures the asset by way of a finance lease.
- hires the asset for short periods, as and when required.
- enters into an agreement with another organisation for its use.

In all cases Managers should be able to demonstrate value for money and consideration of these factors if challenged on their decision - the current practice should not be mechanically followed year on year.

The current limit for capitalisation of assets is shown in Appendix A. Assets whose values exceed the threshold shown in Appendix A will be capitalised and recorded in the fixed asset register maintained by the Deputy Chief Executive (S151).

IFRS 16 states that lease agreements are to be treated as borrowing and the signing authority must match that of borrowing. In accordance with Financial Regulations all borrowing must be approved as part of the Capital Programme.Where acquisitions of capital assets are expected in

future periods, these should be planned for and be incorporated into the Medium Term Financial Plan. Although the expenditure is treated as capital in the accounts, Service Managers should make an annual revenue contribution each year towards that asset's replacement. This will help to control demands on the capital programme and ensure ongoing provision for replacement, for example an asset costs £100k today with an expected life of 5 years. The expected replacement cost in five years is £120k. The service should budget for an annual charge of £120k/5 = £24k each year to be made into a specific earmarked reserve carried forward to year six so that in year 6 £120k is available to acquire the replacement asset.

Clearly service managers will need to consider their asset provisions made to date annually and if a shortfall is envisaged for replacement, additional provision in future budget(s) will need to be made.

Even if an asset is below the current capitalisation threshold in value, if its cyclical replacement is not budgeted for there can be large spikes in expenditure in financial years when new assets are purchased e.g. there could be a year where large amounts of equipment are to be replaced whose individual values are low. Service managers should therefore consider their future needs and create an earmarked reserve to provide for this eventuality also.

In the case of our vehicle fleet, where non specialist vehicles such as vans can be moved between services an overall strategy for vehicles needs to be made by the Corporate Manager responsible for Transport Management.

3.4 Year End Balances - Earmarked Reserves

Why is this important?

The Regulations below cover arrangements for the transfer of resources between accounting years i.e. earmarked reserves.

Risk:

- Balances are not carried forward correctly.

Regulations:

- The Deputy Chief Executive (S151) is to administer the scheme of earmarked reserves within the guidelines approved by the Council.

- Net underspends on service estimates may be carried forward, subject to:

    - The detailed constraints and completion of a request form **FIN751** as specified by the Deputy Chief Executive (S151).

    - Detailing the sources of underspends or additional income and the specific application of those resources for approval by Deputy Chief Executive (S151).

The Deputy Chief Executive (S151) is to report all underspends on service estimates carried forward to the Cabinet.

Where capital projects are part complete their unused budget shall be rolled forward automatically to future year(s) to ensure their completion, without the need for a completed form FIN 751.

3.5 Maintenance of Reserves

Why is this important?

The Cabinet must decide the level of General Fund and Housing Revenue Account reserves that it wishes to maintain before it can decide the level of council tax or council house rents.

Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending should such events occur. Reserves for specific purposes may also be maintained.

Risks:

- The Council may be unable to meet its financial commitments or any unforeseen costs that may arise during the year.

- The Council fails to comply with standard CIPFA codes of practice on local authority accounting.

Regulations:

- The Deputy Chief Executive (S151) shall advise the Cabinet and Full Council on prudent levels of reserves for the Council and take into account the advice of the external auditors and generally accepted practice.

- The Deputy Chief Executive (S151) will comply with accepted standard codes of practice in respect of the maintenance of reserves.

3.6 Ring-Fencing of Reserves

Service managers shall only use specific reserves for the purposes for which they were intended.

The Housing Revenue Account and General Fund are ring-fenced and legislation provides that neither can be used to subsidise, or help finance the other. All transactions between the two are required to be at arm's length, fair and equitable to both funds.

Unless funded by a revenue contribution to capital, all capital monies must be expended on capital expenditure. Revenue monies may be used for either revenue expenditure or a revenue contribution to capital expenditure.

3.7 Medium Term Financial Planning

Why is this important?

Without planning for the short/medium/longer term future budget shortfalls could occur impairing the delivery of corporate goals and creating a reactive rather than proactive management style. Future expected trends and the financial “headroom” can be identified and fed into the Corporate Plan. Potential risks are also highlighted.

Regulations:

- The Deputy Chief Executive (S151) will produce and update a Medium Term Financial Plan for the Council covering an advanced period of five years. This is to be presented annually to the Leadership team and the Cabinet for approval prior to budgets for the following year having been set.

- Corporate Managers, Directors and service managers have a duty to inform the Deputy Chief Executive (S151) of any projected major changes (amounts up or down of £20k or more) to their service in future periods.

The Medium Term Financial Plan shall consider the following factors over the life of the plan:

- the Government’s current spending review proposals.
- the likely level of Council Tax rises.
- the Corporate Plan goals.
- new service initiatives.
- service savings.
- income from fees and charges.
- the effects of inflation.
- future legislative changes including taxation.
- the demands of a proposed capital programme.
- treasury management considerations.
- any other factors whose impact could exceed £20k.

Its scope shall embrace the General Fund, the future capital programme, the Housing Revenue Account, future treasury management, and identify the expected level of reserves and any shortfalls.

The plan must state what is known, estimated and assumed in producing the plan.

Sensitivity analysis should be employed to give the reader an idea of a 1% variation - some factors could have a seriously detrimental effect on budgets or reserves whereas other factors might be far less influential.

In making strategic decisions, amending the Corporate Plan, and approving future budgets, Leadership Team and the Cabinet shall have regard to the Medium Term Financial Plan and its implications.

3.8 Reports with Financial Implications

Why is this important?

Without understanding the financial impact of any proposal a poor decision could be made, exposing the Council to risks, possibly leading to an overspent budget. Significant resources could also be diverted from key corporate goals.

Regulations:

- All reports to Members of Policy Development Groups, Scrutiny and the Cabinet shall be reviewed by the Deputy Chief Executive (S151) to quantify as accurately as possible the financial effects and risks of any proposals **before** details are published and to ensure that reports published are fit for purpose.

4.0 Budgetary Control

4.1 Resource allocation

4.2 Budget preparation

4.3 Budget approval

4.4 Responsibility for budgets

4.5 Budget monitoring

4.6 Budget changes (virements)

4.0 Budgetary Control and Monitoring

Why is this important?

Budget management ensures that once Council has approved the budget, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account responsible managers for defined elements of the budget.

By monitoring the budget on a regular basis, variances against budgetary targets can be identified along with changes in trends and resource requirements at the earliest opportunity. Effective budget monitoring will also inform what management intervention is needed.

The scheme of budgetary virements is intended to enable the Council, service managers and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore optimise the use of resources.

Risks:

- There may be inefficient use of public money and a failure to comply with the Council's objectives.
- Budgets could become overspent with nobody being held accountable for them.
- Systems could fail with nobody being made aware that they have.

- The Council could face prosecution and/or a qualified external audit report for failing to comply with legislation and accepted standards.

4.1 Resource Allocation

The Chief Executive and Deputy Chief Executive (S151) are jointly responsible for developing and maintaining a resource allocation process that ensures that both capital and revenue expenditure plans take account of the Council's policy framework and changing priorities. It is the responsibility of Corporate Managers and Directors to ensure that the revenue and capital budget estimates reflect agreed service plans and are in line with the Medium Term Financial Plan and the Corporate Plan.

4.2 Budget Preparation

The Deputy Chief Executive (S151), in consultation with Corporate Managers and Directors, shall prepare a budget timetable to ensure that the draft budget is finalised for approval by the Cabinet and Full Council within statutory timetables.

The Budget will be prepared in consultation with the relevant service manager or his/her nominated representative. In assisting the Deputy Chief Executive (S151) to prepare their budgets, due regard shall be given to:

- spending patterns and pressures revealed through the budget monitoring process.
- the prior year's actual outturn.
- legal requirements.
- the Corporate Plan.
- the Workforce Plan.
- initiatives already commenced.
- the future introduction of new Central and regional Government initiatives.

The Deputy Chief Executive (S151) will encourage the best use of resources and value for money by working with service managers to identify opportunities to improve economy, efficiency and effectiveness.

The Authority is legally obliged to set a balanced budget.

4.3 Budget Approval

The Deputy Chief Executive (S151), as Section 151 Officer, is responsible for ensuring that General Fund, Housing Revenue Account and capital budgets are prepared on an annual basis for consideration by Full Council, and in accordance with professional and statutory requirements.

Full Council may amend the budget or ask the Cabinet to reconsider it before approving it.

After the budget has been approved by Council there will be no increase in the overall budget, unless sanctioned by the Cabinet. Expenditure is to be committed only against an approved budget head, unless approved virements have been made. (See section 4.6 below)

The Deputy Chief Executive (S151) will produce an annual summary Budget Book.

4.4 Responsibility for Budgets

Corporate Managers and Directors are responsible for the budgets relating to their service areas and are required to sign approving their service plans and acknowledging accountability for their budgets annually.

If the Corporate Manager or Director wishes to delegate responsibility for the budget to their service manager(s) then evidence of the onward delegation needs to be documented and the service manager will need to sign to accept the delegated budgetary responsibility. Inclusion of such accountability within the signed Job Description of the Service manager shall be regarded as sufficient documentary evidence.

It is the responsibility of Corporate Managers and Directors to control income and expenditure within their area and to monitor performance. Corporate Managers and Directors must ensure that there is a clear allocation of responsibility for revenue budget at cost centre level and capital schemes within their areas. Budget responsibility should be aligned as closely as possible to the decision making that commits expenditure. Corporate Managers and Directors should report on variances within their own areas. They must also take any action necessary to avoid exceeding their budget allocation and alert the Deputy Chief Executive (S151) to any problems. The notification must also include an explanation of any remedial action necessary.

4.5 Budgetary Control and Monitoring

It is the responsibility of the service manager to control income and expenditure within their service areas and monitor performance. Any variances (both over and under spends) are to be discussed with their Corporate Manager and Finance Business Partner.

Service managers should also take any action necessary to avoid exceeding their budget allocation and alert the Deputy Chief Executive (S151) and Corporate Manager to any problems, immediately as they arise.

The Deputy Chief Executive (S151) will present a budget monitoring report to Leadership Team and the Cabinet, outlining any areas of concern (i.e. identified material overspends and shortfalls in income) along with explanations from service managers as to the actions that are recommended to address the concerns.

4.6 Budget Changes (Virements)

The scheme of virements is administered by the Deputy Chief Executive (S151).

The transfer of budgetary provision from one service unit to another is permissible, providing virement conditions are complied with as detailed below.

A budget virement may not be made between the Housing Revenue Account and the General Fund.

Service managers are responsible for initiating the virements procedure. Approval for each virement will require the completion of a virement request form **FIN701**.

Budgetary virements may be required by changes in accounting practice issued by CIPFA and other regulatory bodies. In such cases virement request form **FIN701** will not be required provided the overall budget, before and after, remains the same.

Appendix A shows the thresholds for approval split between those virements within service units and those between service units. Where a virement request has been approved, under no circumstances is income or expenditure to be vired between different financial years (ultimately amending the overall budget liability).

Approved virement request forms must be processed by the appropriate Finance Business Partner who will amend the financial ledger accordingly. Approved forms must be retained for audit purposes.

5.0 Procurement and Contracts

5.1 Procurement regulations

5.2 Employment status - Use of consultants and service companies

5.3 Construction industry scheme

5.4 Receipt of goods

5.5 Authorisation for payment

5.6 Payments

5.7 Contract register

5.0 Procurement of Works, Goods and Services

Why is this important?

Public money should be spent with demonstrable integrity, transparency and in accordance with the Council's policies. Local authorities have a statutory duty to achieve best value, in part through economy and efficiency. The Council's Procurement Regulations should help to ensure that services obtain value for money from their purchasing arrangements and reduce the following risks.

Risks:

- Goods or services ordered for personal use are paid for by the Council.
- The incorrect volume, number or quality of goods and services may be received.
- The Council may be committed to spending on goods and services for which no budgetary provision has been determined or approval given.
- Officers failing to follow contract and tendering procedures may leave both themselves and the Council open to accusations of favouritism, unfair contract terms and legal challenge.
- Goods or services ordered may fail to meet the Council's environmental, health and safety and other strategies and policies.

5.1 Procurement Regulations

5.1.1 Why do we have procurement regulations?

The Council is obligated by Section 135 of the Local Government Act 1972, to set procurement regulations for the supply of goods or services or for the execution of works.

The purpose of procurement regulations is to provide a framework within which the Council can achieve and evidence value for money when obtaining supplies of goods, services and works.

Officers must comply with these procurement regulations, which lay down minimum requirements for procuring goods, services and works. Guidance on the procurement process can be obtained from the Procurement Team or on the Council's SharePoint site. Officers must always seek advice from the Procurement Team in the first instance and from the Council's Legal Services department when in any doubt. If an authorising officer has any questions about the Procurement Regulations, they should contact Procurement in the first instance.

Every contract made by the Council must comply with these procurement regulations and the overarching Procurement Act 2023 and Procurement Regulations 2024 or Public Contracts Regulations 2015 (PCR) if applicable Procurement regulations must be followed at all times unless there is a legal duty that makes this impossible.

5.1.2 Who do the procurement regulations apply to?

These procurement regulations apply to:

- All contracts made and to all orders placed by, or on behalf of the Council for the procurement, hire and commissioning of goods, services and works including where the Council is acting on behalf of public bodies.

- All Officers and Members of the Council.

- Any person or organisation engaged to manage a contract or undertake work that involves procurement on behalf of the Council. In each case the requirement to comply with the procurement regulations is to be included in the terms of engagement.

- The selection of sub-contractors where these are nominated by the Council under a main contract.

5.1.3 Reviewing and changing the Procurement Regulations

The Deputy Chief Executive (S151) is responsible for maintaining a continuous review of the procurement regulations and submitting any additions or changes necessary to the Council for approval. The Deputy Chief Executive (S151) is also responsible for reporting, where appropriate, breaches of the procurement regulations to the Council via the Cabinet.

Any non-compliance with the procurement regulations must be reported to the Deputy Chief Executive (S151) or his representative. Any Officer that breaches the procurement regulations may be subject to the Council's disciplinary procedures.

All instances of working outside these rules, including those subject to an approved waiver or an exemption, will be reported to the next meeting of the Cabinet.

5.1.4 Compliance with the Procurement Regulations

Service managers are responsible for ensuring that all of their staff fully complies with the procurement regulations and other internal regulatory documents such as Procurement policies and procedures. The procurement regulations are available on a centrally accessible ICT location and hard copies can also be made available.

Staff required to use procurement regulations as part of their job will be required to confirm that they have read and understood the procurement regulations as part of their induction. If further clarification or training is required, this can be provided by the Procurement Team.

5.1.5 Procurement principles

The Council will adopt the following principles relating to the procurement of goods, services and works:

- Delivering value for money
- Maximising public benefit
- Sharing information for the purpose of allowing suppliers and others to understand the authority's procurement policies and decisions
- Acting, and being seen to act, with integrity

- Take a long-term strategic view of how it procures its requirements including the potential for alternative methods of service delivery, innovative funding methods and partnership working.

- Ensure that sustainability is an important criterion in any procurement activity as far as possible.

- Where appropriate develop procurement on a partnering basis in which both the Council and the supplier seek to achieve continuous improvements and maximise mutual benefit through longer term clearly worded contracts. These contracts will be based on measurable outcomes and performance that define the obligations of both parties.

- Where appropriate seek to work with others and through legitimate consortia in the procurement of its requirements in order to widen the scope of its experience and focus expertise, maximise purchasing power and harness economies of scale.

The Council acknowledges that cheapest is not always best and shall award the contract based on the Most Advantageous Tender (MAT) (to the Council). This encompasses a number of considerations and can include Best Price Quality Ratio (BPQR) and such other criteria such as environmental and social value. It is important that the criteria for selection and award are made clear in the tender pack, including any sub-criteria.

The method of contract evaluation will be included in the quotation specification or the invitation to tender.

5.1.6 Application and Interpretation of Procurement Regulations

Definitions

Definitions with regard to these procurement regulations can be found in the Glossary.

5.1.7 Aggregation of Orders

No procurement or award of contract shall be made in a manner which seeks falsely to bring the value of the contract below the Public Procurement Thresholds or those set out in these Regulations in order to avoid compliance with the applicable laws and these Regulations. This includes dividing the order(s) or contracts in order to give the appearance of being below the relevant threshold.

5.1.8 Exemption

Exemption from any procurement regulations may be authorised by both the Corporate Manager and Deputy Chief Executive (S151) provided that:

- The Deputy Chief Executive (S151) is satisfied that the exemption is justified by special circumstances; and

- The exemption is reported in writing to the Deputy Chief Executive (S151) specifying which of the following circumstances justify the exemption.

    - Prototypes and development
    - Single supplier
    - Additional or repeat goods, service or works
    - Commodities
    - Advantageous terms on insolvency
    - Urgency –Where the goods, service or works to be supplier under the public contract are strictly necessary for reasons of extreme and unavoidable urgency
    - Light touch

5.1.9 Transactions effected through public sector purchasing organisations

Procurement regulations shall still apply to transactions effected through well-established public sector and other purchasing and distribution organisations. A full list of these is kept by the Procurement team. The procedure will depend on the nature of the framework agreement.

Further competition procedure should be used where the statement of requirements when developed, cannot be met by the standard catalogue of goods or services or if there is no such catalogue. The procurement regulations will then apply to the further competition process.

Advice must be sought from the Procurement Team, prior to purchasing through any purchasing organisation or consortia.

<u>Conflict Of Interest</u>

Every officer and Member of the Authority has the responsibility to declare to the Monitoring Officer

and procurement team any links or personal interest that they may have with purchasers, suppliers and/or contractors (including sub-contractors) if they are engaged in contractual purchasing decisions on behalf of the Authority in accordance with the appropriate Codes of Conduct.

- An **'actual conflict of interest'** exists where there is a conflict of interest **now**.
- A **'potential conflict of interest'** exists where a conflict of interest will arise in **future** if certain circumstances occur.
- A **'perceived conflict of interest'** exists where there are circumstances which the Contracting Authority considers likely to **cause a reasonable person to wrongly believe there to be a conflict** or **potential conflict of interest**.

Conflicts assessments

Before publishing a tender or transparency notice in relation to a covered procurement, the Authority must prepare a conflicts assessment in relation to the procurement. A conflicts assessment must include details of:

- conflicts or potential conflicts of interest identified in accordance with a duty to identify, and
- any steps the contracting authority has taken or will take for the purposes of a duty to mitigate.

The Authority must:

- keep any conflicts assessment under review,
- revise the assessment as necessary, and
- when publishing any relevant notice, confirm that a conflicts assessment has been prepared and revised.

5.1.10 Contracts and official orders

The table below provides an overview of the approach to be applied to the different thresholds of spend along with a reference to where the process is explained within these regulations:

Value	Form of Agreement	Methodology	Decision Route
<£10,000*	Official Purchase Order	Best endeavours	Budget holder
£10,000 - £29,999.99	Official Purchase Order and Request for Quote	Minimum of 3 Written Quotations submitted by a specified date and time and based on a written specification and evaluation criteria	Budget holder
£30,000 - £99,999.99	Formal Request for Quotation (RFQ) with Terms & Conditions and Official Purchase Order	Formal RFQ using a detailed written specification by a defined deadline using an electronic portal to advertise the opportunity and to post all relevant notices to the Central Digital Platform.	Operations Manager
£100,000 – Public Procurement Thresholds	Formal Written Contract & Purchase Order	Formal Invitation to Tender (ITT) using a detailed written specification by a defined deadline using an electronic portal to advertise the opportunity and to post all relevant notices to the Central Digital Platform.	Assuming that there is agreed budget in place, Corporate Manager + S151 Officer may approve up to the Public Procurement Threshold.
Over Public Procurement Thresholds	Formal Written Contract & Purchase Order	As above.	Contracts in excess of the Public Procurement Threshold will require approval by Cabinet

*For spend under the £10,000.00 this will be reported via the over £500.00 supplier spend report.

Prior to commencing any procurement or raising any order, the Officer must be assured that there is sufficient budget in place for the proposed purchase and establish the expenditure code relating to where the budget is held.

Consideration to both the value of the contract and the risk of exposure to the Council should be made by the relevant Corporate Manager when deciding whether to execute a formal written contract.

In the case of goods, where the Authority purchases a significant number of items and the aggregate total spend exceed £10,000 per year, prices must be renegotiated with the supplier annually. If the total spend exceeds £100,000 per year, a contract should be executed in line with the **tender process** below.

In the case of works or services, where the Authority appoints a supplier for a significant number of low value jobs and the aggregate total spend exceeds £10,000 per year, quotations for rates should be obtained in line with the **quotation process** outlined below. If the total spend exceeds £100,000 per year, a contract should be executed in line with the **tender process** below.

5.1.11 Estimated Contract value less that £10,000.00

In the case of a contract whose total does not exceed £10,000.00 the officer may place a single order without inviting quotations provided they are satisfied that they have used their best endeavours to ensure that the most favourable prices and terms are obtained, having regard to the principles of value for money and that the supplier is financially sound and technically competent.

If the contract is related to a service or works provision, appropriate pre-qualification of suppliers must be carried out to ensure that their status in relation to health and safety, financial standing, customer care, data protection, equalities, contract management and provision of insurance is suitable for the level of the contract.

Pre-qualification through an industry recognised method such as Construction Line, Standing List of Approved Contractors (SLoAC) or Exor will be deemed acceptable although the relevant Corporate Manager may require further checks to be carried out in this regard.

In the event that competitive tenders or quotations are sought, these shall be obtained from such number of contractors/suppliers as the Procurement Regulations deems appropriate having regard to the principles of Best Value.

The officer is required to obtain written evidence of the quotations and the evidence is required to be kept in accordance with the Council's document retention guidance. This is 12 months or the life of the contract, whichever is the greater.

5.1.12 Estimated Contract value between £10,000.00 and £29,999.99

All contract/agreements exceeding £10,000 must have a Procurement Notification Form completed and submitted to Procurement – Procurement Notification Form (PNF)

Competitive quotations shall be sought from three contractors in writing For further details on quotations refer to the section on the quotation process below.

The officer is required to obtain written evidence of the quotations and the evidence is required to be kept in accordance with the Councils Document Retention guidance.

5.1.13 Estimated Contract value between £30,000.00 and 99,999.99
For all contract/agreements exceeding £30,000, formal Requests for Quotation (RFQ) are required using a detailed written specification by a defined deadline using an electronic portal to advertise the opportunity and to post all relevant notices to the Central Digital Platform.

5.1.14 Estimated Contract value between £100,000.00 and up to the Public Procurement Threshold

Please contact the procurement team to find out what the current Public Procurement Thresholds are. The rates are available on SharePoint under Procurement then site pages.

The contract opportunity shall be advertised on the Council's eTendering portal and on the Central Digital Platform in line with the PCR 2015 and PA 23.

Competitive tenders shall be invited. Where possible tenders shall be invited from four contractors, however in line with PCR 2015 no shortlisting will be allowed on contract values below the Public Procurement Thresholds. This means that all compliant bids will be evaluated.

5.1.15 **Estimated Contract value exceeds Public Procurement Thresholds**

Please contact the procurement team. The opportunity will be advertised on the Central Digital Platform service and all legislative requirements must be met.

5.1.16 Quotation Process

Where possible at least three written quotations must be sought.

The officer is required to obtain written evidence of the quotations and the evidence is required to be kept in accordance with the Council's document retention guidance. This is 12 months or the life of the contract, whichever is the greater.

The Service Manager will ensure all appropriate documentation is provided. The FIN301 Request for Quotation form should be used; however this may be supported by additional supplementary information which will further assist the supplier in providing their quotation. The Service Manager should ensure that such contract documentation shall be approved by Legal Services if required before quotations are requested.

The information contained in the request for a quotation will state:

- The description or specification of the requirement avoiding the use of proprietary or brand names and using available recognised standards.
- The quantity required.
- The delivery time and place.
- The basis of the price to be quoted.
- Which conditions or contract or other approved condition will apply to any order.
- The date by which quotations are to be received by the Council this will normally be not less than 5 working days from the date of the request.
- The evaluation criteria the quote will be assessed upon.

Suppliers shall be required to address their quotations to the Service Manager.

Quotations may be requested and received using recommended electronic methods. The retention and administration is dealt with under the document retention policy.

Quotations received late will be disallowed. They will be retained unopened until after the quotations properly received have been opened and will be returned to the sender with an explanation.

The quotation from the supplier who has offered the lowest acceptable price taking into consideration the required quality, delivery, cost of use and cost of disposal will normally be accepted provided this is within the estimated total cost.

Written acceptance will be notified to the supplier by the officer from the service dealing with the procurement. They will also be responsible for notifying the Procurement Team in order for them to update their records with details of the contract and how they have selected the chosen supplier.

If the contract is for goods currently maintained or which are going to be maintained on the eProcurement catalogue, a full list of products should be forwarded to procurement on the FIN302 Product Upload Template to allow them to be added to the catalogue prior to ordering.

The relevant Service Manager may accept a quotation other than the lowest where it is in the best interest of the Council and best value is achieved. Such a decision and its reasons shall be recorded and this information submitted to the Procurement Team.

An order will be raised on the Council's eProcurement system at the point of awarding the contract.

If requested the unsuccessful suppliers can be notified and given reasons without breaching the commercial confidentiality of the other suppliers.

5.1.17 The Tender Process

Before starting a tender process, and with a minimum of 3 months' notice, the relevant Officer will inform the Procurement Team of the proposed contract details using a Procurement Notification Form. All draft contract documents to be sent out with a request for tender shall be approved by Legal Services prior to being sent to any supplier.

Consultation will occur between the Procurement Team, Corporate Manager and where necessary Legal Services, and where relevant agree:

- The roles and responsibilities in respect of:
    - the selection process (above Public Procurement Thresholds only)
    - the tender process
    - the evaluation of the outcomes
    - post tender negotiations
    - the contract award
    - contract management
- A procurement plan that:
    - identifies scope for working with others
    - identifies the use of the best practice contracting and procurement methods including partnerships and partnering
    - reflects any additional requirements and choice of procedure for a contract that exceeds the Public Procurement Thresholds
    - identifies the use of UK standards where these are available
    - details timescales and major events
    - identifies and allocates responsibilities
    - identifies whether any property, plant, equipment and/or land are part of the contract
- The selection criteria (to be used above Public Procurement Thresholds only) for suppliers to be invited to tender are based on commercial consideration and include:
    - financial viability and capacity
    - operational capacity
    - technical competence and capacity
    - relevant environmental issues
    - the Council's policies
    - legislative compliance
    - health and safety

- data protection
- equalities

- The evaluation and award criteria for the contract to achieve Value for Money or Most Advantageous Tender (MAT)taking into account such aspects as:

  - proposed methods and approach
  - total costs to the Council over the life of the contract including disposal costs
  - quality
  - delivery
  - sustainability
  - risk including the suppliers insurance details
  - health and safety
  - social value

The evaluation and award criteria to be used for award will be agreed in advance of the Invitation to Tender being issued, by the Corporate Manager and relevant Cabinet Member.

Tenders will be advertised and will be only considered if it is submitted electronically via Advantage South West Portal using the Council's Standard Form of Tender. Any amendment to this form must be approved in advance by Legal Services.

Tenders – Procedures for opening

All tenders for a Contract shall be opened via the verification process within the eTendering portal.

Only those Officers delegated with Verifier status will be able to access the tenders and remove the Tender seal.

The tenders may then be accepted and released for evaluation or declined and reasons given.

Documentation from the eTendering portals audit log should be produced to show the following:

- The name of the Tenderers who submitted their tender on-time.
- The name of the Tenderers who submitted their tender late.
- The name of the Tenderers who opted out of the Tender process and the opt out reason (if supplied).
- The date and time of the submission.
- The Tendered price for each on-time submission as it appears on the Form of Tender.

5.1.19 Tenders – Procedures for acceptance

The winning tender will be defined as the one who scores highest based on the pre-defined evaluation criteria which was agreed and published with the Invitation to Tender.

Contracts for Works

For Works Contracts above £250,000.00 the Corporate Manager, Director and Cabinet Member will authorise the contract award, following approval from Cabinet.
For Works Contracts under £250,000.00 the Corporate Manager will authorise the contract award.

For contracts where there is 10% excess on the budgeted tender provision, the Corporate Manager, Director and Cabinet Member will authorise the contract award.

Contracts for Goods & Service

For Goods and Service contracts above the Public Procurement Threshold, , the Corporate Manager, Director and Cabinet Member will authorise the contract award, following approval from Cabinet.

For Goods and Service contracts below the Public Procurement Threshold but above £100,000.00, the Corporate Manager will authorise the contract award.

For contracts where there is 10% excess on the budgeted tender provision, the Corporate Manager, Director and Cabinet Member will authorise the contract award.

5.1.20 Tenders - Record Retention

A full record of the procurement process followed for quotation and tenders will be maintained, including but not limited to:

- Quotations:
  - invitation to quote
  - submitted quotation
  - reason for not accepting lowest price and post quotation clarification including establishing value for money
  - communication with successful supplier
  - feedback (if requested) supplied to unsuccessful suppliers

- Tenders:
  - business case
  - pre-tender market research
  - method of obtaining bids
  - contracting decisions/ reasons
  - award criteria
  - tender documents
  - tender submissions
  - post tender clarification and establishing value for money
  - legal advice
  - evaluation
  - post contract monitoring

5.1.21 Orders for Goods, Works and Services

Once a contract has been awarded or a quotation accepted, the following rules in relation to transactional process of ordering through to payment should be followed.

Rules:

The system to be used for the ordering of works, goods and services shall be the eProcurement

Corporate Finance System or any successor system as agreed by the Deputy Chief Executive (S151). Only orders in a format agreed by the Deputy Chief Executive (S151) shall be used.

This includes:

- Hire/ rent/ lease of property, plant, equipment and/or land (See 6.6 Asset Leasing arrangements)
- Delivery of recruitment/ consultancy
- Appointment of Counsel
- Obtaining Finance

Any amendments or changes in procedure to the agreed system must be approved by the Deputy Chief Executive (S151) in consultation with the Head of Digital Transformation and Customer Services if appropriate, prior to being updated.

5.1.22 Ordering

Official orders, either in whole or in part, must not be used to obtain goods or services for private use. Any officer found to be breaching this Rule, will be subject to disciplinary proceedings.

Official eProcurement orders must be raised for all work, goods and services to be supplied to the Council. No work is to be placed to an outside contractor without an order being raised.

Orders must carry a full description of what has been ordered. The use of ‘as per quote’ or ‘as per estimate’ is not acceptable.

All ordering must be conducted through the Procurement Team. No verbal orders are to be placed.

In the case of an emergency situation, the order must be placed as soon as possible and in all cases prior to the supplier submitting their invoice.

Guidance must be sought from the Procurement Team for any officers placing an emergency order or orders relating to exceptional circumstances.

Prior to engaging any new supplier, Officers should consult with the Procurement Team to ensure that there is not already a contract in place which could meet their requirement.

To use the new supplier, a Request for Supplier set up form should be completed with all relevant details for verification with HMRC including where applicable:

- UTR (unique tax reference)
- National Insurance number
- Company registration numberVAT registration number

Consideration of employment status, see 5.2 below and if the work involves construction, 5.3 below, also needs to be made before a new supplier is created.

All orders must be raised, in advance of the works, goods or services being received by the Council. A designated authorised signatory will need to authorise orders prior to the order being raised and placed by the Procurement Team.

It is the responsibility of the designated service Authoriser to confirm with the relevant budget holder and / or Finance Business Partner as to whether there is budget available prior to requisitioning the works, goods or services.

Spending limits must be observed at all times and officers must use the correct expenditure code on all orders.

Officers initiating an order must consult the appropriate Finance Business Partner and jointly decide if a virement is required from an underspent code to the correct code before the ordering process continues. Any doubt or difficulty in correctly coding an order shall be referred to the appropriate Finance Business Partner for advice.

Orders are not to be split into smaller orders solely to avoid the value limits and procedures laid down in the Council's Procurement Regulations. The procurement team will run weekly reports to review cumulative spend and refer any breeches to limits to the corporate managers to ensure the procurement procedures are followed.

Orders are not required for:

- Rents
- Rates
- Supply of Utility Services (Gas, Mains Water, Electric, Telephone)
- Petty Cash reimbursements
- S151 treasury transfers.

Variations to official orders can be made by sending an email to the Procurement Team procurementoffice@middevon.gov.uk putting subject line - Order uplift request: 'Order reference'

Alteration to:	**Order no.**
Approver:	
Type of alteration	*Uplift/additional line/amendment*
Line no.	Line 1
Reason for alteration	
Value of alteration	
Revised Order total	

Full details of how to use the eProcurement system can be found in the eProcurement User Guide which is available on SharePoint.

5.2 Employment Status - Use of Consultants and Others

Employment status of non Mid Devon District Council employees should be a concern for all service managers. This guidance lays out the basic position and shows how to work out the status of an engagement.

It is vital to resolve the issue of status and inform the individual how they will be paid, **before** they undertake the work. This will prevent delays in payment and disagreements if someone is paid subject to deductions via payroll, when they were expecting to be paid gross, against invoices submitted via the Creditors system.

IR35 is tax legislation that is designed to combat tax avoidance by workers supplying their services to clients via an intermediary, such as a limited company, but who would be an employee if the intermediary was not used. Such workers are called 'disguised employees' by Her Majesty's Revenue and Customs (HMRC).

The service manager engaging someone to perform a task has the responsibility of determining their employment status and whether they should be paid via payroll. It is not up to the individual being asked to perform the task to indicate what their status is. If the Council treats someone incorrectly, and HMRC imposes interest and penalties these will fall on the service that has commissioned the work. (HMRC will normally go back as far as six years plus the current for unpaid tax, NI, interest and penalties.)

Even if an individual can demonstrate that they are registered with HMRC as self-employed this does not mean that they should necessarily be treated as such when they undertake an engagement for Mid Devon District Council. It depends upon the contractual arrangement with the individual (see below).

If the working arrangement is such that the individual is deemed to be employed by the Council then the People Services Manager needs to be informed so the appropriate contract of employment can be drawn up and issued **before** the individual commences any work for the Council.

Employment status can still be an issue for individuals who fall under the Construction Industry Scheme (CIS). To avoid this complication the Council should not provide tools and equipment, and ensure these individuals have other self-employment in addition to the works they do for the Council. This will ensure tax is only payable under CIS, and the Council does not have to consider whether they could be employees or not.

5.2.1 Points to consider

The following are extracts from: “Are your workers employed or self-employed for tax and National Insurance contributions” HM Revenue and Customs leaflet ES/FS2.

An individual worker is likely to be **employed** if the answer is ’**yes’** to most of the following questions:

- Does the worker have to do the work themselves?
- Can you tell the worker where to work, when to work, how to work or what to do?
- Can you move the worker from task to task?
- Does the worker have to work a set number of hours?
- Is the worker paid a regular wage or salary?
- Can the worker get overtime pay or bonus payments?

- Is the worker responsible for managing anyone else engaged by you?

Your worker is likely to be **self-employed** if the answer is '**yes'** to one or more of these questions:

- Can the worker hire someone to do the work, or take on helpers at their own expense?
- Can the worker decide where to provide the services of the job, when to work, how to work and what to do?
- Can the worker make a loss as well as a profit?
- Does the worker agree to do a job for a fixed price regardless of how long the job may take?

If you can't answer 'yes' to any of the above questions, your worker is still likely to be **self-employed if** you can answer **'yes'** to most of the following questions:

- Does the worker risk his own money?
- Does the worker provide the main items of equipment (not the tools that many employees provide for themselves) needed to do the job?
- Does the worker have to correct unsatisfactory work in their own time and at their own expense?

An example: If an individual contracts to paint Phoenix House for £20k and to complete the work in eighteen months at times that suit him with as many workers as he sees fit to employ it would indicate self-employment. The costs incurred could generate either a profit or a loss and there is a financial risk to him.

However, if he is to report to a service manager on Monday and paints the building using our paint and equipment, cannot contract others to do the work, and effectively works the hours we decree, then there is no financial risk to him and this would be employment.

There is an online tool that can be used to help determine the status of individuals at: **www.hmrc.gov.uk/calcs/esi.htm**

However, the online ESI tool should **not** be used for determining the status of:

- Individuals who provide their services through a limited company (known as IR35).
- Contracts with agencies to provide services to another person (client).

If you have any doubt as to the correct treatment, the matter should be referred to the Deputy Chief Executive (S151) or Head of People, Performance and Waste without delay.

5.3 Construction Industry Scheme

Under current tax legislation the Council is a deemed Contractor and those working for the Council are sub-contractors. The Deputy Chief Executive (S151) will arrange for nominated staff to check the validation at the HMRC website when Procurement has advised of a new potential CIS subcontractor.

Payment in full can **only** be made to such a sub-contractor (company or individual) in the construction industry who has been validated by HMRC and is allowed to be paid Gross. Procurement will check the status of individuals with HMRC when creating new suppliers

Those classified to receive monies net by HMRC, will be paid with a tax deduction of 20% from the labour element of the invoice. These individuals or companies should submit invoices which clearly apportion the materials element of the charge from other elements before VAT is added. A failure to do so will mean that the invoice is not paid and returned to the supplier.

If the subcontractor is not validated the payment can only be made with 30% tax deduction.

Monthly electronic returns of CIS deductions will be made to HM Revenue and Customs by no later than 19th of each calendar month by officers nominated by the Deputy Chief Executive (S151).

5.3.1 Retentions

Payments to contractors will only be made on a certificated invoice of the designated service manager, or where engaged by the Council, the Private Architect, Engineer or Consultant. Certificated invoices shall show the value of the work, retention money, amounts previously certified and amounts now certified.

All variations to contracts are to be in writing and in the form of a properly authorised via a Variation Order.

The final payment for any contract will not be issued until the Corporate Manager has had a copy of the final account and has carried out such examination as he/she considers necessary in order to satisfy themselves as to the accuracy of the account.

It is recommended that for contracts in excess of £100,000, best practice would be to include a standard retention of 5% until practical completion of a contract and then 2.5% to be held until 12 months after practical completion of the contract, which should be specified in the contract.

It is the responsibility of the Service Manager in conjunction with the Deputy Chief Executive (S151) to agree a suitable level of retention for the specific contract on a case by case basis.

5.4 Receipt of Goods and Services

Goods works and services received by the Council will be “delivered” by approved staff on the financial system upon **receipt** of the goods or services so as to ensure the liability is promptly recorded on the financial ledger.

Certification of work undertaken by external contractors engaged by the Council is to be authorised by suitably experienced and qualified staff prior to delivery being entered on the financial system.

Documentation relating to deliveries such as Delivery notes or Job completion sheets should be kept in accordance with the Council’s Document Retention guidance.

Where possible the delivery note should be scanned and attached to the eProcurement system at the point of entering the Good Received Note.

5.5 Authorisation for Payment

The Deputy Chief Executive (S151) will ensure that procedures are in place to ensure that orders made for goods and services on behalf of the Council can only be placed by suitably trained authorised individuals, up to authorised limits, covered by an appropriate budget provision.

The limits for approval of expenditure are set out in Appendix A. Where the approval will result in an increase in total contract price following the award of a contract, the Deputy Chief Executive (S151) or in his/her absence the Head of Finance, Property and Climate Resilience, must be consulted where:

- The original value of the contract was above the Public Procurement Thresholds.

- The original value of the contract was £30,000 or more but below the Public Procurement Thresholds and the expenditure will result in the original value of the contract being exceeded by more than 10%, taking into account any previously approved expenditure above the original contract value.

Service managers will be responsible for the authorisation of orders raised in the pursuit of their agreed service plans. All requests to add or amend authorisation amounts must be made to the relevant Corporate Manager in advance and approved prior to their use.

People Services will supply a leaver's memo to the Deputy Chief Executive (S151) to ensure prompt removal of former employees.

Contract retentions in accordance with contractual arrangements are always to be made and the Accounts Payable section is to be authorised only to pay net amounts due.

5.6 Payments

Why is this important?

The Council spends significant amounts of public money on the purchase of goods and services in order to provide its services in accordance with statute and policy decisions.

Risks:

- The Council pays for goods and services that have not been received.
- The Council pays for goods and service twice or more in error.
- The Council pays incorrect suppliers or amounts due to fraud.
- Financial and accounting records are not correctly updated.

Regulations:

- The Council will pay invoices within 30 days from receipt of invoice or on other terms as maybe agreed. All staff involved with paying creditors shall ensure that invoices are dealt with promptly.

- In the cases of invoices relating to work which is covered by the Construction Act 2009, payment will be made in accordance with the protocol set out in the statutory scheme for Construction Contracts.

- No amendments, changes or avoidance of the system laid down for the processing of invoices for payment must be undertaken without the approval of the Deputy Chief Executive (S151).

- The Authority has in place an electronic system meaning that purchase orders and invoices can be dealt with electronically for the purchase of goods and services.

- Invoices must carry a full description of what has been ordered. The use of 'as per quote' or 'as per estimate' is not acceptable.

- Purchases (requests for goods or services) by the Authority must be accompanied by an official Authority's purchase order. It is essential that the Supplier quotes the relevant purchase order number on all invoice(s).

- In summary, the requirement of the payment system is that:

    - All purchases must be accompanied by a purchase order

    - Invoices must have a corresponding purchase order (PO) - if they do not quote this the invoice may not be paid

    - Invoices must be sent to accountancy@middevon.gov.uk

It is the responsibility of the paying department to check the following:

- That an order has been raised, where appropriate and in accordance with 5.1 Procurement of Work, Goods and Services.

- The invoice is addressed to Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton Devon, EX16 6PP.

- That the details listed on the invoice match the order, including the description, units, amount and VAT and that they are within the acceptable validity limit of +/- 5%.

- That the goods and services have been supplied/delivered to the Council and recorded via the 'enter goods receipt' section of the eProcurement system.

It is the responsibility of the Accounts Payable section to check the following:

- That any trade and cash discounts have been deducted.
- That the invoice is a genuine invoice and is not faxed or photocopied.
- That the invoice has not previously been paid.

The refunding of any payment made by a member of the public can only be considered if there are genuine reasons for doing so, e.g. cancellation of event, overpayment of Council Tax, etc. The refund request must be correctly authorised and accompanied by proof that a payment was made to the Council.

Payments on Council pre-printed forms, e.g. pro forma invoices such as Petty Cash reimbursement are to be signed by the appropriate authorising officer and checked for correct completion by the appropriate Officers and Accounts Payable staff before payment.

The Internal Audit Section will carry out checks on the Creditors system in accordance with the Audit Plan.

Payment for goods and services not yet received i.e. training courses should only occur in exceptional circumstances and with the prior approval of an authorising officer. A record of the payment should be made on the order and checks should be carried out to ensure that delivery subsequently takes place.

All Creditors cheques returned to the Council, whether by hand or by post shall be passed immediately to the Accounts Payable section of Financial Services and not to the instigating officer. The instigating officer is, however, to be informed of any cheque having been returned.

Creditors will be paid by BACS whenever possible with a remittance advice forwarded within 24 hours of payment. All Bank details to enable payment will be held on the Creditor's individual file records and amended by Procurement staff only on receipt of official notification in writing, from the Creditor.

5.7 Contracts Register

Upon award of any contract tendered via the Procurement Team, a Contract Award Notice (CAN-003) will be sent by the Procurement Team to the relevant Corporate Manager, Service Manager, Cabinet Member and Finance Business Partner and to the Deputy Chief Executive (S151) to notify them of the award

Where the service has awarded their own contract, without the input of the Procurement Team, it is the responsibility of the awarding service to provide the Procurement Team with the information that they require to populate the contracts register (as set out below)

It will remain the responsibility of the Procurement Team to maintain a contract register of all contracts over £10,000 awarded on behalf of the Council.

The register will be available for review on a centrally held electronic file by Officers and Members.

For each contract, the following details must be published:

- reference number
- title of agreement
- local authority department responsible
- description of the goods and/or services being provided
- supplier name and details
- sum to be paid over the length of the contract or the estimated annual spending or budget for the contract
- Value Added Tax that cannot be recovered
- start, end and review dates
- whether or not the contract was the result of an invitation to quote or a published invitation to tender

- whether or not the supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number.

For spend under the £10,000.00 this will be reported via the over £500.00 supplier spend report.

6.0 Expenditure

6.1 Housing and council tax benefit payments

6.2 Housing renovation and associated grants

6.3 Purchase cards

6.4 Credit cards

6.5 Petty cash

6.6 Asset leasing arrangements

6.7 Urgent payments

6.8 Emergency action

6.1 Housing and Council Tax Benefit Payments

Why are these important?

The Council administers the payment of benefits, on behalf of the Department of Work and Pensions, to assist people in paying their rent and/or Council Tax bills. The Housing Benefit scheme is complex, requires people to declare both personal and financial details and is, as a result, open to error and abuse. This being the case the assessment, calculation and payment of claimants needs to be carefully controlled.

Risks:

- Benefit could be paid to fraudulent claimants.
- Personal domestic and financial details relating to a claimant could be disclosed without authority to do so.
- Benefit entitlement could be incorrectly calculated.

Regulations:

The Deputy Chief Executive (S151) shall be responsible for arranging the processing, assessment and payment of benefit.

The Deputy Chief Executive (S151) shall ensure that periodic checks on the calculations and the entitlement for benefit cases are carried out. Verification Framework checks are to be carried out on all benefit documentation received.

All records and files of personal information relating to claims and the calculation of entitlement to benefit are to be held under arrangements that will prevent access by unauthorised persons and enable compliance with the Data Protection Act.

Any information gained in the assessment and payment of benefit shall not be divulged by any member of staff to persons not authorised to receive that information. Any person seeking information on behalf of another must provide satisfactory evidence that they are authorised, by the claimant, to do so.

Any member of staff with a personal interest in a benefit claim will have no part in the assessment or payment of that claim. All staff involved in the administration of Housing and Council Tax benefit will complete an annual declaration of interests form, and notify the Benefits Manager as soon as they become aware of any personal interest.

All benefits cheques returned to the Council, whether by hand or by post, shall be passed immediately to the Accounts Payable section and cancelled. The Benefits Unit is, however, to be notified that any such cheques have been cancelled.

Lost cheques will not be reissued until the original has been cancelled or has been stopped. See 14.1.5 relating to crossed cheques.

6.2 Housing Renovation and Associated Grants and Loans

Why is this important?

Each year the Council receives applications from the public for grants and loans to assist them financially in renovating their property or associated work such as alterations for the installation of disabled facilities. Many grants and loans are for thousands of pounds and it is therefore essential that applications are correctly assessed, calculated and paid in accordance with both legislative and Council requirements.

Risks:

- Applicants may be paid and yet not be entitled to receive grant or loan monies.
- Grant or loan entitlement may be incorrectly assessed leading to an incorrect payment being made.
- The grant and loan scheme may be manipulated with fraudulent intent.

Regulations:

The Head of Housing and Health will be responsible for delegating the management and processing of applications for Housing Renovation and other related Grants or loans.

The processing of grant and loan applications shall be dealt with expeditiously in accordance with current legislation and Council policy. All applications must be approved by the Head of Housing and Health or his/her nominated representative before any payments are made.

Payments must be within the limits for such grants or loans set in the Housing Assistance Policy.

Payments of grant or loans are provided before work commences unless there are major adaptations whereby stage payments may be made when staged inspections are completed and signed off as satisfactory by the appointed officer in association with the applicant.

Employees of the Council with a personal interest in any grant application must notify the relevant Corporate Manager who shall record the interest.

Employees of the Council who have a personal interest in any grant or loan application must not participate in the processing of the application or payment of the grant or loan and comply with the Officers Code of Conduct.

6.3 Purchase cards

The Council recognises that the cost of its spending is an area which can be reduced by using more efficient payment methods which include the use of Purchase Cards and Credit Cards.

The Council has an approved purchase card scheme under the Government Procurement Card (GPC) Policy. Purchase cards are issued to Officers where it has been identified that there is either a large volume of low value transactions or a frequent urgency for a smaller number being made when at remote locations**.**

Regulations

Authorised Users sign up to the terms and conditions as set out in Appendix C, which clearly set out how the card is to be utilised and that under no circumstances may it be used for personal purposes.

The scheme is to be used in line with the Guidance document issued to users with their cards shown at Appendix C.

The Deputy Chief Executive (S151) will appoint administrators who shall be able to request information and make amendments on the company account, including the creation of additional cardholders.

Where the cardholder purchases goods or services relating to the Building Services department, the cardholder will be required to provide the Job Number which the purchase relates to alongside the receipt to ensure the goods are charged to the correct job.

Cardholders shall retain all VAT receipts from the transactions and record them on the prescribed transaction log.

The Cardholder, or an authorised user, shall reconcile all the transactions on their transaction log and statement on a monthly basis using the reconciliation software provided by the card issuer.

During the reconciliation process, the following items associated with the transaction must be populated:

- Receipt reference
- VAT amount
- Accounting codes
- Description

When the cardholder has checked the statement for accuracy the cardholder's approver must complete the summary before the full month's transactions are loaded into the financial management system.

The reconciliation, approval and loading of the file will be completed in line with the timetable set out each year.

The Deputy Chief Executive (S151) will review the effectiveness of the scheme from time to time and at least at the re-tendering of the contract, usually every 3 years.

6.4 Credit Cards / Purchasing Cards

A Corporate Credit Card is used for the purchase of products or services where the only practical method of payment accepted by the supplier is credit card. The credit card is to be held in a secured location by the Procurement Team.

The Deputy Chief Executive (S151) will appoint authorised signatories who are able to request information, make changes to the account or create new cardholders.

A purchase order must be raised in line with the Financial Regulations before any transaction is made using a card. All transactions made using a credit card are to be recorded on a central log which must be reconciled monthly to the Credit Card statement.

The relevant accounting codes and VAT information from each transaction are to be allocated on the financial ledger at the point of posting. VAT receipts are to be held centrally in line with the Council's retention policy.

6.5 Petty Cash

Why is this important?

Petty cash is required to meet minor items of expenditure that may arise from time to time.

Risks:

- Cash is stolen, lost or borrowed without due authority.
- Money is spent on non-work related goods or services.
- Petty cash is used as a means to circumvent the proper procurement process.

Regulations:

The Deputy Chief Executive (S151), in consultation with Service managers, will decide on the fixed amount of the float to be used for meeting petty cash expenses at any satellite establishment.

Petty cash made available is for work related transactions only. Under no circumstances are petty cash floats to be used for personal reasons i.e., loans or advances of cash. Any officer found to be in breach of this Rule will be subject to disciplinary proceedings.

Payments from petty cash are to be limited to minor non-recurring items of expenditure, not exceeding the thresholds set out in Appendix A.

None of the following items of expenditure are to be paid out of petty cash:

- Travel and subsistence expenses of officers.
- Postage, except where a small supply of stamps is held for specific purposes.
- Sundries, such as milk, tea, coffee, biscuits, etc. for officers.
- Stationery.
- Any other payments relating to staff or persons working or providing a service to the Council.

Any officers found to be in breach of this Rule will be subject to disciplinary proceedings.

A **FIN321** form will be provided by the Deputy Chief Executive (S151) for each officer holding a petty cash float at the 31st March to certify in writing the amount held, either in cash and/or in signed vouchers awaiting reimbursement.

All payments from petty cash are to be recorded on the electronic **FIN320** Petty Cash Reconciliation form and are to be supported by vouchers in the approved form. The voucher is to be signed only by the employee entitled to receive the payment and is to be counter-signed by an authorised officer at the time of payment. Full details of the claim are to be recorded on the voucher and an official VAT receipt obtained and attached to the voucher.

On leaving the Council's employment or otherwise ceasing to be entitled to hold a petty cash float, an employee shall account to the Deputy Chief Executive (S151) for the float amount advanced to him/her.

Petty cash floats are to be reconciled and balanced (vouchers to cash balances) on a monthly basis. Replenishment of petty cash floats will be via the submission of the **FIN320** Petty Cash Reconciliation form using the guidance notes within the workbook. Floats will be replenished from a "top up" float held by the Customer First Supervisors.

The petty cash "top up" float will be replenished by replacing kiosk cash to be banked with a MDDC cheque of the same value.

The Petty cash top up float should be reconciled quarterly in line with the reconciliation of the petty cash eFinancials cost centre.

The workbook should be authorised and sent electronically to accountancy@middevon.gov.uk. A hard copy of the 'Vouchers' page and the 'Replenishment' page should be sent to Accounts Payable with all signed vouchers and receipts in support of the amount claimed.

Once Accounts Payable has verified the replenishment they will authorise the Customer First Team to contact the officer holding the float to collect the replenishment. Council identification must be presented when collecting the cash.

Cash balances and vouchers shall be available for inspection upon request, by Internal Audit.

Any till differences in excess of the amount shown at Appendix A shall be referred immediately to Internal Audit.

6.6 Asset Leasing Arrangements

Why is this important?

Finances are not always available to purchase property, plant, equipment and/or land outright. Leasing an asset enables the cost to be spread over several financial years. Leasing contracts are legally binding documents which therefore need to be considered and entered into with caution.

All contracts/agreements are in the scope of IFRS 16 and are assessed at inception by the Finance Lead to determine if there is an explicit or implicit asset contained within the contract/agreement.

Peppercorn leases are in the scope of IFRS 16 if they meet the definition of a lease in all aspects apart from containing consideration.

International Financial Reporting Standards (IFRS) require Operating Leases and Finance leases to be treated differently within the year end accounts. Whether a lease is a finance lease or an operating lease depends upon the substance of the transaction, rather than the form of the contract. This is not always conclusive. The assessment requires judgement against the lease classification indicators set out in IFRS 16 Leases - see Appendix C.

Criteria pointing to a finance lease classification include:

The lease transfers ownership of the asset to the lessee by the end of the lease term.

- The lessee has the option to purchase the asset at a price that is expected to be sufficiently lower than the fair value, so as to make it reasonably certain the option will be exercised.
- The lease term is for the major part of the economic life of the underlying asset even if title is not transferred.
- The lessee has the right to obtain substantially all of the economic benefits from use of the identified asset throughout the period of use.
- The lessee has the right to direct the use of the identified asset.
- The lessor does not have the practical ability to substitute alternative assets throughout the period of use.

- The present value of the minimum lease payments amounts to at least substantially all of the fair value of the leased asset.

- The leased assets are of such a specialised nature that only the lessee can use them without major modifications.

Recognition Exemptions

- Short term lease – has a lease term of 12 months or less.
- Leases of low value underlying assets – Exemption threshold of £5,000.

In summary not only is it important to ensure that our lease arrangements are appropriate for our needs, it is also important that each lease is classified and recorded within the correct framework.

Lease Term

- The lease term begins at the commencement date and includes any rent free periods provided to the lessee by the lessor.

- The commencement date is the date on which a lessor makes an underlying asset available for use by lessee.

- A leased term is defined by IFRS 16 as the non-cancellable period for which a lessee has a right to use an underlying asset, together with both

    - Periods covered by an option to extend the lease if the lessee is reasonably certain to exercise that option; and
    - Periods covered by an option to terminate the lease if the lessee is reasonably certain not to exercise that option

Risks:

- The Council may fail to be able to meet future commitments.
- New annual lease payments may exceed budgetary provision.
- Assets are not appraised to ensure leasing is a more viable option than purchasing.
- Assets are not purchased following procurement guidelines or leased following a financing review.
- The asset is disposed of before the lease ends or is ready to be disposed of.
- Lease interest rates are high.
- Lease agreement contracts are not signed or stored correctly.
- Underlying assets (explicit/implicit) not identified within contracts/agreements.
- Leases are classified incorrectly because IFRS regulations are not followed.

Regulations:

A business case analysis should be carried out when considering purchasing a new asset and the Service Finance Business Partner should be included in this process. The business case should show that there is a definite business need for the asset, the asset to be acquired has been appraised to be the most operational and cost effective solution and that procurement rules have been followed to obtain quotes or to tender for the asset.

At this stage the Deputy Chief Executive (S151) should consider whether finances are available to purchase or whether leasing the asset is more appropriate. In any event if the Council is to purchase the asset and subsequently undertake a sale and leaseback arrangement the normal procurement rules outlined at 5.1 above must be followed. Service Managers must therefore be mindful of lead times before the acquisition of assets.

Arranging the financing of a lease will be administered by the Deputy Chief Executive (S151). All contractual documentation should be forwarded to the Deputy Chief Executive (S151). Once signed by an authorised signatory all Contracts will be entered into the Contracts Register.

6.6.1 Property Leases

If the Authority enters into any new property leases, either as Lessor or Lessee, The Deputy Chief Executive (S151) needs to be immediately advised of the transaction and the nature and terms of the agreement entered into. This is most important because the accounting treatment of the transaction and therefore our financial statements could be different, depending upon the circumstances.

6.7 Urgent Payments

Payments to suppliers and others are normally arranged in a series of weekly or monthly runs. Service managers are asked to try wherever possible to adhere to these standard payment runs to maintain efficiency.

This will be by BACS as the faster more secure option and the Service Manager will need to obtain all of the relevant details of the payee for this to occur. However in the rare case that circumstances conspire to warrant an urgent payment service managers should endeavour to obtain the bank details and full name and address of the payee so that a BACS payment can be issued without delay by the Finance Team. The monies will always clear faster than a cheque, and the process is both more secure and cheaper for the Council.

Corporate Managers and Directors and service managers must ensure that Financial Regulations and Procurement Regulations relating to contracts and tenders have been complied with. However, in a situation which is outside the time framework for a Cabinet decision, the decision could be taken by the Cabinet Member for Finance together with either the Chief Executive or the Deputy Chief Executive (S151) for expenditure up to the Public Procurement Thresholds limits. Any such decision of the Cabinet Member would however need to be reported back to the next Cabinet meeting, so that there is accountability and an audit trail of the decision.

6.8 Emergency Action < £250,000

In the event of an emergency, there is a need for two authorisations, that is, the relevant Corporate Manager on duty and either the Deputy Chief Executive (S151) or the Head of Finance, Property and Climate Resilience, to authorise all necessary actions and to incur expenditure outside amounts included within budgets without recourse to the requirements of these Financial Regulations.

The Corporate Manager on duty shall notify the Chief Executive and appropriate Cabinet Members (for that service and Finance) in writing of the circumstances and estimated financial impact.

6.8.1 Emergency Action > £250,000

In the event of an emergency, there is a need for three authorisations, that is, the Chief Executive, Deputy Chief Executive (S151) and either the Leader or Cabinet Member for Finance to authorise all necessary actions and to incur expenditure outside amounts included within budgets without recourse to the requirements of these Financial Regulations.

In the event of such an emergency the provisions of the Constitution rules regarding key decisions apply. The Corporate Manager on duty prepare an update report to the next Cabinet meeting.

7.0 External Expenditure Arrangements

7.1 Work for third parties

7.2 Work by third parties

7.3 Partnerships with external entities

7.4 Projects

7.1 Work for Third Parties

Why is this important?

Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Risks:

- The Council could make a significant loss by carrying out this work.
- Internal resources are tied up in providing external users a service with a resulting detrimental effect on internal service provision.
- The Council could be held liable for the actions of its staff.

Regulations:

The Deputy Chief Executive (S151) shall provide guidance on the financial aspects of providing third parties with services and the maintenance of a contracts register.

Each service manager shall ensure that:

- Appropriate insurance arrangements are in place to the satisfaction of the Deputy Chief Executive (S151).

- The Council is not put at risk from any bad debts.
- Valid sales invoices with the correct vat treatment are created for the service.
- Wherever possible, payment is received in advance of the provision of the service.
- The relevant service has the appropriate expertise to undertake the contract.
- All contracts are properly documented and that the documentation is kept up to date.
- The Deputy Chief Executive (S151) is provided with the appropriate information to enable a note to be entered into the financial statements.

Corporate Managers and Directors must ensure that work carried out by third parties (for instance by an Arm's Length Management Organisation) for the Council is approved and covered by a suitable contract or agreement so that the responsibilities of each party are clear. Financial, legal, People Services and procurement advice should be sought at an early stage. This will ensure that the organisation only carries out work that is within the relevant legal powers, and that financial issues such as responsibility for managing budgets, insurance and taxation are properly considered.

7.2 Partnerships with External Partners/Agencies

Why is this important?

Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the wellbeing of the area. The Council is working in partnership with other councils, public agencies, private companies, community groups and voluntary organisations, to bring together the contributions of the various stakeholders to deliver a shared vision of services based on user wishes.

The Council will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. The Council will be measured by what it achieves in partnership with others and assist as much as possible depending upon resources.

Risks:

- Important issues and problems are not addressed. Roles and responsibilities for the partnership are not clearly defined at the outset.
- The risks associated with the partnership are not identified or addressed.
- The financial viability of the partnership is not assessed at the outset.
- The partnership may not deliver the level of staffing or expertise anticipated at the outset.
- The objective of a proposed partnership may not be achieved.

- A partnership arrangement may cost the Council more than an existing or singularly administered equivalent, or the quality of service may decline, or both.

Regulations:

It is the responsibility of all Service managers to identify any instances of partnership working within their service areas and to keep a written record.

Before entering into any partnership agreements the service manager will advise the Deputy Chief Executive (S151) of the key elements of the partnership. This will include an analysis of:

- A cost/benefit appraisal of the financial viability of the partnership, both in the current and future years (including estimated budgetary requirements)
- Risk assessment and management (including the production of a risk log)
- Resourcing, including taxation issues
- Audit, security and control requirements
- Dispute resolution.

The Deputy Chief Executive (S151) must be advised and will give advice on effective controls and ensure a suitable partnership agreement is drawn up and signed before commencement, and that accounting arrangements are satisfactory, to safeguard all parties.

It will be the on-going responsibility of the service manager to:

- Adhere to approved Council policies relating to partnership working
- Ensure that such partnership agreements and arrangements do not impact adversely upon the services provided by the Authority

- Provide appropriate information to the Deputy Chief Executive (S151) to enable a note to be entered into the Council's statement of accounts concerning material items

- Ensure that all partnership agreements and arrangements are properly documented. Such documentation must be sufficiently detailed to allow the performance of the partnership to be effectively monitored and assessed.

Service managers are responsible for reviewing all existing partnerships on an annual basis to ensure that the partnership continues to deliver Value for Money, and that it operates in the best interests of the Council and is not in conflict with the Council's objectives.

Service managers must notify the Deputy Chief Executive (S151) if the Council intends to disengage from an existing partnership who will then advise on appropriate measures to protect the Council's interests when the partnership is dissolved.

It is the partners' responsibility to:

- If appropriate, and especially where this Council takes the lead, be aware of their responsibilities under these Financial Regulations

- Ensure that risk management processes are in place to identify, assess and monitor all known risks

- Ensure that project appraisal processes are in place to assess the viability of the project in terms of resources (including finance), staffing and expertise

- Agree and accept formally, the roles and responsibilities of each of the partners involved in the project before the project commences (including the production of terms of reference)

- Communicate regularly with other partners throughout the project or partnership so that problems can be identified and shared, to achieve their successful resolution

- Develop a framework for measuring the performance of the project or partnership and regularly share performance results with partners and stakeholders

- Ensure that any financial contributions made to the Council, for the purposes of the Partnership, are made on a timely basis.

7.3 Projects

Why is this important?

The Council normally undertakes projects for "one-off" or unique events. Projects can be caused by many factors including changes in Central Government direction or legislative changes.

All projects that have an intrinsic value (including direct and indirect costs) of £50,000 or more shall be run using structured project management such as PRINCE2 or other appropriate project methodology.

Risks:

- The project may fail due to an inadequate or inexperienced project manager.

- The project may exceed its budget both in terms of cost and time.

- Important issues and problems are not addressed and roles and responsibilities for the project are not clearly defined at the outset.

- The risks associated with undertaking the project are not identified or addressed.

- The financial viability of the project is not assessed at the outset.

- The project may not deliver the desired objectives and outcomes that were anticipated at the outset.

- Failure of a project may impact on the Council's reputation.

Regulations:

Service managers (or Corporate Manager) own the business case, including the budget for the project, and are accountable to Leadership Team for the project. The service manager is responsible for producing and submitting the business case to Leadership Team for approval. This must include:

- Reasons for the project
- Business options
- Expected benefits and Issues/dis-benefits
- Timescales
- Costs
- Investment appraisal
- Major risks

Where the business case submissions form part of a programme or is in competition with other business cases in bids for funding (e.g. capital bids), then scoring criteria will be agreed by Leadership Team. Then each business case can be considered, prioritised or rejected.

If Leadership Team has approved the business case, then at an agreed date a Project Initiation Document (PID) will be submitted by the Service Manager for approval. The PID will contain:

- The objectives of the project
- The scope of the project
- The measurable outcomes/benefits of the project
- A list of deliverables for performance monitoring purposes
- An updated business case (including a cost/benefit analysis)
- A risk log containing risks that have previously been assessed
- An action plan of how and when the project is to be delivered
- The proposed project organisation.

Where the project involves the use of consultants, their appointment should be subject to the Council's normal rules (see Chapter 5). The estimated cost of using a consultant is to be set as the consultant budget on the project. The Project Manager will be responsible for monitoring the actual spend on the consultant on a monthly basis in conjunction with the Deputy Chief Executive (S151) or designated Finance Business Partner and report to the Project Board.

It is the responsibility of the Deputy Chief Executive (S151) to set up the budget for the project on the financial ledger.

It is the responsibility of the Project Manager to monitor the project budget and project progress, in conjunction with the Deputy Chief Executive (S151) or designated Finance Business Partner, and to provide the Project Board with regular updates, so that any issues or concerns can be fully discussed and action taken, where appropriate.

All project documentation must be retained in accordance with the document retention guidelines available on SharePoint.

Where the project expenditure is anticipated to be £50,000 or below, it will be the responsibility of Corporate Manager to monitor the total level of expenditure and hold the Service Manager as project owner to account should any variances arise during the course of the project. If the project requires additional financing for the project, then with the approval of the Project Board, the project owner will obtain the approval of Leadership Team prior to committing the expenditure.

Where the project expenditure is anticipated to be between £50,001 and £250,000 it will be the responsibility of Leadership Team to monitor the total level of expenditure and hold the Service Manager as project owner to account should any variances arise during the course of the project. If the Project requires additional financing for the project, then with the approval of the Project Board and Leadership Team, the project owner will obtain the approval of the Cabinet prior to committing the expenditure.

Where the project expenditure is anticipated to be in excess of £250,000, it will be the responsibility of the Cabinet to monitor the total level of expenditure and hold the Corporate Manager as project owner to account, should any variances arise during the course of the project. If the project requires additional financing for the project, then with the approval of the Project Board and Leadership Team, the project owner will obtain the approval of the Cabinet prior to committing the expenditure.

8.0 Staff and Member Related Expenditure

8.1 Payroll

8.2 Travel and subsistence

8.3 Personal telephone calls

8.4 ICT auctions

8.1 Payroll

Why is this important?

Staffing the Council's services is the most expensive cost to fall on the taxpayer.

Risks:

- Payments may be made to employees who have left
- Employees may be paid incorrectly
- The Council could be prosecuted for failing to abide by employment law
- The Council could be heavily criticised by the external auditors for failing to maintain adequate employment records
- Tax compliance and associated penalties

Regulations:

The regulations, set out below, cover all officers employed by the Council and all Elected Members.

All claims from Officers and Members must be submitted to the Payroll Manager by the 6th of the month.

The Head of People, Performance and Waste may review these dates from time to time.

8.1.1 New Employees

The Head of People, Performance and Waste is responsible for the payment of all salaries, wages, pensions, gratuities and other emoluments to employees, former employees, Members and former Members of the Council.

Appointments will be made in accordance with the establishment and rates of remuneration approved by the Council and provided that adequate budget provision is available. Payments will be made in accordance with nationally or locally agreed conditions.

In all instances where a new appointment is to be made (whether replacing an existing post or adding to the establishment), the recruiting manager will be required to complete a Vacancy Approval Form (VAF) and justify the business case for recruiting. The VAF must then be signed off by the Corporate Manager before being passed to Finance to check that there is adequate budget to recruit. The VAF must then be passed to People Services and a Director for approval.

Once an appointment has been made, a starter form will be completed by People Services and will be signed by the recruiting manager prior to being passed to the Payroll Manager.

The Head of People, Performance and Waste will ensure that baseline security checks are undertaken to satisfy eligibility to work and that new employees produce the following:

- Satisfactory Identification Tax form P45 or HMRC Starter Declaration.

People Services and payroll will start and maintain personnel files, within document storage, for all new employees and will complete pension documentation as required, in accordance with the Local Government Pension Scheme.

8.1.2 Leavers

The relevant Service manager will notify the Head of People, Performance and Waste immediately of all resignations, dismissals, redundancies, or retirements The Payroll Manager will calculate and initiate the final payment and, where applicable, forward the necessary Pension documentation, to the administering Authority.

8.1.3 Calculation and Payment of Salaries and Wages

Each Service manager will be responsible for notifying People Services of all matters affecting the payment of emoluments, including changes in remuneration, other than normal increments, pay awards and agreements of general application.

Overtime must only be worked with the prior approval of the Service manager or his/her representative. Claims for overtime and other allowances must be certified by an authorised officer in accordance with the official Authorised Signatories List for overtime (or Local Conditions of Service where the officer is SCP 35 or above). These must be submitted promptly and at the latest within two months from the end of the month to which the claim relates. If the claim is submitted after two months then it will require the approval of the Director of the service before being processed and paid.

Payments will be calculated by the Payroll team in accordance with the information provided, the relevant Conditions of Service, and statutory payroll legislation. Non statutory deductions and changes to bank accounts are only to be made with the written approval of the employee concerned.

The salary in respect of each full calendar month for officers, and the allowances in respect of Members, will be paid no later than the 22nd of that month. The Head of People, Performance and Waste may review these dates after consultation, from time to time.

Payment will be by monthly BACS for all employees. Pay advices can be viewed electronically on the self-service portal. Staff that don't have access to the self-service portal will have pay advices despatched to the relevant service units where a designated officer will be responsible for their distribution. Any undelivered pay advices must be returned to the Payroll Manager.

Payroll will be responsible for the correct accounting and supply of payment information to the relevant bodies for all deductions made from the payroll. The People Services Manager will hold a list of signatories authorised to make amendments to payroll/authorise timesheets etc.

8.1.4 Absence

Service managers or their authorised officers are responsible for ensuring records of all absences including holidays, sickness, unpaid and other leave are maintained and monitored, using the appropriate time recording system and self-service portal. Service managers or their authorised officers must ensure staff comply with statutory and prescribed certification and notification procedures for periods of sickness and maternity leave. Failure to comply with these procedures may result in delayed or stopped payment. The submission of false information will be treated as gross misconduct.

Where an employee returns from sickness absence a return to work interview is to be completed by the line manager on the self-service portal, within one week of the employees return to work.

8.1.5 Regradings from Job Evaluation, Promotions and Transfers

The People Services Business Partners will be provided with written notification from the Pay and Grading Group and relevant Service manager of any regradings, promotions or transfers. This notification will include the employee's personal and post details, both previous and revised, and the effective date of the change. On receipt of this information, People Services Business Partners will instigate the change.

8.1.6 Honorarium

Honorarium payments are only to be made in accordance with the Human Resources policy.

Honorarium payments will only be made to employees who are acting up to cover a higher graded position. It is the responsibility of the Service Manager to notify the People Services Business Partner of any members of their staff that are covering higher graded positions.

8.1.7 General

The names and grades of all employees listed on the payroll shall be annually checked and signed as correct by the appropriate service manager to verify the accuracy of the payroll records.

Retention of documents must comply with statutory requirements and be in accordance with section 2.5.

8.2 Travel and Subsistence

Why is this important?

In the course of their duties officers and Members may be required to work away from their normal place of work, attend seminars, training days etc. The officer should be reimbursed for their travel and associated costs at agreed rates and in accordance with agreed procedures. In so doing the officer receives what is due to them and the Council has an acceptable record of what is claimed and by whom.

Risks:

- Fraudulent claims are made, e.g. fictitious journeys, embellished claims, incorrect rates, etc.
- Claims are paid twice
- Financial and accounting records are not correctly updated.

Regulations:

Claims for travel and subsistence shall only be made where journeys were authorised and expenses were properly and necessarily incurred. The cheapest mode of transport should be used where practicable.

Claims for travelling and subsistence are to be made monthly on the self-service portal which must be fully completed and submitted to Payroll by the 6th day of the following month. Late submissions will result in delayed payments.

Officers claiming travelling and/or subsistence allowances are expected to be aware of the provisions of the Local Conditions of Service before a claim is submitted. If there is any doubt concerning the accuracy of an amount being claimed, the Service manager must be consulted and the advice of Payroll sought, if necessary, to ensure that all claims are in accordance with the relevant Conditions of Service.

Claims not submitted within 2 months from the end of the month, to which the claim relates, must be referred to the Director of the service together with a satisfactory explanation, in writing, before any payment will be made.

The submitted claim forms pass to the Authorising Officer first to verify the accuracy of the claim prior to submission to Payroll. Claimants are not permitted to approve their own claim. No benefits in kind or other ex-gratia payments to staff are to be made without consulting the Director of the service.

Subsistence allowances will be paid for the amount actually spent, subject to the limits approved in Local or National Conditions of Service (which is available on the Intranet).

Receipts for the subsistence allowances claimed are to be attached on document storage on the self-service portal. If a receipt is not attached an explanation of the circumstances must be given on the claim form and the allowance paid will be restricted.

Travelling and subsistence claims in connection with the taking of examinations or training should be made on the self-service portal and certified by the Service manager. Proof of attendance may

be required before payment. This will be paid at the prescribed training rate. All claims must be processed through Payroll.

Where an officer is undertaking professional qualification training, in accordance with the Local Conditions of Service, a copy of any invoice that is paid in relation to that professional training is required to be forwarded to the Head of People, Performance and Waste.

Where an officer travels outside the prescribed boundaries of the Council for travel purposes, the journey and method of travel must be approved in advance by the Service manager. The cheapest mode of transport must be used where possible.

Where an officer travels direct from home, without first visiting the administrative centre, then the normal mileage from home to work should be deducted in calculating the car mileage allowance payable.

In exceptional circumstances, a Service manager can authorise an officer to claim car mileage allowance for travel from home to office. This must be clearly shown on the claim form. Payment will be made through the Payroll with deductions for Income Tax and National Insurance contributions.

Officers claiming car mileage allowance shall be insured for business use (i.e. not just social, domestic and pleasure) and have included and maintained in their policy of insurance a clause indemnifying the Council against all third party claims, including those concerning passengers, arising out of the use of the vehicle on official business.

It is the responsibility of the relevant Service manager to verify that the appropriate insurance discussed above is in place, along with a valid driver's licence, and evidence provided on document storage on the self-service portal.

It should be noted that these regulations apply equally to Members.

PAYROLL FORMS

STAFF FORMS

Overtime Form	On the People Services page on SharePoint under Payroll
Expenses Claim Form	On the People Services page on SharePoint under Payroll
Mileage Rates	On the People Services page on SharePoint under Payroll
Change of Bank Details	On the People Services page on SharePoint under Payroll
Christmas Club form	On the People Services page on SharePoint under Payroll
HMRC Starter Checklist	Copies held in HR/Payroll
Child Care Vouchers	www.busybeesbenefits.com
Cycle to work scheme	www.cyclescheme.co.uk
Pension Joiner Form	www.peninsulapensions.org.uk
Pension Opt Out Form	www.peninsulapensions.org.uk

MEMBERS FORMS

Expenses Claim Form (paper version)	On the People Services page on SharePoint under payroll
Travel and Subsistence	On the People Services page on SharePoint under payroll
ICT for Elected Members	On the People Services page on SharePoint under payroll

8.3 Personal Telephone Calls

Why is this important?

Telecommunications are a vital part of the Council's infrastructure. These communication channels can be abused, both in terms of the theft of telephone call time and in the theft of work time whilst making private calls.

Risks:

- Telephone calls time could be stolen, i.e. by not declaring
- Extensive use of telephones for private calls in office hours may represent a theft of time.

Regulations:

The making and receiving of personal; telephone calls is a privilege and should be kept to a ***MINIMUM***. Personal calls should only be made for urgent reasons and ideally when the officer is clocked out, e.g. lunchtime. Line Managers are responsible for monitoring that employees do not make excessive or inappropriate use of this facility.

8.3.1 Home Telephones

All officers who have their telephone line rental and business calls paid for by the Council are to pay the quarterly telephone bill in full and reclaim the line rental and business calls made. Evidence of bill payment must be provided before any claim is processed. Claims for reimbursement of line rental and business calls are to be made within two months of the date of the telephone bill.

Claims not submitted after the two month deadline must be authorised by the Head of People, Performance and Waste upon receipt of a satisfactory explanation in writing before the claim will be processed.

8.4 ICT Auctions

All payments for assets purchased from ICT auctions should be made to the Cash Desk at Phoenix House or at other Council sites. ICT are to release assets only upon presentation of official receipts for the payment of the asset. The receipts and related records are to be retained by the Cashiers.

9.0 Income

9.1 Setting fees and charges

9.2 Rent reviews and annual increases

9.3 Invoicing

9.4 Income collection

9.5 Postal remittances

9.6 Debt collection procedures and the write off of bad debts

9.7 Refunds

9.8 Government subsidies, grants and claims

9.9 External funding

9.10 Housing advances and council house sales

9.11 Asset sales

9.1 Setting fees and charges

Service Managers shall review all fees and charges levied at least annually. Where increases of charges are recommended they shall be reported to the relevant Policy Development Group, unless authority for delegated decision making has been given to an officer. The effective date must be stated.

In some instances statutory notice must be given before new charges can be introduced and Service Managers must consider this and the timing of both PDG and Cabinet meetings to ensure that any changes are lawful.

9.2 Rent reviews and annual increases

To ensure invoiced amounts are correct Finance are to be advised immediately of any increases in rent, following rent reviews of a property.

Service Managers must notify Finance of any increases so that the system can be set for periodic invoices to recur. A failure to do so will result in the old rates of charge being levied, potentially losing income for the Council.

9.3 Invoices

Where goods or services are provided which are less than the de minimis shown in Appendix A, invoices are only to be raised if a VAT invoice is requested by a business customer. In all cases, every endeavour must be made to ensure that monies are received **before** providing the goods or services.

In terms of customer service, before raising an invoice, service managers must satisfy themselves that:

- Is the customer aware of the goods/service to be provided?
- Are they aware and have they agreed the scale of fees?

If not, **do not** proceed. Significant time is spent dealing with disputes, issuing credit notes and writing off amounts that should not have been issued in the first instance. There is also the need to declare output VAT, where applicable, to HM Revenue and Customs when raising sales invoices.

Service managers are responsible for the prompt raising of invoices associated with the activities of their services. Income for the Council is important as it affects cashflow and the ability of the Council to finance its services. The Council submits VAT returns each month and to ensure these returns are accurate sales invoices need to be within **no more than14 calendar days** of the service having been provided. Service managers should ensure therefore that sales invoices are requested **no later than 7 calendar days** after the goods or service have been provided. Requests for the creation of sales invoices should be made via SharePoint using the proforma.

All charges made shall be in accordance with the Council's approved charging policy, tariffs, or as agreed by the Deputy Chief Executive (S151) and shall include VAT at the prevailing rate, if applicable and as required by statute.

To assist the Income Team all service managers will ensure that any invoice raised clearly states the nature of the goods or services provided to the customer and the period covered.

Where new services are to be introduced Service Managers must advise the Income team and Customer First **before** starting to bill individuals.

9.3.1 Amendments

The Deputy Chief Executive (S151) must be advised promptly where there are changes in the customer's personal details, bank details, amounts or frequency of bills.

9.4 Income Collection

Income is a vulnerable asset. Effective income collection systems are necessary to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash-flow and also avoids the time and cost of administering credit.

Since income collection at the Council can vary in its nature between different services such as leisure centres and social housing, specific procedures will not be addressed here. Rather, it is recommended that each area have their own procedure documents, which have been agreed by the Deputy Chief Executive (S151).

Risks:

- Income is incorrect, i.e. the incorrect rate or tariff is charged.
- Financial and accounting records are incorrect.
- Money owed to the Council is not pursued adequately.
- Income is not collected at all.
- Income collected is stolen.
- Financial and accounting records are not updated correctly.
- VAT returns may not be correct.

Regulations:

Arrangements for the collection of all money due to the Council shall be subject to the approval and control of the Deputy Chief Executive (S151).

The Deputy Chief Executive (S151) will, at least annually, review charging tariffs so as to ensure that they reflect current Council policy reflect an appropriate charge for the goods or services offered and will make recommendations for any changes to the relevant, PDG or Cabinet Member.

All receipt forms or books, account forms, till rolls and tickets are to be ordered and controlled in a manner approved by the Deputy Chief Executive (S151). All issues of these documents to other services shall be properly recorded and acknowledged.

Services drawing receipts or tickets in bulk will maintain a control record indicating issues made, together with signatures acknowledging receipt.

The Deputy Chief Executive (S151) is to be notified promptly of any new, or alterations to existing contracts, leases or other agreements which involve the receipt of money by the Council.

An official receipt is to be issued for all cash payments made to the Council. A receipt for any other alternate method of payment will only be issued by request. New single payment receipting system.

Under no circumstances are personal or third party cheques to be cashed, nor money loaned, out of cash held on behalf of the Council. Any officer in breach will be subject to disciplinary proceedings.

At the close of business each day (and for each individual till point) any Council establishments that receive income on behalf of the Council will be required to:

- Take a daily total income reading, which shows the amounts of cash, cheques and card payments received during the working day.

- Complete a reconciliation of the cash in the till and the total cash figure on the till reading.

- Add up the total monetary value of all cheques taken and ensure that this matches the total cheque figure on the till reading.

- Once the cash and cheque amounts have been correctly agreed, a bank paying in slip must be completed and sealed in a cash collection bag (provided by the Council's nominated Security Collection firm), along with the cash and cheques.

- The sealed cash collection bag must then be placed in the Council's designated safe, immediately.

A card payment report is to be generated from the swipe machine and the monetary value of the card payment slips must match the end of day figure. All card payment slips are to be retained for an appropriate period.

Once the banking has been prepared, the float in each till must be checked to ensure that the balance held matches the designated float total. Income must be banked intact and under no circumstances is the float to be taken out of the till before the takings to be banked.

All collecting officers must maintain an "unders and overs" record for any discrepancies. Where it is found that there is a discrepancy between the level of float in the till and the designated float total, the "unders and overs" record must be completed immediately and any discrepancies over the amount specified in Appendix A must be reported to the Internal Audit Manager. The Service manager or his/her representative is required to check the "unders and overs" record on a regular basis and Internal Audit will undertake regular random spot checks.

Officers receiving money on behalf of the Council shall keep such records of collections and deposits as the Deputy Chief Executive (S151) directs.

Officers collecting income must not also be involved in the reconciliation of that income to the amounts due. An officer who is not involved in the collection process shall ensure that the money reported as collected, has indeed been banked.

Refunds will be issued under appropriate circumstances. If it is determined that money is owed to another party, a refund will be issued only where that party has no other relevant arrears with the Council. Where such arrears exist, the amount owed should be used to reduce the outstanding arrears.

Where a charge has been raised in error e.g. against an unoccupied (void) property, those charges should be cancelled rather than a credit note raised. The effect for the customer is the same. However, since credit notes and cancellations are used under different circumstances, this approach gives a clearer picture of what has occurred.

9.5 Postal Remittances

Post is to be opened by Customer First officers based in the Post room. There are exceptions to this, which will be agreed between the Chief Executive, Deputy Chief Executive (S151) and Leadership Team. Post for People Services and CRB notifications are to be opened within HR.

The post is to be opened by at least two officers who will record and witness all remittances received. The remittances and accompanying record must then be sealed prior to removal from the post room.

Postal remittances will then be passed to Customer First cashiers who will be required to sign a receipt to state that they have received the sealed remittances.

Where Planning Officers open remittances in the Post room they also complete a daily listing detailing the number of remittances they receive which is given to Cashiers. Planning is then permitted to take the remittances to check against applications and to return these payments to the cash desk the same day, who will then check the numbers received.

Responsibility for the safe custody of the postal remittances remains with the officer who received such payments until such time as the remittance has been processed and the cash or cheque securely stored in the till.

Under no circumstances are cash and cheques to be held in service areas overnight. Any officer found to be in breach of this rule will be subject to disciplinary proceedings.

9.6 Debt Collection Procedures and the Write Off of Bad Debts

The control and recovery of debts is the responsibility of the, Deputy Chief Executive (S151), as is maintaining adequate bad debt provisions.

No refunds are to be issued for amounts **less than** the de minimis shown within Appendix A, unless specifically requested by a sundry debt account payer.

Invoices raised are to be pursued within the defined timescales with the Service concerned being regularly informed of recovery progress so as to ensure that further provision of goods or services is stopped until payment is forthcoming.

9.6.1 The prescribed process:

- 1st reminder letter - 28 calendar days after issuing the invoice
- 2nd reminder letter - 14 calendar days after issuing the first reminder
- Final letter - on a case by case basis

Where the debt collection agency is experiencing problems collecting the outstanding monies the relevant service manager is to be consulted. The nature of the debt has to be considered.

- How large is the debt?
- Is it a one off single invoice?
- Is it an invoice relating to a potentially recurring item?

- Does it involve an individual with special needs?

These factors together with the overall likely cost/benefit need to be considered before referral to Legal to take legal proceedings against the individual.

9.6.2 Legal Action

Where the item is referred to Legal their professional advice is to be considered by the Recovery Team and the Service Manager who owns the debt, following the Debt Protocol.

9.6.3 Disputed Invoices

Instructions to withhold recovery action on an outstanding account must be made in writing and signed by the relevant Service manager. The written instruction is to include the period of suppression, **normally not to exceed a maximum period of one month,** and the reason for withholding action. Once the period of suppression has ceased the Recovery Team will be able to commence action against the Debtor

9.6.4 Cancellation of Invoices

Where a debt is to be removed, Service Managers must identify what is needed:

- Service billed incorrectly: Credit note issued and replacement invoice for the service/goods provided.

- Service billed correctly, but inability to recover: The debt written off as non-recoverable after all possible recovery exhausted.

The Deputy Chief Executive (S151) must be informed without delay to ensure customer service is maintained and recovery of VAT can take place.

Cancellation of invoices raised in error must be approved by the relevant Service manager.

Debts can only be written off by the Recovery Team and under no circumstances should the write off of bad debts be processed by the service area.

9.6.5 Write off of Bad debts

Copies of the invoices rendered to debtors and all supporting documents in respect of any debt due are to be held in accordance with the Council's document retention guidelines for use by the Recovery Section and Legal Services if the debtor is in default.

The writing off of any due debt (or cumulative total debt from one person) shall be authorised in accordance with the limits set out in Appendix A.

The Deputy Chief Executive (S151) is to be informed of any outstanding income relating to the previous financial year as soon as possible after the 31st March. This includes outstanding income data recorded on independent billing and collection systems (both manual and computerised) held outside Finance Services.

9.7 Refunds

Where a small cash amount has been received, equal to or below the de minimis level shown at Appendix A, then a refund can be made to the individual by cash on request.

In cases where customers have overpaid amounts in excess of the de minimis shown at Appendix A, refunds can only be made after approval by Service Managers subject to the following principles:

- Payments that were originally made by electronic cards should be refunded on the same card.

- If the original payment was received by a cheque or BACS then any refund due should be made by BACS refund in the interests of security and costs. All bank details received from customers must be in writing, to protect the Council, and the confidential data must be protected.

9.8 Government Subsidies, Grants and Claims

Why is this important?

Grants and subsidies are a significant source of finance to the Council. As such it is essential that the Council receives all that is due to it and on time.

Risks:

- Potential income from grants may not be received or received late the Council thereby having to meet any shortfall in income or cashflow.

- Grant claim forms may be incorrectly completed.
- The Council could be criticised by external audit for failing to claim and/or record grant income correctly.

Regulations:

The Deputy Chief Executive (S151) is to provide advice on the methods available for the funding of resources such as grants from Central Government and borrowing requirements and is to assist in the allocation of resources to service managers.

The Deputy Chief Executive (S151) shall be responsible for completion of all forms relating to subsidies, grants and claims submitted to Government Departments on behalf of the Council.

The Deputy Chief Executive (S151) shall ensure that subsidy, grant and claim forms are forwarded to the appropriate Government Department by the due date.

The Deputy Chief Executive (S151) shall nominate specific officers to complete various subsidy, grant and claim forms and it shall be their duty to deal with these forms expeditiously using the most accurate information available.

Copies of subsidy, grant and claim forms, together with adequate supporting working papers shall be prepared and retained and are to be made available for inspection by internal and external auditors, if requested.

Any payment by or income due to the Council arising from a submitted subsidy, grant or claim form shall be made known to the Deputy Chief Executive (S151) and the relevant amount recorded for accounting purposes.

If the grant is ring-fenced for a specific type of expenditure then it must only be used for that purpose and if capital in nature then only utilised for capital expenditure.

If grant conditions are not met within the defined period stipulated and the grant is repayable then repayment to the issuing body must be made without undue delay.

9.9 External Funding

Why is this important?

External funding is potentially an important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local Councils are often encouraged to provide 'seamless' service delivery through working closely with other service providers from the charitable, not-for-profit and private sectors.

Funds from external agencies, such as the National Lottery, can provide additional resources to enable the Council to deliver services to the local community. However, in some instances although the scope for external funding has increased, such funding can be linked to tight specifications and may not be sufficiently flexible to link to the Council's overall plan. The cost of submitting a bid versus the likelihood of the bid being successful must also be considered when deciding whether to apply for funds for specific projects.

Risks

- Statutory requirements are not complied with
- Funds are acquired in respect of policies that have not been approved by the Council
- The Council signs up to long term agreements without securing match funding
- The Council incurs significant costs in preparing a bid for external funds which is ultimately unsuccessful.

Regulations:

The Deputy Chief Executive (S151) is to ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.

The Deputy Chief Executive (S151) is to be made aware of any prospective match funding arrangements and to ensure that the funding requirements are considered prior to entering into the agreements and future revenue budget reflect these requirements.

The Deputy Chief Executive (S151) shall ensure that the external funding requirements of the external auditors are met.

9.10 Housing Advances and Council House Sales

Why is this important?

The Council maintains a number of mortgages mainly with ex-Council tenants. It also continues to sell its housing stock to tenants under the Right to Buy legislation. Sales are often at heavily discounted rates and, the scheme is open to abuse.

Risks:

- Property could be purchased by people who do not qualify for the discounts and then sell it on at significant profit within a relatively short period.
- Property could be sold at a price lower than the market rate when not appropriate.
- Property could change hands without the Council having received payment for it.
- Ex-tenants could avoid having to pay service charges for which they are responsible.

Regulations:

The Deputy Chief Executive (S151) shall be responsible for the administration and collection of mortgage monies due to the Council. It is assumed that no further advances will be made.

9.9.1 Sale of Council Houses

Applications for the buying of council houses shall be subject to the provisions of the Housing Act 1985 as amended by Leasehold Reform, Housing and Urban Development Act 1993 and any subsequent amending legislation.

The Head of Housing and Health shall be responsible for co-ordinating the processing of applications made under the Right to Buy or the Rent to Mortgage schemes.

The Head of Housing and Healthshall be responsible for arranging the valuation of a property to be sold and notifying an applicant of the offer price, taking into account the applicable regulations discount.

When the applicant accepts the offer price, the Head of Housing and Health shall pass the applicant's documents to the Legal Section who will be responsible for the conveyancing and the preparation of any restrictive covenants affecting the property.

After approval of the draft transfer or lease by the purchaser's solicitor, Legal Services will finalise the legal work to completion.

The Deputy Chief Executive (S151) in liaison with and Head of Housing and Health shall ensure that any rent arrears have been fully paid before the date of completion. If there is a default of payment, completion is not to take place.

Upon completion, the sum due from the purchaser will be exchanged for the conveyance and the money received paid in immediately.

Legal Services shall notify the Head of Housing and Health and the Deputy Chief Executive (S151) that completion has taken place and provide details of the relevant income. Housing and property maintenance records shall be amended accordingly and the Deputy Chief Executive (S151) will arrange for the relevant accounting entries to be made.

Service charges for leased properties are to be calculated in accordance with the relevant legislation.

If a leasehold property is sold, the Head of Housing and Health shall commence ground rent and service charge records and request the Deputy Chief Executive (S151) to ensure that the periodical income is received on the due dates.

9.10 Asset Sales

Where an asset is sold and the initial cost was less than the de minimus shown at Appendix A, the sale proceeds will be treated as **Revenue** and coded to the relevant income code.

See 12.5 for the provisions relating to the sale of capital assets.

10.0 Stock

10.1 Stock (Inventory)

10.2 Stocktakes

10.3 Write Off of Obsolete and Damaged Stocks

10.1 Stock (Inventory)

Why is this important?

The Council holds stock and inventory whose value is considerable. As such these assets need to be safeguarded from loss. In addition, the costs of holding large quantities of stock are high and so it must be used efficiently in the delivery of services.

Risks:

- Loss of stock/inventory would result in a direct adverse financial effect on the Council. This could happen for any of the following reasons.
    - Goods could be lost
    - Goods could be stolen
    - Goods could be sold below the correct selling price
    - Goods could be damaged and decrease in value
- The stores could be holding more inventory than is necessary. This would increase the cost of holding and also increase the likelihood of obsolescence.

Regulations:

Each Service Manager shall designate officers responsible for the custody and physical control of the stock in their departments.

The Service manager shall ensure that stock/inventory is not carried in excess of reasonable requirements.

10.1.1 Issuing of stocks

Materials are only to be issued to persons authorised to receive those materials. Requisition notes or other approved documents are to be used bearing the signature of the appropriate authorised officer.

All requests for stores materials must be made to the stores officer responsible for the control and issuing of those stores and materials.

The documents and method of issuing stores materials must be approved jointly by the Service manager and the Deputy Chief Executive (S151). Internal Audit may periodically test that the correct procedures are being followed.

Stores officers are to maintain accurate records of all issues and receipts in the prescribed form.

10.2 Stocktakes

Any service manager that is responsible for a quantity of stock must arrange for a stocktake to be carried out at least annually. This should be carried out at or in close proximity to the accounting year-end (31st March), since the data will be used in the annual accounts. The only exception to this rule is where a continuous stocktake system is in operation. This might be where a service carries out a count of 25% of its stock lines each quarter, meaning that 100% are covered within each 12 month period. Any such arrangement must be agreed in advance with the Deputy Chief Executive (S151).

The stocktaking exercise should be undertaken by a group of officers. This group should include staff from outside of the store i.e. those that are not responsible for the inventory on a day-to-day basis.

Those conducting the stocktake must record the quantity counted for each line of stock and identify any obsolescent or damaged items of stock.

Internal auditors should be involved on the day of the stocktake. Their role is not to take part in the stocktake, but to check a sample of completed stock sheets and carry out a second count of them. This will mean that Internal Audit can give an opinion as to the level of assurance that can be taken from the stocktake results.

Stocktaking sheets must clearly show details of all surpluses and deficiencies identified during the stocktakes. All discrepancies are to be investigated and pursued to a satisfactory conclusion before adjusting entries are approved.

Random stock checks may also be carried out by Internal Audit. This can occur at any time of year and without advance warning.

Immediately following the end of the financial year each Service manager shall certify a list of all commodities held at 31st March, together with a valuation of those commodities at the lower of cost or net realisable value (the net amount of monies the Authority might raise in the event of selling the item). These lists must be submitted to Finance no later than the ninth working day of April each year.

The Deputy Chief Executive (S151) shall arrange for stock control systems to be reconciled to the Council's accounts regularly at an appropriate frequency, and annually at 31st March as a minimum.

Where a discrepancy is identified between the stocktake results and the value held in the accounting system, a stocktake form must be signed/approved in accordance with the thresholds shown in Appendix A.

At the point of Finance receiving the stock value listings, they should be forwarded to the officer responsible for insurance cover.

10.3 Write Off of Obsolete and Damaged Stocks

Whilst held in stores, stock/inventory may become damaged or obsolete. In such circumstances, the value held in the accounts should be adjusted to reflect this. This is known as writing off or writing down and can only be done with the approval of the Deputy Chief Executive (S151).

Where obsolete or damaged stock is identified the stocktake form must be signed/approved in accordance with the thresholds shown in Appendix A.

Proposed write-offs shall not be separated to avoid the approval and reporting limits cited at Appendix A.

11.0 Taxation

11.1 Value added tax (VAT) basic guidance

11.2 Tax points - vat returns

11.3 Construction industry scheme

11.4 Responsibility

11.1 Value Added Tax (VAT)

Why is this important?

Section 33 of the VAT Act 1994 enables Mid Devon District Council to recover Input Tax on most expenditure. MDDC also have a duty to pay to HMRC the VAT collected on Vatable sales income. For detailed guidance please see Appendix B.

Risks:

- Penalties will be levied by HMRC if we fail to account for VAT in accordance with legislation.

Regulations:

11.1.1 Expenditure

All invoices due for payment by the Council are to be addressed to Mid Devon District Council. All expenditure must be supported by valid documentation (If over £250 a VAT invoice) to support the Authority's claim of input VAT. Where VAT invoices addressed to Mid Devon District Council have not been received Officers must request these from suppliers.

VAT receipts must be obtained and forwarded to the Payroll Manager to support claims for VAT on mileage expenses.

11.1.2 Sales Income

Sales invoices should be raised wherever possible before the goods or services are provided – See Invoices 9.3 above.

Where goods or services are provided in advance Finance must be advised within **7 DAYS** to raise an invoice. The invoice must be raised within 14 days or the original supply date will become the tax point and has implications for our VAT returns.

Full details of the transaction must be provided to Finance (debtors@middevon.gov.uk) to ensure that the correct VAT treatment of the sales invoice is made.

11.2 Tax Points – VAT returns

Why is this important?

VAT returns are required to be submitted monthly, VAT returns are filed online and the submission date is the 7th of the second month following that of the return, i.e. the VAT return for period 1st – 30th June is to be completed by 7th August. If a VAT return is late HMRC could impose a penalty. As the majority of our VAT returns are repayment returns it is beneficial to complete the VAT return as promptly as possible to improve our cash flow. It is important that all debtor and creditor invoices are recorded in a timely manner to ensure that any VAT is claimed or paid in the correct period.

Risks:

- HMRC can impose a penalty if we fail to submit a VAT return by the due date.
- HMRC can impose a penalty if we fail to account for tax points correctly and account for VAT in an incorrect period.
- Supporting documentation is not retained to support tax point claims.

Regulations:

The Deputy Chief Executive (S151) is responsible for ensuring that the monthly VAT return is completed and submitted to HMRC by the submission deadline. Before submission the VAT return working papers will be reviewed and signed by the preparing Officer and a reviewing Officer.

Where HMRC makes a change in a VAT rate it is important that supplies made before and after the change are made at the correct rate

Both invoices paid and invoices raised are to be kept within Document Retention Guidelines, either in hard copy or stored electronically.

All VAT is accounted for through the Council's VAT nominal codes, including any adjustments to VAT. These nominal codes will be balanced monthly as part of the VAT Return to ensure on-going VAT liabilities are accurate.

11.3 Construction Industry Scheme

What are construction operations?

CIS covers construction operations carried out in the UK. The rules of the scheme define the types of work that are classed construction operations. But, as a general rule, the scheme includes almost any work that is carried out on:

- A permanent building
- A temporary structure

- A civil engineering work or installation

Some examples of the types of construction work that are covered by the scheme include jobs like:

- site preparation
- general construction - bricklaying, roofing, plastering and so on
- alterations and extensions
- repairs and refurbishment
- decorating
- dismantling work
- demolition

You can find out more about the types of work that are covered by the scheme in HMRC’s Construction Industry booklet CIS340. The scheme defines 'construction' as a term with a broad meaning that includes:

- building things
- making things
- putting things together
- assembling things

Some jobs are specifically excluded from the CIS. They include:

- professional work, like architects' services
- scaffolding hire - with no labour
- fire alarm installation
- carpet fitting
- manufacturing things like windows, blinds and shutters off-site
- making and putting up signs
- delivering materials

You will also need the following information about the subcontractor:

- their name, or the name of their business or company
- their Unique Taxpayer Reference (UTR)
- the partner's name if they're a partnership
- their National Insurance number (if you know it) if they're a sole trader
- the partner's UTR or National Insurance number if they're a partnership (or, if the partner's a company, that company's UTR or company registration number)
- their company registration number if they're a company
- HMRC’s verification of the subcontractor will advise on the payment status, this will be one of three possibilities:
- gross - meaning you don't make any deductions
- net of deductions at the standard rate (20 per cent)
- net of deductions at the higher rate (30 per cent), because the subcontractor isn't registered or couldn't be verified for some other reason

11.3.1 Making deductions

To make a deduction from a subcontractor's payment, start with the total - gross - amount of the subcontractor's invoice and then take away:

- any VAT they've charged
- the amount of any Construction Industry Training Board (CITB) levy they've paid

Then take away the amount the subcontractor actually paid for each of the following (including VAT if they're not VAT registered):

- materials
- consumable stores
- fuel used - except for travelling
- plant hire
- manufacturing or prefabricating materials
- Finally, apply either the standard or the higher rate percentage to the amount that's left to work out how much to deduct.

Each statement must include:

- the name of your business and your employer tax reference
- either the date when the tax month in which you made the payment ended, or the date when you made the payment
- the subcontractor's name and UTR
- the subcontractor's verification reference number if the deduction was at the higher rate
- the gross amount before you made the deduction but after you'd taken off any VAT, CITB levy, materials costs and so on
- the cost of any materials you took off before making the deduction
- the amount you deducted

Regulations:

The Deputy Chief Executive (S151) is responsible for providing information to HMRC in relation to the Construction Industry Tax Deduction Scheme as required and advising Corporate Managers and Directors of their responsibilities under the scheme.

Officers must have consideration of the Construction Industry scheme and liaise with Procurement before suppliers are set up on our systems.

11.4 Responsibility

Corporate Managers and Directors are responsible for ensuring that the appropriate controls and procedures are operated within their service areas in relation to taxation issues.

(See also 5.2 above relating to the Use of Consultants and Employment Status).

12.0 Asset Management

12.1 Land and buildings property register

12.2 Fixed asset register

12.3 Equipment register

12.4 Additions of assets

12.5 Disposals of assets

12.0 Asset Management

Why is this important?

The Council holds assets in the form of land, property, vehicles, equipment, furniture and other items. It is important that assets should be safeguarded and used efficiently in the delivery of services and that there should be arrangements for the security of those assets. Up to date registers are a prerequisite to maintain proper fixed asset accounting and sound asset management. These include:

- Land & Property Register of all Council owned land and buildings (See 12.1)
- Fixed Asset Register (FAR) to ensure a proper fixed asset accounting (See 12.2)
- Departmental equipment registers (See 12.3)

Risks:

- Holders of equipment and furniture may be unaware that items have been lost or stolen without a record of all such items being maintained.
- The Council's insurers may reject claims to replace lost or stolen items if the Council cannot demonstrate that it maintains adequate inventory records.
- Assets could be used for non-council business.
- Assets are not available when required in the provision of a service.
- Assets are lost or stolen.

- Assets may be acquired without prior approval, for which there is no use and/or on financially unacceptable terms.

- Assets could be sold when there remains an operational need for them.

- Assets could be sold for less than the market or expected residual value.

- Assets could be disposed of to officers, Members or others at no, or very little cost, which could be construed as tantamount to theft.

12.1 Land and Buildings Property Register

Regulations:

The Land & Property Gazetteer Management System must hold all land and buildings owned by MDDC.

When any new land plots are identified this needs to be added to the database.

When any land plots or buildings are sold/purchased they need to be removed from/ added to the database.

All title deeds to such property shall be kept secure, under the control of the Head of People, Performance and Waste and Development.

12.2 Fixed Asset Register (FAR)

It is the responsibility of the Deputy Chief Executive (S151) to set policies to ensure that the Council's assets are managed in an efficient, effective and economic way.

The Council shall maintain an asset register to include all land, buildings, plant and equipment owned or subject to a finance lease subject to the thresholds shown in Appendix A. The register shall accurately record acquisitions, disposals (either by sale or transfer of ownership). The Fixed Asset Register will therefore only hold assets previously capitalised or new asset additions whose individual class is over the de minimis.

All assets owned by the Council are to be valued in accordance with CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom.

The FAR is the responsibility of Finance to maintain. However Service Managers are expected to advise Finance throughout the year of changes to these assets (within 2 weeks of any change), so that amendments can be reflected in the FAR using form **FIN601**. Changes may include disposal, acquisition and impairment.

Asset sales including Council House Right-to Buy (RTB) and Land or Property sales will be advised promptly by Legal to the Deputy Chief Executive (S151) on an asset disposal form**.** The Head of Housing and Health will also arrange for a memo of the RTB sales to be forwarded to the Deputy Chief Executive (S151).

Asset purchases subject to the de minimis referred to in 12.2.2 above, need to be promptly advised by responsible service managers at the earliest so that these changes can be picked up continuously throughout the year.

12.3 Equipment Registers

Registers of all vehicles and equipment belonging to or in care of the Council with a replacement value of greater than the thresholds shown at Table H 'Equipment Registers' in Appendix A will be prepared and maintained by the relevant Service Manager.

The registers shall be the responsibility of the responsible Service Manager in a form approved by the Deputy Chief Executive (S151). Please see proforma example **FIN603**. A register of all ICT equipment will be held by the Head of Digital Transformation and Customer Engagement.

Each Service manager will arrange for the inventory of the physical assets to be checked at least annually and certify the inventory to that effect.

The Deputy Chief Executive (S151) or his/her representative will, at all reasonable times, have access to the property of the Council and may make such checks and tests as he/she deems reasonable and necessary.

Council property including ICT equipment will not be used for private purposes without the express approval of the relevant Corporate Manager Any officer found to be in breach of this Rule will be subject to disciplinary proceedings.

All property belonging to the Council, will so far as is practicable, be marked in a suitable manner as being the property of the Council.

In the event of items of equipment becoming obsolete or surplus to requirements, and if the value exceeds £1,000, then the disposal should be by means of competitive tender. This requirement can be waived if the Corporate Manager receives evidence that a competitive tender would not be cost effective.

All Council land, buildings, vehicles, or items of plant or equipment are to be kept under secure arrangements at all times. Each Service Manager is responsible for ensuring the adequacy of the security arrangements.

No unauthorised private use is permitted of any land, buildings, vehicles or items of plant or equipment irrespective of whether it is owned by, or leased to, the Council. Any officer found to be in breach of this Rule will be subject to disciplinary proceedings.

All buildings, vehicles, plant or equipment shall be appropriately insured. Any instances of loss or damage to any buildings, vehicles or items of plant or equipment must be reported to the relevant Service manager and the Deputy Chief Executive (S151). The Service Manager is responsible for ensuring that any losses are recorded in the appropriate equipment register.

12.4 Additions of Assets

Service Managers must secure best value for money for the Authority on all purchases of assets. Purchase or the leasing of land, buildings and equipment shall be within overall budget provision and the Deputy Chief Executive (S151) will decide on the appropriate method of financing.

All purchases or leasing of land and buildings shall be on the best financial terms that can be obtained for the Council. The purchasing or leasing of land and buildings is to be in accordance with the Council's Procurement policies (See Chapter 5).

Lessees and other prospective occupiers of Council land or buildings are not allowed to take possession of, or enter the property, until a lease or agreement has been signed.

No purchase or leasing of land and buildings shall be undertaken without consideration of:

- current and anticipated usage; and
- consideration of the other availability of owned existing land and buildings.

The appraisal should take into account the economic benefits of renting rather than purchasing or leasing.

It is the responsibility of the Service manager to notify the Deputy Chief Executive (S151) of any acquisitions of, or disposals of, assets immediately to ensure that the asset register is updated in a timely manner. Insurance requirements, must be amended immediately if necessary.

Records must demonstrate that the income received from the disposal of an asset has been properly accounted for. Appropriate accounting entries are to be made to remove the value of the land and/or buildings from the Councils records and to include the sale proceeds.

12.5 Disposal of Assets

When assets are found to be surplus to requirements, and the Council takes the decision to dispose of them, they must be disposed of in a manner that ensures the Council receives the maximum sale value but also in accordance with regulations below.

Prior to disposal the relevant Service manager must check to confirm that the asset is owned by the Council and that the Council is free to dispose of it. Some Council assets, which were purchased initially, may subsequently have been included in a bulk lease financing arrangement and may not be the Council's to dispose of.

The market value of a property asset being disposed of must have been established and the disposal has been approved by the Leadership Team. Where the item(s) are valued up to and including the amount described at Appendix A it is the Service manager's responsibility to ensure that the best possible price is obtained, even if the asset is scrapped.

Competitive tenders are to be sought for any item of equipment valued at over the amount shown at Appendix A and it shall be the responsibility of the Service manager to obtain the best possible price, having regard to the likely disposal cost. Land or buildings should be valued by a qualified valuer to ensure that these assets are sold at their market value and at arm's length where transactions take place between the General Fund and the Housing Revenue Account.

The Service manager will be required to follow the tender process set out in Procurement (see section 5) and any evidence and/or documentation relating to the transaction must be kept in accordance with the document retention policy.

On acceptance of the highest offer, the purchaser must pay the Council and tender a Council official receipt before the item is released.

Records must demonstrate that the income received for disposal of an asset has been properly accounted for. Appropriate accounting entries are to be made to remove the value of the asset from the Council's records and to include the sale proceeds if applicable.

Any equipment register record relating to the vehicle or item of plant or equipment disposed is to be endorsed with the date of disposal and the receipt number for the income received.

It is the responsibility of the Service Manager to notify the Head of Finance, Property and Climate Resilience of any acquisition, or disposal of, assets within two weeks of the date of acquisition or disposal to ensure that the asset register is updated in a timely manner.

All property sales up to £50,000 must be approved by the Capital Strategy and Asset Management Group (CSAG) (prior to the sale). This multi stage process, agreed by Members, is depicted below:

DISPOSAL, ACCESS RIGHTS, EASEMENTS ETC – LAND AND PROPERTY

Customer Request* or Land identified by MDDC as surplus to requirement

Section 1.01 *Inform of Administration Fee (non-refundable), legal fees and potential Valuation Fees payable to investigate
Get written confirmation that the applicant will pay all fees

ESTATES MANAGEMENT SERVICE

Legal Services

Establish Ownership

Not MDDC

Inform Applicant

Initial Assessment of Asset
Check conveyance for:
✓Planning Conditions
✓Restrictions
✓Section 106
✓Covenants
✓Other impediments to sale or granting access, etc.

CONSULTATION PROCESS

Lease, licence, wayleave, access, letting, change of use value <£10,000 (for term of the lease)

Disposal < £10,000

Granting lease, licence, easement, access, letting >7 years or change of use >£10,000

Disposal > £10,000 but less than 0.25 hectares

Disposal > 0.25 hectares (0.6 acres)

CSAG Corporate Manager as appropriate Legal Services Financial Services Ward

CSAG Corporate Manager as appropriate Legal Services Financial Services Ward

CSAG Corporate Manager as appropriate Legal Services Financial Services Ward

CSAG Corporate Manager as appropriate Legal Services Financial Services Ward

CSAG Corporate Manager as appropriate Legal

Asset sale appraisal report to Executive for disposal

Section 1.02 YES
Inform Consultees

Section 1.03 NO
Inform Consultees**

Instruct Valuer**

Section 1.04 **Invoice applicant for Fees payable regarding investigation and valuation (only for adhoc enquiries)

Section 1.05 Market Site

Section 1.08 Consideration of offers

Section 1.10
ffer rejected
Section 1.11
eappraise

Section 1.12
Offer accepted
Section 1.13
Proceed

Proceed

Section 1.06 NO

Section 1.07 CLOSE FILE

Section 1.09 YES

Delegated Decision report circulated in WIS

Instruct Legal & Monitor Completion

Set up invoicing arrangement including fees

Record data in property database
Inform CSAG and Portfolio-holder

Set up rent review, monitor expiration of lease, licence, renewal fees, reviews

13.0 The Capital Programme

13.1 Selection and Compilation of the Capital Programme

13.2 Capital Strategy Asset Group

13.3 Budgetary Control of the Capital Programme

13.4 The Prudential Code

13.5 Utilisation of Capital Receipts

13.0 The Capital Programme - Introduction

Capital expenditure differs from revenue expenditure in several ways, and falls into the following general categories:

- the purchase or construction of an asset
- the enhancement of an asset
- grants for capital purposes.
- The leasing of underlying assets.

Council assets include land, buildings, vehicles, plant and equipment. The Council makes grants for capital purposes such as Private Sector Housing Grants (e.g. Disabled Facilities Grants & Empty Homes Grants) which are classed as capital expenditure. Disabled Facilities grants are mandatory whereas Empty Homes grants are not.

Capital expenditure is often of high value and the benefit is expected to be spread over a number of years. Revenue expenditure refers to the annual running costs relating to the provision of a service which may include revenue costs associated with the capital acquisition.

13.1 Selection and Compilation of Capital Programme

Why is this important?

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered and create financial commitments for the future in the form of financing costs and ongoing revenue expenditure.

The Government places controls on the financing capacity of the Council through the Prudential Framework and Indicators. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit from scarce resources.

Risks:

- The Council could commit itself to capital projects for which no funding is available.
- The final cost of a capital scheme could be considerably higher than that estimated at the outset.
- The Council may spend more on capital schemes than it is legally allowed to.
- The Council may choose a project at the expense of a project which has a better return or is more in keeping with the Council's corporate aims.

13.1.1 Capital Programme and New Schemes Fund Initiatives

Each year, the Deputy Chief Executive (S151) will prepare the Medium Term Financial Plan (MTFP). This looks at the current year and the following four years in respect of the Capital and Revenue Budgets. These budgets will comply with the Prudential Code.

Service Managers will prepare provisional estimates for each of their services for each of the next four years of proposed expenditure on capital schemes, including any associated capital income. Consideration will be given to any additional revenue base increases (e.g. Support & maintenance increases for new ICT systems) or additional revenue income (e.g. additional leisure income for a spend to save project. The Deputy Chief Executive (S151) will specify the form these estimates should take and the timetable for their submission.

All capital proposals will be scrutinised by the Deputy Chief Executive (S151) and the Capital Finance Business Partner. A project appraisal and a capital bid form, constituting the business case, must be prepared for consideration by the Capital Strategy and Asset Management Group (CSAG).

The Leadership Team will consider the provisional capital programme as part of the MTFP. After making any necessary amendments, the Deputy Chief Executive (S151) will submit to Cabinet the fully funded Capital Programme in conjunction with the revenue budget (that will include any revenue implications of projects included within the Capital programme). Both Capital & Revenue Budgets will be ratified at Full Council where the final budgets will be agreed and the Council Tax set.

13.2 Capital Strategy and Asset Group

The Deputy Chief Executive (S151) and Property Services shall co-ordinate the work of the Capital Strategy Asset Advisory Group (CSAG) and shall report the Group's recommendations to Leadership Team and the Cabinet as appropriate.

The Group will be chaired by the Head of Finance, Property and Climate Resilience (also representing General Fund Property Services) and will be attended by other Senior Officers and Cabinet Members as deemed appropriate, including but not limited to:

- Deputy Chief Executive (S151), Director of Place and Economy (representing Leadership Team). Either will act as Deputy Chair when necessary.

- The Head of Housing & Health or Operations Manager – Building Services (representing the HRA)

- Cabinet Member for Housing, Assets and Property and Deputy Leader, Cabinet Member for Governance, Finance and Risk, Chair of Economy and Assets Policy Development Group (representing the Administration)

Other Officers or Elected Members will be requested to attend depending on the nature of the agenda. Independent external advisors may be brought in as necessary.
The Capital Strategy and Asset Management Group are to meet at least quarterly (or as necessary if required) to ensure that a corporate view of the Capital Programme is taken in accordance with corporate objectives.

The responsibilities of the Capital Strategy and Asset Management Group are:

- To monitor the progress of schemes and carbon reduction initiatives against objectives within the Capital Programme.

- To amend stage and completion timings, if necessary.

- To ensure the estimated and final cost of schemes are within approved Capital Programme limits.

- To prepare reports for Leadership Team and the Cabinet as required.

- To evaluate scheme performance.

- To consider the sale of capital assets.

- To evaluate requests for purchase of capital assets.

13.3 Budgetary Control of the Capital Programme

Service Managers are to ensure that all capital transactions are carried out in accordance with current legislation and Government guidelines. Capital works are only to be undertaken in accordance with the approved Capital Programme of the Council. The definition of 'capital' will be determined by the Deputy Chief Executive (S151) having regard to Government regulations accounting requirements and de minimis levels £k referred to in Appendix A.

Credit arrangements, such as leasing, if required for a capital asset, are to be arranged through the Deputy Chief Executive (S151).

Officers responsible for schemes where external grants are available are to ensure that those grants are claimed in the correct manner and at the proper time and that no loss occurs to the Council.

Those officers will also be responsible for ensuring any conditions or restrictions associated with the grants are adhered to.

The Deputy Chief Executive (S151) must be consulted on the funding or on any financial implications arising from proposed capital transactions. The Cabinet must approve any additional bid for capital funding or borrowing approval not anticipated in the Capital Programme as extra borrowing may create further commitments to financing costs.

The officers responsible are to ensure that any overspending on a scheme is reported as part of the budget monitoring cycle and that appropriate management action is agreed.

The Deputy Chief Executive (S151) shall be responsible for reporting to the Council on financial matters associated with the Capital Programme. The Capital programme monitoring sits alongside the Revenue Monitoring and is included as an appendix to the report. The report shall state, among other things:

- The method of funding capital expenditure during the previous financial year.
- The actual capital expenditure during the previous financial year.
- Any contributions received from outside bodies.

13.4 The Prudential Code - Impact on financing of capital projects

The Prudential Code, developed by CIPFA applies to all Local Authorities. Local authorities are required by legislation to have regard to the Prudential Code when carrying out their duties in England and Wales under Part 1 of the Local Government Act 2003.

The objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable.

The Prudential Code requires that the capital programme can only be financed by one or more of the following means:

- By using capital receipts generated by the sale of capital assets such as land and buildings.
- By making a revenue contribution to capital (RCCO) which is a real charge to the General Fund or Housing Revenue account.
- By using capital grants unapplied where any conditions associated with the grant have or will be met in full.

If monies are borrowed from an external financial institution the Council still has to meet its capital financing obligation as shown above at 13.4.3. If this cannot be met in full in the first year then this creates a Capital Financing Requirement (CFR). The Authority must make a Minimum Revenue Provision, which is a real revenue charge, similar to a revenue contribution to capital (RCCO), against any CFR that it has at 31 March each year.

13.5 Utilisation of Capital Receipts

Capital receipts, above the de minimis shown at Appendix A, derived from the sale of land and buildings can only be used to finance capital expenditure, unless there is dispensation from Central Government under a bespoke directive.

14.0 Banking and Treasury Management

14.1 Banking arrangements

14.2 Treasury management policy

14.3 Investments

14.4 Loans

14.5 Loans to external bodies (including soft loans)

14.1 Banking Arrangements

Why is this important?

All the Council's income and expenditure is directed via its bank. Every day many transactions take place between the Council, its customers and the Council's bankers. Bank accounts, therefore, are a high risk in terms of their exposure to fraud or error. As a result tight control over setting them up, maintaining them and dealing with the transactions that flow through them is required.

Risks:

- Bank accounts could be opened in the name of the Council with the aim of perpetrating a fraud.
- Unauthorised persons could gain access to a Council bank account and carry out fraudulent transactions.
- Banking instruments, e.g. cheques, money orders etc. could be stolen and used to steal money from the Council's bank account.
- Fraud or error could go undetected or the investigation could be seriously delayed if bank reconciliations did not take place or were late.
- The Council would be heavily criticised by the external auditors if the bank reconciliations were not up to date and accurate.

Regulations:

Only the Deputy Chief Executive (S151) together with a member of Finance may close, open or amend the conditions relating to the operation of the Council's bank accounts. All bank accounts are to be in the name of Mid Devon District Council.

All cheques shall be ordered only on the authority of the Deputy Chief Executive (S151), who shall ensure that secure arrangements are made for their safe custody.

Cheques and payment forms of authorisation, drawn on the Council's banking accounts, shall bear signatories in accordance with Appendix A.

Both the Chief Executive and the Deputy Chief Executive (S151), acting jointly or independently shall have the authority to cancel the signature authorisation of any officer if they or either of them considers such action necessary or desirable; in which event the officer effecting the cancellation shall notify the Council's Bankers without delay.

Crossed cheques shall only be opened with the express approval and countersignature of the Deputy Chief Executive (S151) or an authorised cheque signatory.

The Deputy Chief Executive (S151) shall ensure, as far as practical, the separation of staff duties so that the following tasks are the responsibility of separate officers:

- the checking and approval of creditors' invoices, benefits, salaries and wages
- the control of cheques
- the preparation of cheques
- the signature or alteration of cheques
- the despatch of cheques
- the entries in cash accounts
- the reconciliation of bank balance

The Deputy Chief Executive (S151) shall nominate officers responsible for reconciling all bank accounts in the name of the Council with the relevant accounting records.

A detailed reconciliation statement is to be prepared, as soon as practicable, following the end of each month and is to be presented to the Deputy Chief Executive (S151).

The statement is to be signed jointly by the Deputy Chief Executive (S151) and the officer responsible for its preparation.

Any discrepancy above the de minimus limits in Appendix A arising at the time of reconciling the accounts and records will be made known to the Deputy Chief Executive (S151) and Internal Audit and any such discrepancy clearly stated on the reconciliation statement.

14.1.1 Bank Transactions and Instructions to our Bankers

Cheque and electronic bank transfer payments must only be made by authorised individuals registered with our bankers. The Deputy Chief Executive (S151) will register appropriate individuals to ensure business continuity.

Electronic bank transfers must involve a minimum of two staff with authorisation procedures and records approved by the Deputy Chief Executive (S151).

Only authorised staff may communicate with the Council's bankers.

14.2 Treasury Management Policy

Why is this important?

The Council often invests considerable sums of taxpayer's money so as to make an acceptable return on the investment, which in turn is used to help finance Council services and projects. Investment is not without risk. It is the Council's duty to ensure that such risk is minimised through prudent management of its investments in accordance with legislation and recognised standards.

Risks:

- Money invested by the Council could be lost giving rise to the Council facing serious financial difficulty.
- The Council could face prosecution and a critical external audit report for failing to comply with legislation and accepted standards.
- Council funds could be misused by a member of staff for their own ends.
- Investment returns may fall short of expectation.

Regulations:

The Deputy Chief Executive (S151) shall be responsible for the investment of Council funds in accordance with the Local Government Act 2003, the CIPFA Code of Practice on Treasury Management and the Treasury Management Strategy approved by the Cabinet, annually.

14.2.1 Statutory Requirements:

The Local Government Act 2003, and supporting regulations, requires the Council to "have regard to" the Prudential Code and the CIPFA Treasury Management Code of Practice (CIPFA TMCOP) to set Prudential and Treasury Indicators for a three year period to ensure that the Council's capital investment plans are affordable, prudent and sustainable.

14.2.2 CIPFA Requirements:

The primary requirements of the Code are as follows:

- Creation and Maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.

- The Full Council receive an annual Treasury Management Strategy Statement (including the Annual Investment Strategy and Minimum Revenue Provision Policy) for the year ahead, a Mid-year Review Report and an Annual Treasury Report (outturn report) covering activities during the previous year.

- Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions. In our case this is the S151 Officer.

- Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specified named body. For this Council the delegated body is the Cabinet.

The S151 Officer is responsible for the administration of the financial affairs of the Council. Implementing this strategy and the CIPFA Code of Practice on Treasury Management manages the risk associated with the Council's treasury management activity.

14.3 Investments

The Council compiles its cashflow forecast for a one year period. This is done on the basis that most large items of expenditure and income are known in terms of value and date of payment/receipt. Finance should be notified immediately of any significant items of new expenditure, over £50,000, as this may impact on investment decisions for the future or, more seriously, cash flow constraints.

Investment decisions are made based upon the cash flow position on that day and the future requirements on the cash flow of the Council. This is done under the remit of the approved Treasury Strategy.

The Deputy Chief Executive (S151) shall arrange for the investment of excess funds based upon the counterparty criteria relevant at that time. This can be found on the most recent Treasury Strategy. From the pool of eligible banks or building societies the officer will call to obtain the best rate of interest on that particular day, and proceed on this basis.

All Council bank accounts have a mandate signed, typically by two senior officers of the Finance service which are filed with all relevant banking documentation.

When any investment is made, a journal is signed by the officer who authorised the payment to be made. This is then processed on E-financials to record the investment has been made.

Repayment of an investment is known in advance and is paid, typically by Clearing House Automated Payment Scheme (CHAPS), by the borrower on the due date. The cashflow spreadsheet is used as the source document to notify when funds are due back to the Council.

The investment policy is reviewed twice yearly: when both the Annual Strategy and the Half Year Investment Report are compiled.

In the event of a borrower default, the Finance Business Partner dealing with Treasury would notify the Section 151 Officer, Cabinet Member for Finance, Leader of the Council and Chief Executive.

This would then be communicated to the Leadership Team and the Cabinet. The Finance Business Partner would liaise daily with the S151 Officer on any developments and actions to recover the monies due.

All investment transactions shall be in the name of the Council. All securities, which are the property of the Council, are held in the custody of the Deputy Chief Executive (S151).

Monies invested will be paid to recipients by way of CHAPS (Clearing House Automated Payments System). Manual CHAPS payments must be checked and signed by two authorised signatories. CHAPS payments using the Payment Manager System are set up by one card holder and authorised by a second card holder.

Interest Allocation: Interest accrued on invested funds is allocated between the General Fund and the Housing Revenue Account based on average balances held each year.

14.4 Loans

Why is this important?

The Council may have a need to borrow considerable sums of money so as to help finance Council services and projects. Borrowing is not without risk. It is the Council's duty to ensure that such risk is minimised through prudent management of its borrowing in accordance with legislation and recognised standards.

Risks:

- Money could be borrowed by the Council at less than advantageous interest rates and thereby incurring higher than necessary cost.
- The Council could fail to repay money borrowed on time thereby having penalties invoked against it.
- The Council could receive a critical external audit report for failing to comply with legislation and accepted standards.
- Loans could be taken out in the Council's name by a member of staff for their own ends.

Regulations:

The Deputy Chief Executive (S151) shall be responsible for the administration and day to day operation of the Council's borrowing requirements and in so doing comply with the CIPFA Code of Practice on Treasury Management.

The Deputy Chief Executive (S151) shall ensure that money required by the Council is borrowed at the most advantageous rates and terms possible. All legal agreements are to be reviewed by the Legal Department before being signed and the Council becoming bound by their terms. All borrowings shall be in the name of the Council.

The Deputy Chief Executive (S151) shall be the Council's registrar of mortgages and shall maintain records of all monies borrowed by the Council.

Under the criteria of the Prudential Code the Deputy Chief Executive (S151) is to prepare a report prior to the commencement of each financial year for the Council to consider and then set the borrowing limits for the ensuing year.

The Council's Aggregate Credit Limit is to be monitored and at no time are the Council's borrowings to exceed the limit.

The Deputy Chief Executive (S151) shall report to the Cabinet at regular intervals on treasury management activities for the previous period.

Monies may be repaid by way of CHAPS (Clearing House Automated Payments System). Manual CHAPS payments must be checked and signed by two authorised signatories. CHAPS payments using the Payment Manager System are set up by one card holder and authorised by a second card holder.

Internal borrowing within the Authority, which will relate to the General Fund and Housing Revenue Account will be done via a service level agreement arranged by the respective Corporate Managers and Directors and Cabinet Members. The rate of borrowing agreed will be benchmarked against a publicly available rate such as the Public Works Loan Board (PWLB) or Bank of England Base Rate.

14.5 Loans to External Bodies (Including Soft loans)

Mid Devon District Council has the power to provide businesses or social organisations with soft loans.

14.5.1 Definition:

A soft loan is one with no interest or below-market rate of interest.

Lenient terms such as extended grace periods in which only interest or service charges are due, and interest holidays may be present. Typically they offer longer amortisation schedules and lower interest rates than conventional bank loans.

Risks:

- Reduced returns on available cash reserves
- Borrower default

Regulations:

Each request must be subject to a robust Business Case and will be reviewed on merit and any loan agreement requires Deputy Chief Executive (S151) and Cabinet/Council approval subject to the limits shown in Appendix A, paragraph A. Once approved, the drawdown of such loans can be phased.

In order to be eligible, the borrowing business or social organisation, shall be resident within the Mid Devon District Council boundary.

Any interest premium applied will be benchmarked against an available market rate.

The Council's security requirements will vary depending on the nature of the business, the loan value and the duration of the loan.

The Council must be mindful of the restrictions of State Aid when considering offering loans.

15.0 Insurance

15.1 Insurance

15.2 Notification of New Risks

15.3 Incident Reporting and Claims Handling

15.1 Insurance

Why is this important?

The delivery of Council services is not without inherent risk of death, injury or financial loss to staff, Members, third parties or the Council itself. The Council must make a careful assessment of these risks and how they should be covered. Some will be insurable and a balanced view will need to be taken as to what risks will be insured and those other risks which will be carried by the Council, through maintenance of earmarked funding or otherwise.

Risks:

- The Council may not be adequately insured and be unable to meet some claims made against it.
- The Council may be over insured.
- The Council may be paying too much for its insurance cover.

The Council has an internal team to manage its insurance-related responsibilities, and to help avoid disruption to Council services and finances. The Council's Insurance team:

- provides a claims management service
- arranges and negotiates appropriate insurance cover for the Council
- investigates potential and actual claims against the Council
- collates necessary supporting evidence
- submits claims on behalf of the Council
- provides control of all claims against the Council's insurance policies
- manages insurable risks to minimise potential losses and reduce disturbance to Council services
- advises on the level of claims and insurable risks

Regulations:

All insurance cover shall be reviewed at least annually by The Deputy Chief Executive (S151) and where new risks are identified due consideration in terms of cost and scope of cover will be made immediately.

15.1.1 Scope and Types of Risk

The Deputy Chief Executive (S151) is responsible for arranging all insurance cover subject to the approval of the Legal Services Manager on the form of policy.

15.1.2 Types of Cover

Public Liability: This insurance covers injury or death to any person on or around the Council's property and damage to Third Party material property.

Land & Buildings: This safeguards the Authority's properties.

Equipment: This covers specified equipment.

Motor: This provides cover for all of the Council's vehicles including plant.

Engineering Insurance: Insurance relating to the Council's plant, machinery and equipment.

Employers Liability: Protects the Council against legal liability to pay damages and legal costs arising from Employees suffering bodily injury, illness or disease and including death in the course of employment.

Fidelity Guarantee Insurance: All appropriate employees of the Council will be included in a suitable fidelity guarantee insurance policy to safeguard the Authority against losses caused by dishonesty of employees.

15.2 Notification of New Risks

Service Managers shall promptly notify the Deputy Chief Executive (S151) of the extent and nature of all new risks to be insured and of any alteration affecting insurable risk within their department. Details must be e-mailed to insurance@middevon.gov.uk.

Service Managers will consult with the Deputy Chief Executive (S151) in respect of the terms of any indemnity, which the Council is requested to give when entering into a contract with a Third Party. The Deputy Chief Executive (S151) will consult the Council's insurer if appropriate.

When any additions are made to the Corporate Risk Register consideration needs to be given to any insurance implications regarding the new risk. Details must be e-mailed to insurance@middevon.gov.uk .

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15.3 Incident Reporting & Claims Handling

Service Managers will notify the Deputy Chief Executive (S151) immediately of any loss, liability, damage or any event which seems likely to lead to a claim. The appropriate claim form shall be completed and submitted to the Insurance Section within seven days via e-mail insurance@middevon.gov.uk or Post. Any necessary supporting evidence must be submitted within two weeks of incident date.

Motor Claim Form	**FIN801**
Public Liability Claim Form	**FIN802**
Property/Theft Claim Form	**FIN803**
Employers Liability Claim Form	**FIN804**

Clear guidance is given on the forms; additional help is available via e-mail from:
insurance@middevon.gov.uk

Service Managers, staff and Members must ensure that they **do not** accept liability or make any offer to pay compensation, which may prejudice the conduct and outcome of any insurance claim.

The Deputy Chief Executive (S151) must be informed and the appropriate claim form completed, where damage is caused to Council property, plant or vehicles, by fire or other insured risk, before work or repairs, other than emergency works, shall be undertaken and necessary authority has been given by the Council's insurers.

The Insurance Section will negotiate all claims in consultation with the Insurers and Service Managers.

Policy premiums and any excess required to be paid in the claims process will be charged to relevant service expenditure codes.

15.3.1 Other

Contractors or agents acting for the Council must have insurance arrangements which adequately indemnify the Council against any third party claim. It is the Service Manager's responsibility to require this of contractors at quotation stage and to have details of the relevant insurance documents.

16.0 Postage

16.1 Postage

16.1 Postage

Why is this important?

Postage stamps, prepaid envelopes and balances held within franking machines are vulnerable to theft or loss.

Risks:

- Stamps could be lost or stolen.
- Franking machine balances could be misused.
- Prepaid envelopes could be lost or stolen.

Regulations:

Officers responsible for postal franking machines will certify the balance of impressions held in the machine at the 31 March each year. The certificate is to be forwarded to Finance without delay.

Where more than one service use the same franking machine, a record of each services usage must be maintained.

Franking machines, stamps and pre-paid envelopes are only to be used for mail sent in connection with the Council's business. Use for any private mail is not permitted and will lead to disciplinary proceedings.

All services are allocated a number for their post by Customer Services, which is input into the franking machine when the post is franked. Readings from the franking machine allocate postage costs to each service area which will then be charged to the service as part of the year end recharge.

17.0 Financial Statements and Reports

17.1 The Annual Statement of Accounts

17.2 Accounting policies

17.3 Reports containing financial information

17.1 The Annual Statement of Accounts

The Deputy Chief Executive (S151) is responsible for ensuring that the annual financial statements are prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and other legal and regulatory requirements for approval by the Audit Committee. This ensures that the statement of accounts present a true and fair position of the Council at the year end and also provides detail of the expenditure and income for that year.

Finance will issue a detailed timetable to Service Managers annually to ensure that all relevant information is collected in a timely manner and that the statutory deadline is achieved.

The accounts are subject to external audit, the objective of which is to provide assurance that the accounts have been prepared correctly, that proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority's resources.

The Audit Committee is responsible for approving the annual statement of accounts, which must be signed by the s151 Officer in line with the statutory date following the end of the financial year. The Approval by the Audit Committee and publication of the Statement of Accounts with the audit opinion must be completed by the relevant statutory date.

17.2 Accounting Policies

Why is this important?

The Accounting policies underpin the preparation of the statement of accounts and must be consistent with the basic accounting concepts of materiality, going concern, matching, consistency, prudence and substance over form.

17.2.1 Key controls

The key controls for the satisfactory completion of the statement of accounts are that:

- Suitable accounting policies are determined, communicated and their consistent application monitored.

- A reasonable and prudent policy is created to ensure a consistent approach to all instances where estimates are made and that these are documented.

- Statutory and other professional requirements are observed.

- All reasonable steps are taken for the prevention and detection of fraud and other irregularities.

- The draft statement is available for examination and report by the external auditors in accordance with the previously agreed timetable.

Regulations:

17.2.2 Responsibilities of Deputy Chief Executive (S151)

The Deputy Chief Executive (S151) is responsible for selecting appropriate accounting policies, ensuring that they are applied consistently and that they are fully disclosed in the financial statements.

17.2.3 Responsibilities of Service Managers

Service Managers are to adhere to the accounting policies and guidelines approved by the Deputy Chief Executive (S151) throughout the financial year and to submit to Finance any information considered necessary for accounting and costing purposes in accordance with the yearend timetable.

17.2.3 Internal and External Reports containing Financial Information

Why is this important?

The Council's reputation could be damaged if erroneous or misleading information is published. Poor or ill-advised decisions could be made on incorrect data published within a report.

17.2.4 Key controls

All reports should be reviewed by Finance and where appropriate, Internal Audit to safeguard the integrity of the presented data. Where amendments are required these must be made by officers before the report is published.

18.0 Risk Management and Governance

18.1 Prevention of fraud and corruption

18.2 Risk management and corporate governance

18.3 Internal audit

18.4 External audit

18.5 Financial irregularities

18.6 Money laundering

18.1 Prevention of Fraud and Corruption

18.1.1 Corporate Fraud

Why is this important?

The Council will not tolerate fraud and corruption whether externally or internally. It is determined that the culture and tone of the organisation is one of honesty and total opposition to fraud and corruption.

The Council has an established Code of Conduct for all Council Officers and Members. The Council has robust policies relating to Fraud, Corruption and Whistle-blowing.

The Council requires its contractors, suppliers, partners and other service providers to adhere to the Council's policies and procedures, which uphold the Council's high standards.

The National Fraud Initiative is actively supported and a range of measures is in place to identify and successfully prosecute anyone claiming Housing and/or Council Tax Benefit fraudulently.

Risks:

- The Council may suffer financially through fraudulent or corrupt practices and failure to maintain high standards of conduct.
- Genuine claimants may be refused.

- The confidence of the public in the Council may be undermined as a result or discovery of fraud or corruption involving Council staff, Members or its partners and contractors.

- The Council's reputation may suffer.

- Staff may be prevented from raising their concerns through 'whistleblowing' procedures under the Public Interest Disclosure Act 1998 and the Council may leave itself open to payment of compensation, (with no upper limit).

Regulations:

The Corporate Performance and Improvement Manager is responsible for maintaining the Council's:

- Anti-fraud and Corruption Policy
- Whistleblowing Policy
- Anti-Money Laundering Policy

18.1.2 Benefit Fraud

As part of the National Fraud Initiative, the Council undertakes biennial data matching for Housing and Council Tax Benefit.
18.1.2 Where evidence of fraud is found the information will be passed to the DWP for further investigation.

18.1.3 Awareness

All service managers will ensure that all officers (including any new employees) within their service areas have access to, and regularly refresh their knowledge of:

- The Officers' Code of Conduct
- The Council's Anti-Money Laundering Policy
- The Council's Anti-Fraud and Corruption Policy
- The Council's Whistleblowing Policy.

All Service Managers will ensure that any contractors, or any other parties, working on behalf of the Council, within their service areas have access to, and regularly refresh their knowledge of, the Councils Whistleblowing Policy.

The Monitoring Officer will ensure that all Members have access to, and regularly refresh their knowledge of, the Members Code of Conduct.

All Officers and Members must ensure that they provide the Monitoring Officer with returns relating to the declaration of any personal interests and offers of gifts or hospitality (whether accepted or not).

18.2 Risk Management, Internal Control and Corporate Governance

Why is this Important?

Risk is identified as something that might have a detrimental impact on the Council's objectives or affect service delivery. The Council, therefore, has a duty to ensure that risks are properly identified, managed and controlled.

The objectives and many of the Council's services and activities are not without inherent risks including those of risk of death, injury or financial loss to staff, members of the public or external organisations.

Risk can be mitigated by:

- Transferring the risk to a third party, e.g. through insurance
- Implementing additional controls to those that exist to minimise the likelihood of the risk occurring or minimising its potential impact (e.g. through regular inspection and continuous monitoring of identified key risk areas).
- Establishing and regularly testing business continuity and disaster recovery procedures to deal with the consequences of events and minimise potential disruption.
- Training of officers and staff in key risk areas.

The key controls for risk management are:

- Leadership Team leading and directing risk management at highest level.
- Establishing clear roles, responsibilities and reporting lines within the Council for managing risk.
- Incorporating risk management considerations/ systematic benchmarking and a performance management system.
- Maintaining documented procedures for the control of risk, the provision of suitable information, training and supervision.
- Maintaining an appropriate incident reporting, recording and investigation procedure to prevent recurrence.
- Allocating resources to identified priority risk areas.
- Training to reinforce the importance of effective risk management as part of the everyday work of employees.
- Maintaining effective communication and the active involvement of every member and employee of the Council.
- Including risk management as an agenda item at meetings as appropriate.

- Providing opportunities for shared learning on risk management across the Council.

- Preparing contingency plans in areas where there is potential for an occurrence having a catastrophic effect on the Council and its business capability.

Internal controls are one of the tools used to manage the Council's risks, and ensure that it meets its strategic objectives and statutory obligations. The Accounts and Audit Regulations 2015 impose an explicit duty on the Council to ensure it has a sound system of internal control including the publication of an Annual Governance Statement.

The system of internal controls is established in order to provide measurable achievement of:

- Efficient and effective operations
- Reliable financial information and reporting
- Compliance with legislation and regulations
- Risk management
- Security of assets.

Risks:

- The opportunity for fraud, loss, extravagance, waste or reputational damage is increased.

- The Council could be in contravention of legislation.

- Incorrect political and managerial decisions could be made because of the absence of consideration of risk.

Regulations:

The Corporate Performance and Improvement Manager is responsible for producing, reviewing and updating the Council's Risk Management Strategy to be approved by the Audit Committee annually.

It is the responsibility of the service managers to ensure that the risks affecting their service areas are identified on a continuing basis, and documented in a risk register along with the controls for mitigating those risks.

Service Managers are responsible for ensuring that any actions that have been agreed to put controls in place to mitigate risks are completed in the agreed timescale.

The centralised risk register will be held electronically on the SPAR.net system, and will be reviewed regularly. Service managers, or their nominated representatives, will ensure that risks relating to their service area are reviewed and updated using the SPAR.net system.

Service Managers are to ensure that all staff in their service area have a clear understanding of the risks affecting the Council and their service area and the consequences of not controlling those risks.

The Leadership Team will act as the Council's Corporate Risk Management Group in order to review those risks likely to have an impact on the achievement of the Council's objectives.

18.2.1 Internal Control

Internal Audit will be responsible for conducting an annual review of the effectiveness of the Council's internal control environment, the results of which will be included in the Annual Governance Statement.

The Deputy Chief Executive (S151) will produce an Annual Governance Statement in accordance with current CIPFA guidance, which is to be reviewed and approved by the Audit Committee and signed off by the Leader of the Council and Chief Executive, and published with the statement of accounts.

An action plan will be produced as part of the Annual Governance Statement, covering areas of exception. Service managers are responsible for ensuring that any recommendations relating to their service area are implemented by the agreed timescale.

Service Managers are to manage service processes to ensure that established controls are being adhered to, and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

18.2.2 Corporate Governance

The Council is responsible for approving the Council's Code of Corporate Governance following consideration by the Audit Committee.

The principle of the Code will be openness, integrity and accountability and will cover the areas required by the CIPFA delivering good governance local government framework which includes:

- Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
- Ensuring openness and comprehensive stakeholder engagement.
- Defining outcomes in terms of sustainable economic, social and environmental benefits.
- Determining the interventions necessary to optimise the achievement of the intended outcomes.
- Developing the entity's capacity, including the capability of its leadership and the individuals within it.
- Managing risks and performance through robust internal control and strong public financial management.
- Implementing good practices in transparency, reporting and audit to deliver effective accountability.

Direct responsibility for the monitoring of compliance with the principles and elements of corporate governance and the requirements of the Code are placed with the Council's Corporate Performance

and Improvement Manager (with the exception of the application of these Regulations, which are the responsibility of the Deputy Chief Executive (S151)).

18.3 Internal Audit

Why is this important?

The Accounting and Audit Regulations 2003 requires that the Council shall be responsible for ensuring that financial management arrangements are adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk. The Council shall conduct a review at least once a year of the effectiveness of its system of internal control and shall include a statement on internal control to be published with the statement of accounts.

Internal Audit is an assurance function which provides an opinion to the Council. It objectively examines, evaluates and reports on the adequacy of controls that affect the Council objectives. Its contribution is to the proper economic efficient and effective use of Council's resources on the control environment comprising risk management, control and governance by evaluating its effectiveness in achieving the Council's objectives. Internal Audit objectively examines, evaluates and reports on the adequacy of the internal control environment as a contribution to the proper, economic, efficient and effective use of resources.

Risks:

- Changes in the delivery of services lead to internal financial control systems failing, thereby increasing the possibility of fraud, loss, extravagance, waste or reputational damage to the Council.

- The Council could face legal action for failing to maintain an adequate internal audit service.

- The absence of an internal review process increases the opportunity for fraud, corruption or lax service delivery.

- Increased external audit costs may be incurred if the external auditor is not satisfied that the Internal Audit service is adequate.

Regulations:

The Council shall make provision for Internal Audit in accordance with the CIPFA Code of Practice for Internal Audit in Local Government in the United Kingdom 2006. The Accounts and Audit Regulations 2015 state that a relevant body must 'maintain an adequate and effective system of internal audit of the Council's accounting records, and of its system of internal control in accordance with the proper internal audit practices'.

The Council has entered into a shared service arrangement with The Devon Audit partnership (DAP), constituted under section 20 of the Local Government Act 2000, for the provision of Internal Audit services.

The Internal Audit Manager, or representative from Internal Audit, shall, with full regard to the Data Protection and Human Rights requirements, have authority to:

- Enter at all reasonable times on to any Council premises or land.

- Have access to all records, documents and correspondence (both manual and electronic) relating to any transaction of the Council.

- Require and receive such information and explanations from any officer as are necessary concerning any matter under investigation.

- Require any employee or agent of the Council to account for cash, stores or any other Council property under their control.

- Access records belonging to third parties, such as contractors or partnerships, if required.

The Internal Audit Manager has direct access to the Chief Executive, Deputy Chief Executive (S151), Leader and Chairman/Vice Chairman of the Cabinet and the Audit Committee.

The Internal Audit Manager shall produce an operational internal audit plan and also a three year strategic audit plan, which will cover the full range of services provided by the Council. The core financial systems of the Council will be audited on an annual basis and the remaining systems will be audited on a rolling programme, according to the level of risk.

It shall be the responsibility of Internal Audit to review, appraise and report upon:

- The soundness, adequacy and application of internal financial controls.

- The extent to which the Council's assets and interests are accounted for and are safeguarded from losses of all kinds including:

    - Fraud and other offences
    - Waste, extravagance, inefficient administration, poor value for money or any other cause.

    - The suitability, reliability and use of financial and other management information available within the Council.

Service Managers (in consultation with their line manager) are to consider, and promptly respond to agreed recommendations set out in Internal Audit reports and to ensure that any agreed actions are carried out within the timescale agreed.

The Internal Audit Manager will report to the Audit Committee at each meeting. Reports will contain details of Internal Audit activities and actions agreed on any high priority recommendations.

Internal Audit shall be informed of, and can act in a consultancy capacity to officers and others acting on the Council's behalf in respect of the creation, amendment or removal of systems of a direct or indirect financial nature. This may incur an additional charge from the Internal Audit provider, DAP.

18.4 External Audit

Why is this important?

Each financial year the Council is subject to an external audit of statutory financial statements. The external auditor has rights of access to all documents and information necessary for audit purposes.

In carrying out their duties the external auditor is required to comply with statutory requirements governing them, and in particular the Local Audit and Accountability Act 2014, the Code of Audit Practice, the Local Government Act 2010 and the Accounts and Audit Regulations 2015. The Code of Audit Practice sets out the auditor's objectives to review and report upon:

- The audited body's financial statements and its Annual Governance Statement.
- Whether the audited body has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

The Council's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'present true and fairly' the financial position of the Council and its income and expenditure for the year in question and complies with the statutory requirements as set out in the current Code of Practice on Local Authority Accounting in the United Kingdom and the Service Reporting Code of Practice (SERCOP).

Risk:

- The Council's accounts are not signed off by the external auditors or are signed off with a qualifying comment to the effect that they fail to present fairly the financial position of the Council.

Regulations:

The Deputy Chief Executive (S151) will work with the external audit staff to ensure that there is effective liaison between external and internal audit to optimise use of audit resources and that all Members and Finance staff are advised of their roles and responsibilities in relation to external audit. Service managers shall ensure that external auditors are given access (at reasonable times) to premises, personnel, documents and assets which are considered necessary for the purposes of their work.

Service Managers shall ensure that all records and systems are up to date and available for inspection.

18.5 Financial Irregularities

All suspected frauds or irregularities involving cash, property or financial transactions of the Council shall be notified immediately to the Internal Audit Manager, and the Deputy Chief Executive as Section 151 Officer.

Where fraud or irregularity is suspected:

- The relevant service manager will take immediate action and all possible steps to prevent further loss and to secure records against removal or alteration.

- The Head of: Revenues, Benefits, Corporate Recovery, Corporate Fraud, Welfare & Leisure and/or the Head of People, Performance and Waste will initiate an immediate investigation and the Deputy Chief Executive (S151) as S151 officer will be informed.

Where sufficient evidence exists that a criminal offence may have been committed, the Head of: Revenues, Benefits, Corporate Recovery, Corporate Fraud, Welfare & Leisure, in consultation with the Chief Executive, and Deputy Chief Executive (S151) (as Section 151 Officer), will inform the police to further investigate and decide on possible future proceedings.

The relevant Service Manager with the Head of People, Performance and Waste and Development will instigate the Council's disciplinary procedures where the outcome of an investigation indicates misconduct, fraudulent or otherwise.

18.6 Money Laundering

18.6.1 What is money laundering?

Money Laundering can be defined as "the crime of moving money that has been obtained illegally through banks and other businesses to make it appear that the money has been obtained legally".

When the Council (or any of its employees or Members) is accepting or dealing with money or other assets there is a risk that such money or assets could come from a criminal source. In the vast majority of cases this is unlikely, but everyone should bear in mind that they could contravene the law if they become aware of or suspect criminal activity and continue to be involved in the matter without reporting their concerns.

18.6.2 Recognising money laundering

Possible indicators of money laundering may include:

- Cash based businesses which are more likely to add criminal funds to legitimate business takings.
- Large cash receipts generally and always amounts over the equivalent of 15,000 Euros.
- A person who is reluctant to supply evidence of identity or address.
- Large overpayment of fees or money on account.
- Cancelled transactions without good reason, requiring a repayment.
- Requests to forward balances on to a third party.
- Information received about an individual which may reveal criminality or association with criminality.
- The use of over-complicated financial systems or funds received from third parties.

- A buyer's or seller's financial profile not "fitting" the transaction they are undertaking.

- Unexplained use of an out of area solicitor/agent in relation to a property transaction.

No payments over £5k shall be accepted without the formal consent of the Money Laundering Reporting Officer. The Council's nominated Money Reporting Officer is the Head of: Revenues, Benefits, Corporate Recovery, Corporate Fraud, Welfare & Leisure.

This list is not exhaustive but gives examples of when employees should consider whether their suspicions should be aroused and in such circumstances should suggest to the employee that they should be asking themselves questions such as *Would I expect this individual to have this amount of cash?; why do they wish to pay in cash?; Why is this person offering to pay more than the going rate for this item/service? etc.*

18.6.3 Legislation relating to money laundering

Legislation concerning money laundering has broadened the definition of money laundering and increased the range of activities caught by the statutory framework. The obligations impact on areas of local authority business and require local authorities to establish internal procedures to prevent the use of their services for money laundering.

There are several pieces of legislation relating to money laundering which include:

- The Terrorism Act 2006
- The Counter-Terrorism and Security Act 2015
- The Proceeds of Crime Act 2002
- Serious Organised Crime and Police Act 2005
- Money Laundering Regulations 2017
- Third European Union Money Laundering Directive 2005

18.6.4 Purpose and scope

The aim is to maintain the high standards of conduct which currently exist within the Council by preventing criminal activity through money laundering.

The legislative requirements concerning anti-money laundering procedures are extensive and complex. These regulations have been written so as to enable the Council to meet its' legal requirement in a way which is proportionate to the very low risk the Council faces.

These regulations apply to **all employees** (including agency staff and contractors) and **elected Members**. All employees must be aware of their responsibilities and the consequences of noncompliance. Service managers must ensure that all employees are aware of these regulations during new employee induction. The Council's Money Laundering Reporting Officer (MLRO) will arrange suitable training of all staff and elected Members

An employee could potentially be caught by the money laundering provisions (if they suspect money laundering and either become involved with it in some way and/or do nothing about it) – e.g. if they:

- Assist a money launderer

- “Tip off” a person suspected to be involved in money laundering that they are suspected or that they are the subject of police investigations
- Fail to report a suspicion of money laundering
- Acquire, use of or possess criminal property.

It is extremely important that all employees are familiar with their legal responsibilities. Employees found guilty at trial of contravening the legislation may be faced with imprisonment, a fine or both.

Failure by an employee to comply with the procedures set out may lead to disciplinary action being taken against them. Any disciplinary action will be dealt with in accordance with the Council’s Disciplinary Procedure.

18.6.5 Reporting/disclosing information

If an employee/Member suspects money laundering or has any suspicions relating to any transaction then they must report their suspicions to the Council’s Money Laundering Reporting Officer (MLRO).

The employee/Member will need to supply as much information as possible to the MLRO about the individual or company concerned i.e. name, address and their reasons for suspicion. If any other employees/Members have been involved with the transaction the names of these persons should also be passed to the MLRO.

Any disclosures must be reported using the Form to the Anti-Money Laundering Policy found on SharePoint. Upon receiving the completed form the MLRO will consider all of the applicable information in order to determine whether the grounds to suspect money laundering are valid. If the MLRO determines that the information or matter should be disclosed it will be reported to the UK Financial Intelligence Unit (UKFIU), the branch of the Serious Organised Crime Agency (SOCA) that deals with money laundering.

Disclosures should be kept confidential and not discussed with colleagues. It is important to ensure that the person(s) suspected of money laundering is not “tipped off” regarding the disclosures. It is an offence to prejudice an investigation by informing anyone of the disclosure or by tampering with evidence. If found guilty there is a punishment of up to 5 years in prison available to courts on indictment.

18.6.6 After disclosure

No transactions can be completed where it is believed that money laundering is involved until clearance has been received from either the UKFIU or the SOCA, or seven days have elapsed since the disclosure was made to them and no instructions have been received. Employees must **always** check the position with the MLRO before taking any action.

Glossary of Terms

Accounting Policies	Accounting policies define the process whereby transactions and other events are reflected in financial statements. For example, an accounting policy for a particular type of expenditure may specify whether an asset or a loss is to be recognised; the basis on which it is to be measured; and where in the revenue account or balance sheet it is to be presented. Accounting policies do not include estimation techniques.
Accounts Payable	The ledger and process relating to the payment of trade creditors and other payments.
Accounts Receivable	The ledger and process relating to the raising of sales invoices and their collection.
Accrual	A sum included in the final accounts to cover income or expenditure attributable to that year but for which payment was not received/made during that year. Local authorities only accrue for revenue expenditure; capital expenditure is recorded on a receipts and payments basis.
Appropriation	The transfer of ownership of land or buildings from one service to another.
Asset	An asset is anything that is owed/leased/rented by the Council that has a value.
Asset Management Plan and Capital Strategy	A document that explains how the Council will maintain its assets over the next few years and where it is intending to spend money on new or improvements to its existing assets.
Bad Debt	Money owed to the Council that is unlikely to be paid.
Balances	The total revenue reserves required to provide a working balance during the financial year, for example in periods when expenditure exceeds income.
Best Practice	The term used to describe the methods used by local government to share procedures and practices in order to learn and improve from each other.

Best Value	Arrangements to secure continuous improvement in the way its functions are exercised having regard to a combination of economy, efficiency and effectiveness.
Budget	A statement of the Authority's plans for revenue and capital expenditure and income over a specified period of time. The forecast of net revenue and capital expenditure over the accounting period.
Budgetary Control	The process of ensuring actual expenditure and income does not exceed the budget available and taking corrective action where variances are identified.
Budget Monitoring	The process of reviewing actual expenditure or income against the sum allocated for the year enabling action to be taken to reallocate budgets to or from other budget lines in a timely manner where variances are found.
Budget Head	A specific area of activity where expenditure may be incurred or income collected.
Capital Adjustment Account	This records the timing difference between the costs of fixed assets used and the capital financing set aside to pay for them.
Capital Charges	This is a general term used for the notional charges made to service revenue accounts for the use of fixed assets. The term covers: Depreciation of buildings and equipment, amortisation of intangible assets, impairment charges and amortisation of REFCUS expenditure.
Capital Discharged	The amount of capital expenditure which has been paid for out of revenue or other sources.
Capital Expenditure	Money spent to either acquire or improve an asset owned by the Council which will be used over a period of years or money awarded to a third party towards an asset owned by them for example a grant to improve their property. Includes the purchase of land, purchase or cost of construction of buildings and the acquisition of plant, equipment and vehicles.
Capital Outlay	Expenditure on the acquisition of significant fixed assets which will be of use or benefit in providing services beyond the year of account.

Capital Programme	The Council's capital expenditure plans for the next few years. The capital programme will show the anticipated cost, usually on a scheme by scheme basis, and how it intends to finance this.
Capital Receipts	Proceeds from the sale of assets and other receipts of a capital nature.
Capital Receipts Unapplied	Capital receipts not yet used for repayment of debt, or to finance capital expenditure.
Capital Strategy Asset Group (CSAG)	A working group of senior officers set up to oversee the capital programme. The CSAG reviews new expenditure plans before they are recommended for inclusion onto the capital programme, and monitors both the capital expenditure and the financing resources on schemes in the capital programme ensuring timely action is taken for any variances identified.
Central Establishment Charges	Salaries and associated expenses of central departments together with the cost of maintaining administrative buildings and other central services.
Commitments	A commitment arises when an order is raised to purchase goods or services but the goods or services have not yet been received.
CIPFA	The Chartered Institute of Public Finance and Accountancy. This body is responsible for interpreting accounting standards and recommending working practices to be followed by all local authorities.
Collection Fund	A separate fund that records the income and expenditure relating to council tax and non-domestic rates.
Corporate Plan	A document outlining what the Council wants to achieve and how it will get there. The Corporate Plan generally covers a period of 3 years, but is reviewed and updated on an annual basis.
Corporate Democratic Core	Those activities which the local authority is engaged in specifically because it is an elected multi-purpose authority. This includes the costs of corporate policy making, representing local interests, representatives and duties arising from public accountability.

Cost Centre	An individual reference used within the Council's financial system to enable the allocation and monitoring of expenditure and income in a meaningful way.
Creditors	Persons/businesses owed money by the Council.
Debtors	Persons owing monies to the Council.
Decision Maker	Refers to the Council, Policy Committee or any other group to whom a function has been delegated in accordance with the Council's Constitution and shall include a Corporate Manager exercising authorised powers or a delegation under the Council.
Depreciation	The allocation of the cost of the useful economic life of the Council's fixed assets for the accounting period through general wear and tear, consumption or obsolescence.
Deferred Capital Receipts	Deferred Capital Receipts are the amounts derived from sales of assets which will be received in instalments over agreed periods of time.
Earmarked Reserve	Money allocated for a specific purpose which will be spent in a future year.
Emergency	An occurrence involving or likely to 'involve danger to life or health' or 'serious damage to property' or 'destruction of property'.
Fidelity Guarantee	Insurance against fraudulent losses.
Finance Lease	A contract or part of a contract that conveys the right to use an asset (underlying asset) for a period of time in exchange for consideration.
Financial Regulations	A written code of procedures approved by the authority, intended to provide a framework for proper financial management. Financial regulations set out rules on accounting, audit, administrative procedures and budgeting systems.
Financial Year	A Local Authority financial year runs from 1 April to 31 March.
Fixed Asset	An owned asset intended to be held for a period of more than one year, such as a machine or building.

Forecast	A prediction of spend for future months/years.

General Fund	The main revenue fund of the Council. Income from the council tax precept and Government grants are paid into the fund, from which the cost of providing services are met.
Government Grants	Payments by Central Government towards local authority expenditure. They are specific for a particular service; and are receivable in respect of both revenue and capital expenditure.
Grants	Income received by the Council to support the undertaking of Council services or to support the capital programme. Grants may have terms and conditions as to use attached.
Housing Revenue Account	Statutory ring-fenced account required to represent the landlord/tenant obligations for the Council in relation to managing and maintaining its housing stock in return for rental income from tenants.
Impairment	A reduction in the value of a fixed asset to below its carrying amount on the balance sheet due to damage, obsolescence or a general decrease in market value.
Income & Expenditure Account	The net cost for the year for services provided by the Council for which it is responsible and showing how the cost has been financed from precepts, grants and other income.
Internal Control	The system of control devised by management to help ensure the Council's objectives are achieved in a manner which promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
Internal Recharge	A charge made by one council department to another for provision of a service.
Inventories (previously Stock)	Items of raw materials, work in progress or finished goods held at the financial year end normally valued at the lower of cost or net realisable value.

Liquid Resources	Cash and current asset investments that can be easily converted to known amounts of cash without penalty, or can be traded on the active market.
Long Term Borrowing	Amounts borrowed in excess of one year.

Long-Term Contract	A contract entered into for the design, manufacture or construction of a single substantial asset, or the provision of a service (or a combination of assets and services which together constitute a single project), where the project falls into more than one accounting period.
Long Term Debtors	Sums of money due to the Authority originally repayable within a period in excess of twelve months but where payment is not due until future years.
MEAT	Most economically advantageous tender.
Medium term Financial Plan	A document outlining the Council's spending plans and forecast resources over the next three years.
Money Laundering	The term used where an individual uses legal payment routes to disguise income earned from illegal activities or to avoid the payment of Government taxes. In terms of the Council's activities this could include the payment of rents and council tax at the Council's payment counters with large cash payments.
Monitoring Officer	The Council is required to designate an officer as its monitoring officer. This officer is responsible for promoting and maintaining high standards of overall conduct, for reporting any actual or potential breaches of the law, or instances of maladministration either to the Council directly or via the Cabinet.
Net Book Value	The value of fixed assets included on the balance sheet, being the historical cost or a current revaluation less the cumulative amounts of depreciation.
Nominal Ledger	The nominal ledger is the main accounting record of the Council. It is basically a library of financial transactions.
Non-distributed Costs	In the main these relate to costs which are not specific to a service e.g. past service costs and settlements relating to post-employment benefits.

Operating Lease	A contract/lease where substantially all risks and rewards from owning the asset are not transferred.
Outturn	The actual income and expenditure for a financial year disclosed by the final accounts.

Overspend	This is where the actual net expenditure exceeds the budget for the same period.
Performance Indicators	A set of local authority service performance indicators.
Petty Cash	A small amount of cash held by departments and available to purchase minor items of expenditure such as postage stamps.
Policy Framework	The collective term used to describe all the Council's agreed policies and strategies which identify what the Council aims to do, how it plans to do this and what resources it has available over a period of years.
Precept	The amount levied by one authority which is collected by another. E.g. the County Council is the precepting authority and the District Council is the collecting authority.
Prepayment	An adjustment to a sum paid where the period covered by an item of expenditure partly relates to a future accounting period e.g. A single road fund tax payment partly covering two financial years.
Provisions	An amount set aside by the authority to meet a known item of expenditure but for which the actual timing and amount of the payment is not known. The main provisions relate to the Council's various insurance funds. Reserve Money set aside for future policy initiatives.
Rateable Value	The annual assumed rental value of a property, to which rate poundages are applied to arrive at rates payable.
Revenue Expenditure Funded from Capital under Statute (REFCUS)	Expenditure which may properly be capitalised but which does not result in assets owned by the Council. These charges are amortised to revenue immediately in the year of acquisition.
Reserves	Funds set aside to meet future expenditure on specific items or as a contingency against future losses. Reserves. The accumulation of surpluses, deficits and appropriations over past years. Reserves of a revenue nature are available and can be spent or earmarked at the discretion of the Council. Some capital reserves such as the fixed asset restatement account cannot be used to meet current expenditure.

Revaluation Reserve	This records net gains from revaluations made after 1 April 2007 not yet realised through sales.
Revenue Contributions to Capital	This refers to the financing of capital expenditure directly from revenue rather than from loans or other sources.
Revenue Expenditure	Expenditure incurred by the Council on a day to day basis in the provision of services to the public.
Revenue Support Grant	The general grant paid by government to local authorities to enable all authorities to levy similar rate levels for similar levels of service.
Risk Management	The planned and systematic approach to the identification, evaluation and control of risk.
Section 151 Officer	Under section 151 of the Local Government Act 1972 each Council is required to have a nominated Officer with responsibility to ensure the proper administration of the Council's financial affairs. At Mid Devon this role is undertaken by the Deputy Chief Executive (S151). This Officer must be a member of a professional accountancy body.
Service Unit	A section of the Council responsible for the delivery of a single service. As a guide, the budgets for service areas are reported within the budget book.
Service Reporting Code of Practice (SERCOP)	Produced by CIPFA and required to be followed by local authorities. Preparing accounts in line with the SERCOP ensures consistency and allows comparison between authorities.
Statement of Accounts	Councils are required to produce an annual Statement of Accounts which shows how the Council has spent its money and what resources and reserves it has available. The Statement of Accounts includes the Council's statutory income and expenditure account, its balance sheet and a cash flow statement.
Support Service	The term used to describe those Council departments or services that do not provide a service direct to the public, but provide a back office function to support the staff directly working with the public. Support services include finance, IT, HR, legal, as well as property services etc.
Treasury Management	The term used to describe the Council's management of its cash, investments and borrowing requirements.

Underspend	A favourable variance. Actual net expenditure including any commitments is less than the budget set for the same period.
Value Added Tax (VAT)	Tax levied on goods and services.
Variation	A variation is an increase or decrease in a budget after the budget has been approved at the start of the year.
Virement	A switch of budget resource between cost centres or service units.

Definitions in respect of the Procurement Regulations

"**Approved List**" means a list of contractors maintained by the Council, which is regularly reviewed and admission to which is the outcome of a selection process which verifies the financial soundness and technical competence of a contractor.

"**Authorised Officer**" means the officer who has delegated authority to exercise the relevant function in accordance with the Council's Scheme of Delegation within the Constitution.

"**Best Endeavours**" means that the officer has reasonably done all he/she can to ensure that the best possible value for money has been obtained on behalf of the Council.

"**Best Interest**" means that the officer has reasonably done all he/she can to ensure that the Council's best interests are met.

"**Best Value**" means the Council's duty under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way its functions are exercised having regard to a combination of economy, efficiency and effectiveness.

"**Contract**" means a contract for supplies, services or for the execution of any works which the Council is procuring and also includes framework agreements.

"**Contractor**" means any person on, or applying to be on an Approved List, Select List or European List or whom is invited to tender, negotiate or submit a quotation, or to whom a Contract has been awarded.

"**Decision Maker**" means the Council, Policy Committee or any other group to whom a function has been delegated in accordance with the Council's Constitution and shall include a Corporate Manager exercising authorised powers or a delegation under the Council'

Economy – Doing less with fewer resources, i.e. making savings.

Efficiency – Doing the same as before, but with fewer resources (money, staff, and space).

Effectiveness – Doing more than before with the same resources but to the same standard.

"**Estimated Total Cost**" means the aggregate total cost of the supplies or services to be provided or works to be performed under a contract (as distinct from the annual value) estimated prior to its procurement.

"**European Directives**" means the procurement directives of the European Union and any regulations that implement them within the United Kingdom.

"**European List**" means a list of contractors compiled by another contracting authority including the Office of Government Commerce, in accordance with European Directives admission to which is the outcome of a selection process which verifies the financial soundness and technical competence of a Contractor.

"**Framework Agreements**" are where there are multiple suppliers or multiple purchasing organisations contracting under an umbrella set of terms and conditions and for a fixed price.

"MEAT" – Most Economic Advantageous Tender.

"**Procurement**" means the acquisition of goods, services and works in exchange for payment.

"Public Procurement Thresholds" means the threshold limits which have set for the procurement of goods and services and works for public sector authorities.

"**Select List**" means a list of Contractors prepared by the Council for a particular contract only and admission to which is the outcome of a selection process which verifies the financial soundness and technical competence of a contractor.

"**Supplier**" means an individual or business that provides goods, services or works in exchange for payment.

"**Value For Money**" is the term used to assess whether or not the organisation has obtained the maximum benefit from the goods and services it acquires within the resources available to it. It not only measures the cost of goods and services, but also takes account of the mix of quality, cost, resource use, fitness for purpose, timeliness and convenience to judge whether or not, when taken together, they constitute good value. Achieving Value for Money may be described in terms of the 'three E's' – economy, efficiency and effectiveness:

Appendix A

SUMMARY OF FINANCIAL LIMITS APPEARING IN THE MDDC FINANCIAL REGULATIONS

The following tables summarise the financial limits quoted in these Regulations. When looking at a specific level where there are two or more "X" the requirement is that authority needs to be made by **ALL** parties highlighted.

Financial Thresholds – covering both Revenue and Capital Budgets

A General Authorisation Limits – To exceed agreed budget for the financial year

Ref No	Limit (£)	Council	Cabinet	S151 Officer	Corporate Manager	Operational Manager	Service Manager
A1	Up to £20,000						X
A2	£20,001 to £50,000					X	
A2	£10,001 to £100,000				X		
A3	£100,001 to £250,000			X			
A4	£250,001 to £500,000		X				
A5	Over £500,000	X					

A1 Authorisation to Pay Invoices within budget, including relevant earmarked reserves

Ref No	Limit (£)	Council	Cabinet	S151 Officer	Corporate Manager	Operational Manager	Service Manager
A1	Up to £20,000						X
A2	£20,001 to £50,000					X	
A2	£10,001 to £100,000				X		
A3	£100,001 to £250,000			X			
A4	£250,001 to £500,000*		X				
A5	Over £500,000*	X					

*Once approved by Cabinet a Corporate Manager can approve an individual order up to £5m

B Bank Payment Limits

Ref No	Limit (£)	Manager	Comments
B1	Up to £50k	X	One nominated signatory required
B2	Over £50k	XX	Two nominated signatories required

C Budget Virements (Movement of Budget from one service area to another)*

Ref No	Limit (£)	Council	Cabinet	S151 Officer	Corporate Manager	Operational Manager	Service Manager
A1	Up to £20,000						X
A2	£20,001 to £50,000					X	
A2	£10,001 to £100,000				X		
A3	£100,001 to £250,000			X			
A4	£250,001 to £500,000		X				
A5	Over £500,000	X					

***Note: A Corporate Manager has authority to move budget across services within their own areas of responsibility. Budget movements from one service area to another, across two or more Corporate Managers service areas, requires the approval of both parties at the appropriate level as outlined above.**

D Till Discrepancies (See 2.4) / Petty Cash claim limit / De Minimis refund limit

Replaced By:

Ref No	Limit (£)	Comments
DE1	£50	If discrepancy greater than £50 report to Internal Audit.

E Write Off of Individual Bad and Doubtful Debts (Excluding bankruptcy administration or Debt Relief Orders)

Ref No	Limit (£)	Cabinet	S151 Officer	Corporate Manager	Manager	Comments
E1	£5,000				X	Operations Manager for Revenues, Benefits and Recovery has a limit of £100 in respect of Council Tax and NNDR income.
E2	£5,000.01 to £50,000			X		
E3	£50,000.01 to £100,000		X			
E4	Over £100,000	X				

F Stock Deficiencies / Obsolete Stock Written Off

Ref No	Limit (£)	Cabinet	s151 Officer	Corporate Manager	Manager
F1	Up to £5,000 on any stock item				X
F2	Over £5,000 on any stock item			X	
F3	Up to £10,000 in total for one store location, per occasion			X	
F4	Over £10,000 up to £25,000 in total for one store location, per occasion		X		
F5	Over £25,000 in total for one store location, per occasion	X			

G Equipment Registers

Ref No	Limit (£)	S151 Officer	Corporate Manager	Comments
G1	Over £1,000 but less than £20k		X	Service manager to record in equipment register - **REVENUE**
G2	Over £20k	X		Asset recorded in fixed asset register maintained by Finance **CAPITAL**

H Public Procurement Thresholds

The thresholds which apply in this country derive from the Public Procurement Thresholds. These are announced every two years and apply from 1 January. The current thresholds (see below) apply from 1 January 2024 to 31 December 2025. Thereafter the thresholds which are then announced will apply, unless national legislation indicates otherwise. It is essential that you liaise with the Council's procurement team to check the applicable threshold for your procurement before going to market – sometimes a contract may comprise a mix of services and works and it is important to understand the implications before proceeding.

From 1 January 2024 – 31 December 2025:

Goods and services: £214,904 (inc. VAT)
Works and concessions: £5,372,609 (inc. VAT)
Light Touch (social & specified other): £663,540 (inc. VAT)

When calculating the estimated value of the contract to determine whether the regulations apply, the contract value estimation should be inclusive of the standard rate of VAT (currently 20%), where applicable, from 1 January 2022.

I **Stock Adjustments/Write Offs**

Ref No	Limit (£)	Cabinet Member	S151 Officer	Corporate Manager	Manager
I1	£5,000				X
I2	£5,000.01 to £50,000			X	
I3	£50,000.01 to £100,000		X		
I4	Over £100,000	X			

J **De Minimis Invoice Limit**

Invoice amount	**£250.00**

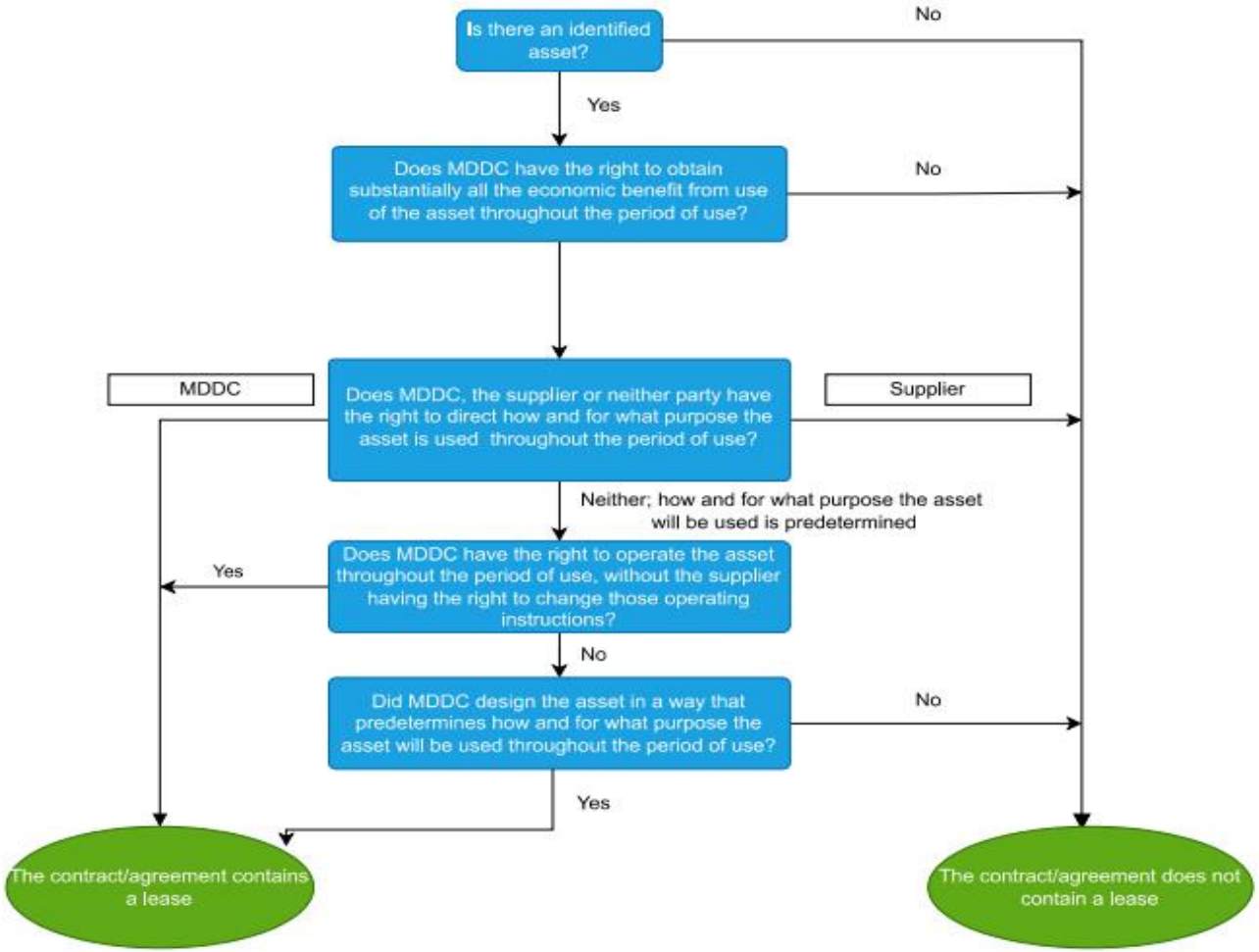
K **Disposal of Assets**

K1	**Best possible price**	**Value less than or equal to £1,000**
K2	**Sealed Bids/Auction**	**Value >£1,000 or equal to £5,000**
K2	**Competitive tender**	**Value more than £5,000**
K3	**Capital assets**	**Value > £20,000 To be approved By the Capital Strategy Asset Group**

L **Money Laundering Cash Receipt Limits**

Cash Receipt	**£5,000**

Appendix B IFRS 16 Lease Assessment



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Appendix A

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A3	£100,001 to £250,000			X			
A4	£250,001 to £500,000		X				
A5	Over £500,000	X					

A1 Authorisation to Pay Invoices within budget, including relevant earmarked reserves

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A1	Up to £20,000						X
A2	£20,001 to £50,000					X	
A2	£10,001 to £100,000				X		
A3	£100,001 to £250,000			X			
A4	£250,001 to £500,000*		X				
A5	Over £500,000*	X					

*Once approved by Cabinet a Corporate Manager can approve an individual order up to £5m

B Bank Payment Limits

Ref No	Limit (£)	Manager	Comments
B1	Up to £50k	X	One nominated signatory required
B2	Over £50k	XX	Two nominated signatories required

C Budget Virements (Movement of Budget from one service area to another)*

Ref No	Limit (£)	Council	Cabinet	S151 Officer	Corporate Manager	Operational Manager	Service Manager
A1	Up to £20,000						X
A2	£20,001 to £50,000					X	
A2	£10,001 to £100,000				X		
A3	£100,001 to £250,000			X			
A4	£250,001 to £500,000		X				
A5	Over £500,000	X					

***Note: A Corporate Manager has authority to move budget across services within their own areas of responsibility. Budget movements from one service area to another, across two or more Corporate Managers service areas, requires the approval of both parties at the appropriate level as outlined above.**

D Till Discrepancies (See 2.4) / Petty Cash claim limit / De Minimis refund limit

Replaced By:

Ref No	Limit (£)	Comments
DE1	£50	If discrepancy greater than £50 report to Internal Audit.

MINUTES of a **MEETING** of the **COMMUNITY, PEOPLE & EQUALITIES POLICY DEVELOPMENT GROUP** held on 25 March 2025 at 12.30 pm

Present Councillors	B Holdman (Chair) C Connor (Vice-Chair), D Broom, A Cuddy, M Farrell, H Tuffin and L G J Kennedy
Apologies Councillors	C Harrower and A Glover
Also Present Councillors	D Wulff
Also Present Officers:	Simon Newcombe (Head of Housing & Health), Matthew Page (Head of People, Performance & Waste), Dr Stephen Carr (Corporate Performance & Improvement Manager), Joanne Pope (Commercial Team Leader Public Health) and David Parker (Democratic Services & Policy Research Officer)
Councillors Online	J Buczkowski, A Glover and J Lock
Officers Online	Adrian Gardner (Specialist Lead - Community Safety and Safeguarding), Tanya Wenham (Operations Manager to Public Health) and Sarah Lees (Democratic Services Officer)
Also in attendance	Inspector Mark Arthurs Neighbourhood Policing Inspector for Mid Devon and Police Constable Kate Jeffries a Local Neighbourhood Beat Manager.

34 **APOLOGIES AND SUBSTITUTE MEMBERS (0:03:29)**

Apologies were received from Cllr C Harrower, she was substituted by Cllr L G J Kennedy.

Cllr A Glover attended on line.

35 **PUBLIC QUESTION TIME (0:04:01)**

There were no questions from members of the public.

36 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:04:20)**

No interests were declared under this item.

37 **MINUTES OF THE PREVIOUS MEETING (0:04:35)**

The Minutes of the Meeting held on 3 December 2024 were approved as a correct record and **SIGNED** by the Chair.

38 **CHAIR'S ANNOUNCEMENTS (0:05:06)**

The Chair had no announcements to make.

39 **MEETING MANAGEMENT ITEM**

Due to the Police Inspector needing to be back at his office for 2.00pm, the Presentation from the Police would be brought forward to the next item on the agenda with the Community Safety Partnership Policy to follow that and the Corporate Anti-Social Behaviour Policy to follow that.

40 **PRESENTATION FROM THE POLICE ON THEIR EFFORTS TO TACKLE ANTI-SOCIAL BEHAVIOUR (0:05:42)**

The Group received a presentation from the Neighbourhood Policing Inspector for Mid Devon.

- In addition to the Inspector, there were currently 8 Police Constables and 6 Police Community Support Officers (PCSO) who covered the mid Devon area. Following the promotion of Sergeant Simon Andrews the Sergeant's post was currently vacant.
- Performance meetings were held monthly looking at performance indicators, crime, fraud, domestic abuse, anti-social behaviour, crime trends and issues within certain localities.
- Mid Devon had 3 Police Stations one in Crediton, Cullompton and Tiverton and the team of 15 officers and staff were split equally between those stations. Due to the rural nature of Mid Devon, response times could be challenging but they had stepped away from officers all being in one hub to responding direct from the local Police Stations so there should be an improvement in response times.
- The Police and Crime Commissioner had just announced that a significant part of her plan would be tackling Anti-Social Behaviour (ASB). ASB could cover a significant amount of issues some of which were criminal and some that were not. It covered anything from dog fouling, speeding, nuisance behaviour to drunk and disorderly. The Police had worked with the Council and Social Services in looking at the escalation process which looked at tackling both young and older people. Using the escalation process the Police and the Council tried to intervene at each stage working with partner agencies to try and reduce ASB.

- Recently, there had been problems in Tiverton around ASB involving young people. The Police working with the Council and Social Services had followed not just a criminal justice focussed approach but a joined up approach in terms of safeguarding and recognising vulnerability. Questions were asked about the cause of that person's ASB, was it their home? Was there someone grooming them? Was child sexual exploitation involved? All the partner organisations were brought together with the common goal of making that person safe whilst recognising that that person had made the community feel unsafe. In the autumn of 2024 there had been an increase in drug and drink related ASB in an adult cohort, the Police had pursued them through the criminal justice route to ensure that Criminal Behaviour Orders (CBO) were sought, as a result 3 or 4 main offenders received lengthy custodial sentences. That had resulted in a significant improvement in Tiverton town centre.
- Crediton Town Council had worked with the Police and the District Council to enforce Public Space Protection Orders (PSPO) and so reduce ASB that way.
- Crime Trends Reports were available on-line. The Police had moved away from producing reports for Parish Councils as all the information was available on-line at www.police.uk .There had been a rise in dwelling house burglaries and performance car thefts which formed part of wider operations tactics and was held by one of the Police's investigative divisions.
- As mid Devon was predominantly a rural community and as spring had arrived, the current theme was livestock worrying and livestock theft along with responsible dog ownership.
- The local Police Team still had to tackle organised crime groups and recently had closed a really significant cannabis farm in Cullompton.
- The ASB escalation process included: Letter 1, Letter 2 and an Acceptable Behaviour Contract. That got the Police across the stages of telling people 'your behaviour is unacceptable if you don't stop this, you're going to get another warning letter', but eventually that would turn into either; a civil injunction at court or the perpetrator ending up with a criminal record with the police looking at community protection warnings and community protection notices.
- The Inspector was in favour of using civil legislation to prevent escalation in crime, as an example he mentioned 'gang injunctions' and tackling 'legal highs'. Further Acts were coming through Parliament which would give the Police additional powers.

Discussion took place regarding:

- No effect on crime or ASB had been seen by the dimming and switching off the street lights in rural areas, if ASB continued then the Inspector would have concerns if that policy was rolled out across Tiverton.
- County Lines were everywhere. Police Officers were trained in recognising it and training should be rolled out to partner agencies too.
- The ASB in the Tiverton multi-storey car park that was getting out of control and needed to be addressed by the Police. There was a risk to life with slates being dropped from the top floor.
  There was a new Crime Management Investigation Team so that most of the everyday reports of crime, not serious complex crime investigations, went to a central point to be managed. There were a lot of new officers in that team and there had been some confusion as to the seriousness of the situation. Reports of ASB in the car park had dropped off but if the behaviour was continuing,

reports of that behaviour should continue to be made. If the Police saw a month on month increase in reporting of crime then that assisted the Inspector in getting more staff. Reports of crime, ideally should be made through the website.

- The Head of Finance, Property and Climate Resilience informed Members that there was currently underway a review of security in the Tiverton multi-storey car park with a significant project planned for the site which would enhance the critical nature of securing the site and preventing anyone from getting up to the higher levels.
- The Police did have a link to the CCTV control room, there were two radios in the control room, one for Exeter and one for East and Mid Devon. The situation had improved and the CCTV Team were responsive to requests from the Police.
- ASB at Moorhayes and the recent Police meeting with residents from there. Moorhayes would continue to be a policing priority for Police in Tiverton. It appeared to be an evening and night time issue and the Inspector would seek more resourcing from a wider area if the problems persisted.
- Vandalism at the Tiverton Town Allotments.
- Police priorities were set largely from engagement with the public and partners identifying trends in crime, so continued reporting of crime would influence priorities.
- The most effective way of contacting the Police for non-emergency matters was via the website using the on-line forms or Chat, however, if people wanted to get hold of a team individually, the e-mail addresses were: crediton@devonandcornwall.pnn.police.uk or cullompton@devonandcornwall.pnn.police.uk or tiverton@devonandcornwall.pnn.police.uk .
- Shop theft was a continuing problem. The Police were working with an external private company who worked with major brands and shops who were building an intelligence database looking at organised crime gangs in shoplifting. The Tiverton team did concentrate on those who were prolific offenders. It was important that shoplifting offences were still reported to the Police. There had been a 2% increase in shoplifting across the County.
- A new specialist in business crime was working from the Police headquarters.
- A high level of speeding cars on the B3181 at Willand particularly at times when the M5 was closed for overnight works. Would it be possible for the Police to monitor traffic speed the next time the M5 was closed? The Inspector asked to see the parish's Vehicle Activated Sign data to assist him in formulating a case for that resource.
- The Inspector invited Councillors to give him ideas of how to get his message out to communities particularly to make reports of crime.

41 **COMMUNITY SAFETY PARTNERSHIP (CSP) UPDATE (1:12:20)**

The Group had before it and **NOTED** a *report from the Head of Housing and Health (Chair of the East and Mid Devon CSP).

The East and Mid Devon Community Safety Partnership (CSP) was a statutory function under the Crime and Disorder Act. It was a multi-agency group that came together to look at community safety and crime in a particular area. The group comprised; the Police, the upper and lower tier Local Authorities i.e. Devon County Council (DCC) and the District Councils, the Fire and Rescue Service, the Probation

Service and the NHS. They were the statutory partners that made up the board of the CSP. The CSP had its group terms of reference which were updated this year and the role of chairing the partnership could be met by any of those statutory partners.

Two key initiatives and key areas of work that the CSP had focussed on in the last 12 months had both focussed on Anti-Social Behaviour (ASB). The use of the Council's powers had been expanded and they had equipped Mid Devon's housing team to do more ASB work directly and work specifically with young people and the intervention panel around young offenders and young persons engaged in ASB.

The following was highlighted:

- There was a link at the bottom of the report that would take readers to the Devon County Community Safety Partnership full report, which included the Community Strategic Assessment.
- The CSP had seen the second highest increase in crime after South Devon and Dartmoor CSP, proving that there was a rural nature to some of the crime in addition to the city and town nature.
- Crime numbers were quite low so any change in them led to fairly high percentage changes.
- There had been a double figure increase in domestic abuse so that type of crime would be a priority for the CSP.
- Martyn's Law – The Terrorism (Protection of Premises) Bill 2024. The Security Industry Authority would be the regulator and it would not be for the Council to enforce.
- The new Police and Crime Bill would include changes around how shoplifting was treated as a crime. There would be a broad focus on anti-social behaviour with particular emphasis on young people and street related ASB.
- Domestic Abuse and Violence against Women and Girls. This would include a focus on young people and harmful sexual behaviours including misogyny and harmful sexual content.
- Exploitation with an emphasis on young people which again led back to 'County Lines', drugs and modern slavery.
- Statutory Duties on the CSP irrespective of where they set their own priorities included: a serious violence duty; domestic homicide reviews; and safeguarding adult reviews which was about particularly complex cases where there had been a failure to protect a vulnerable adult (learning lessons from the past and applying those going forward).
- The CSP had no direct funding other than ad-hoc specific grants for particular projects and so was largely a facilitating body. It was about the people in the room rather than the money they could spend, it was about partnerships. The CSP also facilitated groups in accessing Police and Crime Commissioner (PCC) funding and some of the community grant work that the PCC had stood up. There was a small local authority budget to cover those statutory duties mentioned earlier.

Discussion took place regarding:

- A Community Alcohol Partnership had been set up in Tiverton to educate young people around the dangers of alcohol misuse and to help promote healthier activities. Recently they had held a family day and invited a wide range of families that had been struggling and had young adults and children

that had been associated with some of the local problems, there they were offered support and encouragement. The Coordinator had expressed an interest in developing similar partnerships in Crediton and Cullompton.
- Public Space Protection Orders (particularly a new order under review in Crediton).
- Respect Orders may be a new power coming through central Government later in 2025.
- Street related ASB in young people included drug taking as well as alcohol and anything else happening on the streets, in the town centres and in the communities that focussed on young people.
- Causes of and trends in Domestic Abuse.
- Home Office funding through Devon County Council to fund sessions in schools around appropriate relationships and appropriate behaviours.
- Lack of early intervention caused by lack of resources.
- Domestic Violence from the child on the parent. Members of the family were often in the front line.
- The age at which young people may need to be engaged with. There were 2 key age groups. Those pupils transitioning from primary to secondary school (10-12 years old) and those who were 15 to 17 years of age were also particularly vulnerable.
- Provision of Youth Services outside the school remit was largely left to voluntary agencies.

Note: *Report previously circulated.

42 CORPORATE ANTI-SOCIAL BEHAVIOUR UPDATE (1:53:02)

The Group had before it and **NOTED** a *report from the Head of Housing and Health presenting an update on Anti-Social Behaviour.

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

- The work the Council was doing was driven through the Community Safety Partnership (CSP) working with the Council's Public Health, Community and Housing teams working directly with people that commit Anti-Social Behaviour (ASB).
- The definition of ASB in the report showed how wide the issue was.
- East Devon and Mid Devon were working with the South Devon and Dartmoor CSP.
- The Youth Intervention Panel was something that had been piloted by the Police working with the CSP. It was about bringing young people into the process at a very early stage with the agencies that touched upon their life whether it was with Housing Teams, Social Services, doctors NHS, Police, the family and those young people. During the process the group talked through what was happening, why the behaviour was occurring and what else was going on in that individual's life or in their family. Was it about the cost of living crisis, lack of decent housing or alcohol and drug misuse? The group discussed how they could tackle the problem together from a multi-agency perspective and how they could intervene before a Community Protection Warning (CPW's) or Community Protection Notices (CPN's) were issued.

Discussion took place regarding:

- The Fire and Rescue Service were also a statutory partner on the CSP.
- Irresponsible dog ownership.
- The Youth ASB toolkit (Annex B in the report) showed early interventions. Letters 1 and 2, Community Protection Warnings (CPW) Criminal Protection Notices (CPN) were all civil justice actions and not criminal justice until such time as there was a breach. There were lots of interventions that could be made on a civil basis which hopefully would keep the individual away from the criminal justice process.
- Current compliance across the 2 CSP's with CPW's and CPN's were 98%. It was diverting a huge percentage of individuals away from the criminal justice system.

Note: *Report previously circulated.

43 ANNUAL AIR QUALITY REVIEW (2:04:18)

The Group received and **NOTED** a *report from the Head of Housing and Health presenting the Annual Air Quality Review.

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

- The Council had a statutory responsibility to monitor air quality under the Local Air Quality Management regime and to report to the Department for Environment, Food and Rural Affairs (DEFRA).
- There were 2 Air Quality Management Areas, one in Crediton and another in Cullompton which were set up on the basis of historic air quality exceedances of the air quality standards in each town. As the Council had continued to monitor and introduce changes and measures to tackle the air quality, so the air quality in both towns had improved. DEFRA were now expecting that the Council should be reviewing the status of their air quality management areas going forward. Within the next 12 months the Council would review the presence of the air quality management areas.
- In the intervening period, the Council had commissioned 2 new air monitoring stations that would be placed in Crediton and Cullompton and allowed the Council to receive high resolution, high quality data, minute by minute, 365 days a year. It was expected that the data would show a continuation of the trend towards cleaner air, however, in Cullompton in particular there would be pressures caused by development and infrastructure delivery. Bearing that in mind, the review would happen in 12 months' time.
- Data from the monitoring stations would be available on line for all to see.

Discussion took place in regarding:

- How the Council could be sure that the air quality was safe when no real time monitoring had been carried out since September 2023?
- The delay in providing a railway station at Cullompton.

Note: *report previously circulated.

44 **PERFORMANCE DASHBOARD FOR QUARTER 3 (2:22:05)**

The Group had before it and **NOTED** a *slide showing performance information in the Community, People and Equalities area for quarter 3.

The following was highlighted by the Corporate Performance and Improvement Manager:

- The Dashboard aimed to give an "at a glance" understanding of how services were performing in terms of performance, finance, and risk. Any measures that were also part of the Corporate Plan were listed in yellow text.

- The indicators were presented with their current performance, the annual target, and a RAG (red, amber, green) rating to indicate whether the Council was on track to meet their targets.

- Overall performance was presented in a pie chart and combined the RAG ratings from both the performance and finance measures.

For the measures showing as Red:

- New subscribers to Let's Talk Mid Devon - during Quarter 3 the Communications Team used the platform once again for the Council's Residents' Survey. However, for the first time the Council asked the public to sign up to the platform before they could complete the survey questions. This meant the Council saw a big uptake in the number of people joining the platform. In Quarter 3 there were 3,729 visits to the website, 598 contributions, 123 sign ups and an engagement rate of almost 21%.

- Licenced vehicle inspections. Due to vacancies within the Licensing Team and the work associated with implementing the new Hackney Carriage and Private Hire Policy, the team had undertaken few taxi inspections. The new Policy introduced additional criteria as part of the vehicle inspections. While the team worked through the process to ensure consistency of approach, the number of inspections had decreased. The vacancies meant it was unlikely the target would be reached this year.

- Private water supply sampling. Additional staff were being trained to undertake the private water supply work. Each officer had to be accredited to take samples.

- Food Service - Total Inspections completed. The service was now struggling to keep up with demand due to vacancies. The Regulatory Officer role had now been filled and would concentrate on those premises rated D and E, however, this role was not competent to deal with the higher risk premises. Due to difficulty recruiting to a senior role, the Council were now unable to deliver the number of inspections per quarter that were needed to achieve the target of 100%. A review of resources and structure to deliver was underway.

Discussion took place regarding:

- Was the sign up rate of 21% on "Let's Talk Mid Devon" what the Council expected? The Council had shown that it was committed to using the tool, there

had been some successes in Housing and the Planning Team were now looking at how they could use it. The Management Team were constantly reviewing how they could encourage people to utilise the platform for the benefit of the residents as well as for the benefit of the Council.
- Were there too many public platforms and was that confusing for the public?
- Licenced vehicle inspections were lower for Quarter 3 due to some key changes in the Hackney Carriage and Private Hire Policy which brought in new standards and new requirements. Those changes had been substantially different for operators, so whilst the operators were getting used to the new requirements there had been a 'soft touch' approach with them. This year the approach had been around education and making sure that they were familiar with the Policy and some of the new requirements.

Note: *slide previously circulated.

45 **SINGLE EQUALITIES POLICY AND EQUAL OBJECTIVES (2:31:50)**

The Group had before it a *report from the Head of People, Performance and Waste and the Corporate Performance and Improvement Manager on the Single Equalities Policy and the Equalities Objectives.

The following was highlighted within the report:

- The document had been reviewed and updated by officers over the past six months, including review at the Equality, Diversity and Inclusion Group.
- The Single Equality Scheme for 2025 at Appendix 1 was subject to a significant update in 2023 following the release of the 2021 Census data at a district level. It had been reviewed and improved upon in each year following this. Any changes to the document were highlighted in red text.
- This year the Council had further structured the document into four key sections:
  Section one simply introduced the document. Section two was the Equality Profile for Mid Devon - this was a data rich section which pulled information from a wide range of sources to help the Council form a greater understanding of the people who lived in the district. Section three set out the Council's Equality Objectives for the next financial year. As set out in legislation, those objectives had to be specific and measureable. The Objectives were largely based on those from the previous financial year, but had been further refined by the Equality, Diversity and Inclusion Group and the Leadership Team. Section four set out the ways in which the Council worked in support of the Equality Act.
- In addition to this, Members had before them at Appendix 2 the Equality Action Plan for the current financial year. The Action Plan was based specifically on the Equality Objectives from the current year, and data was collected and monitored in year by the EDI Group.
- A number of other initiatives related to Equality, Diversity and Inclusion that the Council was undertaking were included in the covering report for information.

Discussion took place regarding:

- Menopause Awareness. Menopause awareness training was to be rolled out to staff and the Council was looking to set up a network of Menopause champions. The Council already had a Union (UNISON), Staff Impact Group and Well-being ambassadors in place and the Council were looking to repeat this in relation to menopause awareness.

RECOMMENDED to the Cabinet that the Single Equality Scheme together with the Equality Objectives for 2025/26 be approved.

(Proposed by Cllr D Broom and seconded by Cllr H Tuffin)

Reason for the decision:

The Equality Objectives contributed to various sections of the Corporate Plan, but in particular helped to support the Council achieve its objectives under the Community, People and Equalities theme, helping to ensure that the Council was "Involving and engaging with communities, ensuring everyone was treated with equity and respect and protecting the most vulnerable".

Note: *report previously circulated.

46 MEET THE FUNDERS EVENT FOR THE VOLUNTARY, COMMUNITY AND SOCIAL ENTERPRISE ORGANISATIONS (2:38:30)

The Chair led the group in a discussion about the possibility of organising a "Meet the Funders" event for the voluntary, community and social enterprise organisations.

- The Chair had been at an event with voluntary, community and social enterprise organisations last year where they raised a need for a platform and networking opportunity to help them build relationships and work together with similarly aligned groups.
- This event had been suggested, building upon something similar which had happened at East Devon.
- The proposal was that the Council set up a Working Group to plan an event.
- The plan would be to have 10 or 12 funders, including the Council, where Community Groups, Charities and Social Enterprise Organisations would be invited to come and meet the funders.
- The Working Group would work out details for such an event.
- The following Councillors agreed to join the Working Group: Cllr B Holdman, Cllr C Connor and Cllr H Tuffin. Cllr G DuChesne (Cabinet Member for Parish and Community Engagement), Cllr J Lock (Cabinet Member for People, Development and Deputy Leader) would attend in an advisory capacity.

The Group **AGREED** that a Working Group be formed to set up a 'Meet the Funders' event for the voluntary sector.

(Proposed Cllr A Cuddy and seconded Cllr C Connor).

47 **ANNUAL REPORT OF THE CHAIR OF THE COMMUNITY, PEOPLE AND EQUALITIES POLICY DEVELOPMENT GROUP. (2:42:44)**

The Group had before it, and **NOTED**, the Chair's Annual Report * for 2024/2025.

This report along with all other Chair's reports for 2024/2025 would be presented at full Council on 23 April 2025.

The Chair thanked Members of the Committee and officers for their help and support throughout the past year.

Note: *Report previously circulated.

(The meeting ended at 3.40pm) **CHAIR**

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MINUTES of a **MEETING** of the **ECONOMY & ASSETS POLICY DEVELOPMENT GROUP** held on 6 March 2025 at 5.30 pm

Present Councillors	J M Downes (Chair) G Cochran, M Farrell (Vice-Chair), M Fletcher, L Knight, J Poynton, R Roberts and A Stirling
Apology Councillor	N Letch
Also Present Officers	Richard Marsh (Director of Place & Economy), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Linda Perry (Economic Development Officer) and Sarah Lees (Democratic Services Officer)
Councillors Online	J Buczkowski, S Keable and L G J Kennedy
Also in Attendance	Debbie Stafford (Senior Economic Development Officer – Youth & Inclusion, DCC), Ben Davies (Employment and Youth Hubs Manager, DCC) and Sarah Flower (Mid Devon Hub Co-Ordinator, DCC)

38 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr N Letch.

39 **PUBLIC QUESTION TIME**

There were no public questions.

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

No interests were declared under this item.

41 **MINUTES**

The minutes of the previous meeting, held on 28 November 2024, were approved as a correct record and **SIGNED** by the Chair.

42 **CHAIR'S ANNOUNCEMENTS**

The Chair had no announcements to make.

43 **EMPLOYMENT AND SKILLS HUB PROJECT PRESENTATION (00:08:00)**

Representatives from Devon County Council (DCC) provided the Group with a presentation on the Employment and Skills Hub project. This included the following summary information:

- The Hub service was based on a successful approach developed via the Exeter Youth Hub which was set up in 2021.
- It was open to anyone looking to move into employment, education and training with a particular focus on people who had struggled to engage with existing provision or self-advocation.
- The Hub worked within the community for the community, tailoring support to specific needs. Although the service offer was consistent across all the Hubs, how it responded to need would vary depending on local demographics, sectors and employers, existing provision etc.
- There was a 'warm handover' and networking was fundamental to Hub success and outcomes.
- It was an 'in person' service offered across two locations in Mid Devon.
- Hub advisers worked alongside individuals in an informal environment to support their journey into employment and further education.
- Virtual / online support was available to those who may struggle to access an 'in-person' service or who preferred a combination.
- For those looking to self-serve or who only needed a light touch intervention, further advice and information could be found on the DCC Employment and Skills website.
- Hub locations were in Tiverton Library and 'the Bookery' in Crediton. There had been:
    - Over 120 referrals
    - 55 people supported
    - 7 into employment / self employment, 18 into training/education
    - 21 disabled, 3 care experienced
    - 147 outputs which was 132% of total outputs (111) and 219% of targets up until the end of Q3
    - 46 outcomes which was 56% of total outcomes (82) and 115% of targets up until the end of Q3
- Three different case studies were presented illustrating how the project had helped particular individuals.
- A long-term clear offer for individuals which was:
    - A proven model of person-centred triage and supported employment.
    - Strategic collective action, providing economies of scale and removing areas of duplication.
    - One team informed of the whole skills and employment offer including; supported internships, supported employment, Careers Hub projects,

Multiply Numeracy, Skills Bootcamps, Digital Series, Digital Skills Partnership, T:Levels and Apprenticeships.
- Maximising local funding to provide a high-quality experience across in-person, virtual and self-serve support.
- Standardized and Shared Management Information system mapped to Shared Prosperity Funding (SPF) Outputs and Outcomes.

Discussion took place regarding:

- The project spread its net widely proactively seeking links with community groups such as Churches Housing Action Team (CHAT), wellbeing Schemes and volunteering agencies.
- There were strong links with adult learning schemes and mental health services.
- The 'One front door' approach was a key to success.
- Constructive working relationships with District Councils was also key, the hub project could not operate where this relationship failed to exist.
- There were mental health difficulties with approximately 50% of the people who engaged with the project. Building up an individual's confidence was vital but this often took considerable time. Engagement with the project was voluntary, it was not mandated by other agencies.
- Hubs needed to situate themselves in locations which offered easy access for those wanting to use them.
- The security of funding for the project moving forwards was unknown.

The Chair thanked the Devon County Council representatives for attending and providing the presentation to the Group which had been very interesting. He requested that they be invited to return in 12 month's time to provide an update on progress by which time there may be more information available on the future funding situation.

44 **PERFORMANCE DASHBOARD Q3 (00:47:00)**

The Group were presented with, and **NOTED**, a slide * showing performance information in the Economy & Assets area under the General Fund. The following was highlighted:

- There was an amber rating for Car Parking Income and the projected outturn.
- Capital slippage of projects was shown with a red rating. This was primarily due to a delay in starting the Cullompton Relief Road project and swimming pool projects at the Leisure Centres.
- The vast majority of ratings however were shown as green and many projects were over delivering in terms of output.

Discussion took place with regard to:

- Business Rateable Value targets were not shown on the Dashboard, why was this? It was explained that this was more than likely due to the fluctuations in this area and it was not within the Council's gift to be able to set these accurately. The Director of Place and Economy stated that he would check with the service lead in this area and report back to the Group.

- A slight decline in Car Park income could be due to revised permit rates and/or a reflection of the current national economic position.
- Optimism was high within various railway forums that progress regarding the Cullompton Railway Station was being made and the local MP's were lobbying hard.
- A lot had been achieved over the past 2/3 years to support local traders and businesses through the Shared Prosperity Fund (SPF) such as business grants, shop front enhancement schemes, the Mid Devon Show etc. The team would continue to do what it could wherever possible but were probably at the limit of what they could within the SPF although it was noted that this had been extended for a further year at a lower level. Future Government funding in this area was very uncertain.
- Tiverton Pannier Market continued to perform very well on Friday's and Saturday's, however, Tuesday's were still proving to be challenging. The Market Strategy was currently being revised and would be brought to the Group at a future meeting.
- The next meeting of the Car Parking Working Group would be taking place on 17th March the results of which would be reported back to this Group at the June meeting.

Note: * Slide previously circulated.

45 **ECONOMIC DEVELOPMENT TEAM UPDATE (00:58:00)**

The Group had before it, and **NOTED**, a report * from the Director of Place and Economy providing an update on activities carried out by the Growth, Economy and Delivery Team since the last Policy Development Group Meeting.

A presentation was provided which summarised activities as follows:

- The Tiverton Work Hub which was now fully up and running.
- 'Field to Fork' support to businesses, showcasing events, planned workshops and the forthcoming photography campaign.
- Visit Mid Devon promotional work, various campaigns and working with the Local Visitor Economy Partnership (LVEP).
- People and Skills – business support, the Prosper Business Support Programme and the Devon Agri-Tech Alliance project delivery.
- A slide showing the reduced revenue and capital funding available next year through SPF4. This brought into focus the reduced amount of funding available next year compared with the current year.
- There would be a Business Rate Relief Drop in Session on 20th March 2025 at Phoenix House to provide advice to businesses.
- The Economic Strategy Review – the last session with all Members was due to take place on 3rd April. The Strategy would also be informed by the upcoming business survey.
- Emerging themes for the PDG Work Programme for the coming year which included:
    - Business Survey Results
    - Continued formulation and publication of Economic Strategy Review
    - Devon and Partners Local Visitor Economy Partnership (LVEP) Growth Plan

- The formulation of Destination Management Strategy
- Shared Prosperity Year 4 Updates
- New business (commercial) floor space delivery
- Town centre vacancy rates

Consideration was given to:

- Town Centre footfall data was now captured using mobile phone technology, this provided much more sophisticated information than previous techniques.
- Visitor spend was under pressure and this was reflected in the reduced car park income. Businesses were also being negatively affected by changes in Business Rates.
- Vacancy rates being higher than the national average and what could be done to address that.

Note: * Report previously circulated.

46 **CHAIR'S ANNUAL REPORT 2024/2025 (01:29:00)**

The Group had before it and **NOTED** the * Chair's Annual Report for 2024/2025. The Chair indicated that whilst this provided a useful summary of the work that the Group had undertaken during the previous 12 months he also wanted the Group to use it as a tool to plan for the year ahead. The intention was for this report to highlight the successes of the previous year, the highs, the lows, the challenges, the opportunities created and it also needed to set out the realistic aspirations for the coming 12 months. He hoped that it could be used to inform an agenda item at the first meeting of each new municipal year.

The officer highlighted the key achievements during 2024/2025 many of which had been included in his presentation under the previous item. These included but were not limited to the following:

- The Swan Trail.
- The Walking Festival.
- Business presence at the Mid Devon Show.
- Meet the Producer competition.
- Devon Agri-Tech Alliance.
- 22 businesses supported through the Food and Drink programme.
- Shop Front Enhancements.
- Media campaigns.
- The Heritage Asset Zone work in Cullompton including the cultural programme.
- The Crediton Masterplan had been adopted.
- Key infrastructure including the receipt of funding for the Cullompton Relief Road.
- Progress on J28.
- National Rail initiatives.
- The setting up of a new Strategic Business Forum.
- Administration of the Green Grants Scheme.

The Chair stated that on behalf of the Group he wanted it placed on record that this was an exceptional list of achievements given how small the team were. He wished to express his gratitude for the hard work and dedication shown by all those in the team. The Economy & Assets PDG was unlike other Policy Development Groups in that it was not service driven and relied upon different funding streams which were constantly fluctuating and unpredictable.

The Chair hoped that the final slide given in the team update presentation, listing the emerging themes, could be used as a prompt for a work plan discussion at the next meeting.

Note: * Report previously circulated.

47 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:37:00)**

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

In addition the following was also requested to be on the agenda:

- Car Parking Working Group Update
- Work programme discussion for 2025/2026

(The meeting ended at 7.08 pm) **CHAIR**

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 18 March 2025 at 2.15 pm

Present Councillors	S Robinson (Chair) C Adcock (Vice-Chair), J Cairney, C Connor, A Glover and H Tuffin
Apologies Councillors	F W Letch and N Letch
Also Present Councillor	S J Clist
Also Present Officers	Simon Newcombe (Head of Housing & Health), Dean Emery (Head of Revenues, Benefits & Leisure), Sophie Richards (Customer Engagement Co-Ordinator, Mid Devon Housing) and Sarah Lees (Democratic Services Officer)
Councillors Online	J Buczkowski and J Lock
Officers Online	Dr Stephen Carr (Corporate Performance & Improvement Manager), Mike Lowman (Operations Manager for Building Services) and Carole Oliphant (Housing Policy Officer)

61 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs F Letch and N Letch.

62 PUBLIC QUESTION TIME

The following questions were received from the one member of the public attending the meeting:

Paul Elstone

Question 1
My questions relate to Agenda Item 7 Housing Service Delivery Report Q3
Specifically, Paragraph 2.4

Quote: “Councillors also have a responsibility to ensure that Mid Devon Housing is being open and accountable with regard to how the organisation meets its objectives and regulatory requirements”. Unquote.

.

I have provided Homes PDG and Scrutiny Members with a document and related “as built” drawings. Drawings that confirm and beyond doubt that the MDDC Social Housing modular build developments at both Shapland Place, Tiverton and St Andrews House, Cullompton, fail to fully comply with the UK Government’s Nationally Described Space Standards. This despite what Members of this Council have been told several times previously that they did.

How can this Council justify spending extremely high and limited funds on social housing developments that are built smaller than the Government’s described space standard requires and to the detriment of the residents of these dwellings?

Question 2

How can this Council enter into a partnership arrangement with a developer that designs then builds and installs social homes developments that fail to comply with very basic Government standards?

Question 3

Why are MDDC Officers including those in Housing, Planning, and of real concern Building Control, not identifying these standards failings and at various stages of the development program?

Question 4

How can this Council apply for and receive grant funding from a UK Government funded entity i.e. Homes England and for developments that fail to comply with the Governments own space standards?

Question 5

Is there not a case of Homes England being made aware of these space standard non-compliances?

Question 6

How can this Council, as well of the developer, routinely “trumpet” even this past week that these developments have won multiple awards given they fail to meet the most basic of standards?

Question 7

Is there not a case that the various entities making these awards being made aware of the standards non-compliance failings?

The Chair stated that as the questions had not been received in advance the questioner would receive written replies within 10 working days.

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

No interests were declared under this item.

64 **MINUTES**

The minutes of the meeting held on 28 January 2025 were approved as a correct record of the meeting and **SIGNED** by the Chair.

65 **CHAIR'S ANNOUNCEMENTS**

The Chair had no announcements to make.

66 **PERFORMANCE DASHBOARD Q3 (00:07:00)**

The Group were presented with, and **NOTED**, a slide * showing performance information in the Mid Devon Housing area both under the Housing Revenue Account (HRA) and the General Fund (GF).

The dashboards aimed to give an 'at a glance' understanding of how services were performing in terms of performance measures, finance and risk. Any measures that were also part of the Corporate Plan were listed in yellow text.

The indicators were presented with current performance, the annual target and a RAG (red/amber/green) rating to indicate whether or not the Council was on track to meet its target. Overall performance was presented in a pie chart which combined the RAG ratings for both of the performance and the finance measures.

The following red and amber indicators were referred to:

- The projected outturn for the General Fund was showing as red. In part this was due to the cost of upgrades to the community alarm kit following changes in technology.
- The delivery of new social housing was showing as red and new net zero properties was also showing as red. There had been delays to live projects as well as difficulties awarding contracts for some projects which had contributed to these ratings.
- Complaints responded to within the complaints handling timescale was showing as amber, however, there had been 100% compliance in quarter three and indeed in quarter two before that, therefore performance was improving.
- Housing stock occupancy rate was shown as amber. There were a number of long term development voids awaiting redevelopment and this was continuing to lower the occupancy rate.
- HRA projected tenant income was showing as amber and this was related to the inclusion of the forecast 24/25 refunds for the overcharges arising from a historic rent calculation error.
- Projected capital outturn was showing as amber. Capital slippage of development projects was also amber. There were a number of different reasons behind some of the project delays. For example, delays around utility companies and their failure to adhere to project time scales and challenges with Devon County around road closures and their preference for these to be within school holidays. These factors had affected the Council's ability to deliver new social housing in the district. However, the pipeline of projects remained strong.

A brief discussion took place regarding:

- Whether there could be a target in relation to 'Unoccupied and unfurnished empty homes'? It was explained that several years ago the Council had employed an Empty Homes Officer as part of a discretionary service. However, this post had been removed as part of budgetary savings in this area. The imminent Tenancy Strategy would include a number of initiatives which would address some of these issues.
- 'Empty Homes' could have numerous classifications.
- The delays being experienced as a result of utility companies failing to meet desired timescales. Some new development was ready to go but needed a power supply. The reliance on Government funding was also frustrating. These were key blocking factors preventing development from moving forward at a quicker pace.
- The Group sought reassurance regarding staffing levels and were informed that Mid Devon Housing was going through a process of restructuring and more staffing resource would exist going forwards.
- It was not in the Council's interest to build unsafe developments or fail to meet the requirements of the building regulations.

Note: * Slide previously circulated.

67 **MID DEVON HOUSING SERVICE DELIVERY REPORT FOR Q3 2024-25 (00:25:00)**

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

The following was highlighted within the report and discussion took place regarding:

- The report covered a multitude of areas across Mid Devon Housing, ranging from Tenant Satisfaction Measures (TSM's), enforcement, building repairs and maintenance to rent recovery.
- Timing wise, the report was slightly behind with the data. Performance was holding up well, however, there continued to be recruitment challenges and long term sickness was putting pressure on the service.
- It was confirmed that safety works would always take priority.
- Rental income collection figures continued to improve on what was already a positive position.
- Tenants who presented as being repeatedly or longstanding in arrears were dealt with on a case by case basis. Officers worked hard to support tenants falling into this category by offering early advice and support where they could, for example, were tenants claiming all the benefits they were entitled to? Officers also signposted tenants to other support agencies such as food bank providers. It was accepted however that some tenants would never engage with the Council as their landlord. Sometimes properties were left unoccupied with the Council not knowing where the tenant had gone.
- It was confirmed that all the houses at St George's Court in Tiverton were now let. The 29 flats had needed adapting, for example, installing level flooring in the bathrooms. All but one of these adaptions had now taken place. The flats

were therefore very nearly ready to be let. There was an ongoing issue with the lifts but the Council was trying to resolve this with the manufacturer.
- The Council could not legally rent the flats until they had been valued by a Government appointed District Valuer for the purposes of setting the correct formula rent and arranging for them to do this was proving to be a lengthy process.

Note: * Report previously circulated.

68 **VERBAL UPDATE ON TENANT SATISFACTION MEASURES (00:46:00)**

The Group received, and **NOTED**, a verbal update on the Tenant Satisfaction Measures (TSM's) by the Customer Engagement Co-ordinator which included the following information:

- This year the Council had opted for quarterly surveys rather than one annual survey for the Tenant Satisfaction Measures.
- The service were nearing the end of the surveys for Q4, there were approximately 15 more surveys to be completed to hit the target of 501 responses. This 501 responses gave the service the compliance it needed and would satisfy the Regulator. This was about 1 in 6 tenants who took the survey, so these were good numbers.
- The service was seeing an uplift in many areas of satisfaction this year.
- Full data would be provided at the next meeting. In the meantime, this data would be reported back to the Regulator and some tenant friendly communications would be put together to share the results.
- Tenants had been contacted throughout the previous quarters to follow up on any concerns that they may have raised in their survey and the service would continue to do this once the data for the final quarter came through.

69 **MID DEVON HOUSING (MDH) TENANCY MANAGEMENT POLICY (00:48:00)**

The Group had before it a report * from the Head of Housing and Health. The Mid Devon Housing (MDH) Tenancy Management Policy had been reviewed and amended due to the Cabinet decision to end the use of Flexible tenancies. It was last reviewed in 2022 and therefore not many changes were required. The revised Tenancy Management Policy removed any reference to Flexible tenancies.

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

- The policy set out the requirements of tenants and the landlord.
- This had been updated in 2022.
- Because of the Cabinet decision to move away from Flexible Tenancies, any reference to this now needed to be removed from the policy hence why this had been brought before the Policy Development Group and as such this was merely a practical exercise.

Discussion took place regarding 'rights to succession' after the death of a tenant. It was explained that this was a historic concept which may no longer exists in specific circumstances but if a tenant had signed up to a tenancy when 'rights of succession' were in existence historically then that concept remained for that tenancy after the death of the tenant who had signed up to it.

RECOMMENDED to the Cabinet that:

The updated Mid Devon Housing Tenancy Management Policy and Equality Impact Assessment contained in Annexes A and B respectively be approved.

(Proposed by Cllr J Cairney and seconded by Cllr A Glover)

Reason for the decision

As a registered provider (RP) of social housing, the Council was obliged to take account of the standards contained within the revised regulatory framework which was administered by the Regulator of Social Housing (RSH). This stated that RPs should publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.

Note: * Report previously circulated.

70 **VARIATION TO STANDARD MID DEVON HOUSING TENANCY AGREEMENT (00:55:00)**

The Group had before it a report * from the Head of Housing and Health. It was stated that the current Tenancy Agreement was launched in 2016 and was due for a review. However, as the Cabinet approved the Homes PDG recommendation that the use of Flexible Tenancies be halted further changes were required to the Tenancy Agreement to reflect this change and therefore there was a requirement to undertake a broad review of the agreement now.

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

- Lots of work had been going on in the background to update the Tenancy Agreement after Cabinet approved the Homes PDG recommendation to halt the use of Flexible Tenancies. There had been many changes since the last Tenancy Agreement was reviewed in 2016, in terms of legislation, regulation and internal policies and this new tenancy agreement, reflected that. There had been a delay due to extended legal review. However, the service was now at a stage where it could go out for the Section 103 Consultation.
- There were specific provisions related to this consultation in the Housing Act 1985, tenants would be sent a preliminary notice of variation which would inform them of the Council's intention to serve a Notice of Variation. In a nutshell, this was a 28 day consultation period where tenants would have the opportunity to comment on the Council's proposed Tenancy Agreement. The service would be including a 'changes at a glance' document to make things more tenant friendly. Drop in sessions would take place across the district as well as doing the usual online consultation through' Lets' Talk Mid Devon' and shared across social media.
- The consultation would run after approval was provided by Cabinet in April, it would run for 28 days and would be sent to Members and partners at the same time.
- There would be more steps to follow after the consultation in line with the Housing Act 1985 with regards to sending notice of variation letters to secure

and introductory tenants and there would need to be a 4 week wait between sending these and the implementation date. This meant the Council would plan to go live with the new tenancy agreement hopefully by September time.

RECOMMENDED to the Cabinet that:

The procedure for the variation of tenancy conditions and updating the standard Tenancy Agreement, including formal consultation with tenants, commence in line with the Housing Act 1985 (sections 102 & 103).

(Proposed by Cllr J Cairney and seconded by Cllr H Tuffin)

Reason for the decision

As a registered provider (RP) of social housing, the Council was obliged to take account of the standards contained within the revised regulatory framework which was administered by the Regulator of Social Housing (RSH). This stated that RPs should meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

The Social Housing (Regulation) Act 2023 was designed to strengthen the regulatory framework for social housing and to introduce a new proactive, consumer-led regulation regime focussed on meeting the needs of tenants.
Section 102 and 103 of the Housing Act 1985 provided that in England and Wales the terms of a secure tenancy (other than those implied by statute) may be varied, therefore correct compliance with legislation was a requirement to prevent any legal challenges.

Section 105 of the Housing Act 1985 sets out the Council's duties relating to consultation with tenants on matters of housing management. Following any consultation, the MDH would be obliged to give a minimum notice period of 4 weeks in advance of any change.

Note: * Report previously circulated.

71 DOWNSIZING WORKING GROUP REPORT (00:58:00)

The Group had before it a report * from the Head of Housing and Health. The Homes PDG established a Downsizing Incentives Working Group to investigate potential incentives that might encourage tenants to move from larger properties. The Group was tasked with gathering tenants' perspectives on desirable incentives and providing recommendations for an incentive scheme.

The contents of the report were outlined by the Chair of the Working Group, Cllr A Glover, with particular reference to the following:

- Feedback had been sought from tenants, there had been 76 responses and 70% of those had agreed that incentives should be offered for downsizing.
- All options had been considered by the Working Group and the ones recommended below had seemed the most helpful.
- It was confirmed that a budget could be found within the Housing Revenue Account to support these proposals.

- A number of difficult conversations had had to be had to reach this point.
- Officers thanked the Working Group for their hard work and dedication in conducting this exercise.

RECOMMENDED to the Cabinet that:

The Downsizing Incentives be developed by Officers and added as an addendum to the Allocations Policy with the following provisions:

a) A maximum financial incentive of £1,000 for tenants downsizing by one bedroom.
b) A maximum financial incentive of £2,000 for tenants downsizing by two or more bedrooms.
c) Tenants could use the financial incentive to offset any recharges they might owe on their current property or to cover costs for moving, new carpets and/or redecoration in their new property. If no recharges are owed, they would receive the full incentive amount to use at their discretion.
d) A direct let option for existing tenants to allow MDH to consider downsizing moves into newly void properties in specific circumstances in accordance with wider allocation policy.
e) A communication plan including targeting of hard-to-reach tenants.
f) One-to-one support for completing Devon Home Choice applications if relevant.
g) A 12-month pilot scheme, followed by a review to assess the scheme's success and determine next steps.

(Proposed by the Chair)

Reason for the decision

Formulation of a Downsizing Incentive Scheme would encourage and support tenants to move to suitable accommodation. Tenants who were in receipt of benefits were affected by the ‘bedroom tax’ which provided a financial disincentive to remaining in a home which was larger than they needed. Promotion of mutual exchange scheme will encourage moves. Improved data collection on households would enable targeted contact with tenants under occupying.

Risks associated with this scheme had been considered although assessment would need to continue throughout the early life of the scheme. Whether the payment was sufficient to incentivise downsizing remained to be seen, although with the number of tenants looking to reduce numbers of bedrooms in their properties expected to increase, another risk was that the HRA resource was being paid to support moves which would have happened anyway.

Note: * Report previously circulated.

72 **TENANT INVOLVEMENT STRATEGY (01:05:00)**

The Group had before it a report * from the Head of Housing and Health. Under the Regulator of Social Housing’s Transparency, Influence and Accountability Standard Registered Providers (RPs) must take tenants’ views into account in their decision-making about how landlord services are delivered.

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

- The Tenant Involvement Strategy for 2025-2030 set out a clear vision for strengthening tenant engagement over the next five years, ensuring tenants have a meaningful role in shaping the services they receive.
- Tenant involvement was at the heart of delivering an excellent housing service. The Transparency Influence and Accountability Standard, introduced in April 2024 required the Council to work more closely with tenants to ensure their voices shaped the way the Council delivered services. This was not just about meeting regulations but about building stronger, more engaged communities and ensuring the Council was accountable to our tenants.
- The strategy was built around four core principles which were strengthening engagement and participation, communication and insight, accountability and fairness, respect and diversity. This built on progress made since 2021. The Council had come quite far since its last strategy, engagement had improved, it was more meaningful, tenant's were being listened to who had never had interactions with the Council before. The year ahead would see co-opted tenants joining the Homes PDG. All round the service was better aligning its commitment to continuous improvement. However, there was still more to do to ensure all tenants felt engaged and able to participate in a way that suited them. The hope was that this strategy would help support that.
- Included as well was a one year action plan, this would be updated yearly as the next 5 years progressed to ensure the service was implementing this strategy as agreed.

RECOMMENDED to the Cabinet that:

The updated Mid Devon Housing Tenant Involvement Strategy and Equality Impact Assessment contained in Annexes A and B respectively be approved.

(Proposed by Cllr A Glover and seconded by Cllr J Cairney)

Reason for the decision

As a registered provider (RP) of social housing, the Council was obliged to take account of the standards contained within the revised regulatory framework which was administered by the Regulator of Social Housing (RSH). This stated that RPs must take tenants' views into account in their decision-making about how landlord services were delivered.

Note: * Report previously circulated.

73 **MID DEVON HOUSING RENT ERROR UPDATE (01:08:00)**

The Group had before it a report * from the Deputy Chief Executive (S151) and the Head of Housing and Health updating it on the corrective measures completed and next steps in order to rectify an identified historic rent setting error.

The following was highlighted in the report and discussion took place regarding:

- The PDG were asked to note the number of actions which had already been commenced to correct this issue and which were ongoing. There had been substantial progress and dedicated resource had been provided to correct this issue.
- Current and ongoing rent had now been corrected and updated bills sent out to tenants. The current rent formula had been reviewed externally and assurance provided it is now wholly correct.
- There were up to 70 historic evictions for rent arrears (all or in part) which may have involved tenant who overpaid rent. These would be investigated individually against the mitigation set out in the report.
- It was explained that the Regulator would like to see a clearer Member decision on this process hence the report before the PDG with a recommendation to the Cabinet on the overarching approach.
- The Revenue and Benefits team worked very closely with the Department of Work and Pensions (DWP) to obtain and deal with the relevant data.
- It was confirmed that some other local authorities were in the same position. It may not be known at this stage whether or not the DWP assisted a tenant with their rent via their benefits. The Council needed to bear this in mind when assessing the refund position in each case. More informed and complex discussions needed to be had with DWP reflecting the importance of their role in this process.
- A refund policy had been drafted and every effort would be made to refund those tenants owed money in as timely a manner as possible.
- An update would be provided to tenants in April, as well as the media.
- There had been limited contact from tenants on this matter, information provided through the various media channels had been good.
- The complexities involved could not be under estimated in the determining of each case, for example, some tenants had gone into and out of the benefit system during the course of their tenancy. Issues in relation to Housing Benefit and Universal Credit would also come into play and need to be factored in.
- There were FAQ’s on the website and officers were always there to offer advice and support to housing tenants.
- Sometimes it took new auditors to do a deep dive in order to pick issues up and this is what had happened on this occasion.
- Local DWP officers had been extremely helpful but it was understood that there are DWP system issues preventing the easy resolution of these matters. The Universal Credit system was initially created at pace and there were limitations to the type of data retained. The Council would still push forward to the best of its ability so that nobody was prejudiced by unlawful delay.
- Members were advised that if any of their constituents had any concerns then they needed to contact the Council as soon as possible. Tenants needed to be advised in the appropriate manner and letters did not always get read.

RECOMMENDED to the Cabinet that:

1. The tasks that have been further progressed in order to correct this situation be noted.

2. Approval be given for the overarching approach to the review of historic MDH possession proceedings (evictions) where rent overpayments were made as set out in section 2 of this report.

(Proposed by the Chair)

Reason for the decision

The activity of MDH is funded through the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls.

Significant financial modelling has been undertaken in order to reach some of the key decisions being put forward in the Cabinet report in December 2024. We have also reflected on current balances and reserves held by the HRA and other legislative requirements that have to be delivered when evaluating how to correct this historic rent setting error. This modelling continues to be refined and further work is largely now dependant on further guidance and advice from the DWP as set out within the report.

While the current analysis shows that the majority of those affected have been historically undercharged, the position previously agreed is unchanged and there is no intention or ability to recover lost funds.

Therefore, it continues to be the case that the totality of the impact is experienced as a cost to the HRA rather than a rebalancing.

Note: (i) * Report previously circulated.
(ii) Cllr A Glover declared a personal interest as she was a Council tenant.

74 **CHAIR'S ANNUAL REPORT FOR 2024/2025 (01:47:00)**

The Group had before it, and **NOTED**, the Chair's annual report * for 2024/2025.

This report along with all other Chair's reports for 2024/2025 would be presented at full Council on 23rd April 2025.

Note: * Report previously circulated.

75 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:48:00)**

The items already listed in the work programme for the next scheduled meeting were **NOTED**. In addition to this the following was requested to be on the agenda for the next or a future meeting:

- A report outlining the value for money of 'modular builds' versus 'traditional builds'.
- An update on the Rent Error issue.
- An update on workforce issues / Apprenticeships / contractors.
- Private VOIDS and any progress?
- An update on the Downsizing recommendations.
- An update on the St George's development.

It was **NOTED** that the newly Co-Opted tenants would be joining the Policy Development Group for their first meeting in June.

(The meeting ended at 4.07 pm) **CHAIR**

MINUTES of a **MEETING** of the **PLANNING, ENVIRONMENT & SUSTAINABILITY POLICY DEVELOPMENT GROUP** held on 11 March 2025 at 5.30 pm

Present

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

Also Present

Officer(s): 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 Buczkowski, S Keable, J Lock and D Wulff

Officers Online Tristan Peat (Forward Planning Team Leader)

1 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

2 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

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

No interests were declared under this item.

3 **PUBLIC QUESTION TIME**

Paul Elstone asked the following questions in relation to Agenda Item 9.

Question 1

It is noted that a Member of this Committee has raised a Scrutiny Committee proposal and linked to planning application Agricultural Land use concerning Anaerobic Digesters and Solar Farms.

A year ago, I asked questions about Anaerobic Digester (AD) and Solar Farms including questions about numbers and land usage. When I asked my questions the answers, I received very clearly indicated that Mid Devon District Council (MDDC) had no clear idea of not only land usage but also of power generation capacity and number of installations.

That MDDC were placing reliance on data from various sources but there were no definitive results. Having looked in detail at the data sources used by MDDC the data is seriously incomplete. I am being polite. I am more than happy to validate that statement.

Will this Committee revisit the requirement to have a complete data set showing land usage and power generation capacity for each AD and Solar Farm in Mid Devon?

Information that is readily available and simple to collate, this if you know where and are prepared to look. It is not time consuming to do so.

Question 2

In terms of AD land usage are this Committee aware that one AD in Mid Devon requires over 300 hectares or nearly 750 acres of agricultural land to grow what are called power crops such as maize this to produce 1 megawatt an hour of electricity for 365 days of the year.

That a solar farm with battery storage would require just 20 hectares to produce the same electrical energy over the year.

Question 3

Are this Committee aware of the extent of Greenhouse Gas emissions associated with AD's?

That AD's are nothing like as green as many wish to project. This where power crops are the major source of feedstock, unlike food waste, cow slurry or chicken litter.

Available data indicates that around 3 tonnes of CO2 can be released for every hectare of land ploughed.

It is estimated that the tractor movements for one AD in Mid Devon to be as high as 40,000 miles per year. That typical tractor fully laden can consume around one litre of diesel per mile. Therefore, adding around 116 tonnes of CO2 to the atmosphere. Not including CO2 emissions for harrowing, tilling, spraying and harvesting plus spreading of digestate.

Time prevents me from listing all the greenhouse emissions related to an AD, but it should never be forgotten the amount of CO2 produced due to the manufacture of the AD itself plus deconstruction and that for every tractor trailer and tanker associated.

Bottom line 2 of the 3 ADs in Mid Devon are very far from being as environmentally green as the operator's project.

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The Chair confirmed that a written answer would be supplied within 10 working days.

Paul Elstone confirmed that he would not expect an answer with regard to the last 2 questions.

4 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 26 November 2024 were approved as a correct record of the meeting and **SIGNED** by the Chair.

5 CHAIR'S ANNOUNCEMENTS

The Chair had no announcements to make.

6 EXE VALLEY SHARED PATH SUPPORTERS GROUP

The Group received a presentation by Richard Sommerwill from the Exe Valley Shared Path Supporters Group (EVSPSG).

A summary of the information provided was as follows:-

- The Exe Valley Shared Path Supporters Group had developed over the past few years as the Tiverton to Exeter railway line had been used for years and had massive potential.
- Support had been received from Bickleigh Parish Council and Tiverton Town Council as well as support on social media.
- In the late 1990's Devon County Council (DCC) had looked at this route although buying land from farmers was found to be difficult.
- In June 2020 DCC were asked to support the scheme but unfortunately it was not a current strategy.
- The Cycling and Walking Infrastructure Plan which was published in 2024 did not feature the railway line.
- The EVSPSG wished to propose development of the route in stages.
- There would be huge benefits to the scheme in terms of reducing cyclists on the roads, improving the health and wellbeing of the populations, reducing car journeys and carbon emissions and a huge boost to tourism.
- There was hope to raise funding through sponsorship and crowdfunding.

Discussion took place regarding:-

- How Mid Devon District Council could help to support the scheme. It was explained that support from District Councillors would be required to help take the scheme forward to DCC.

The PDG thanked Mr Somerwill for his presentation.

7 PERFORMANCE DASHBOARD QUARTER 3

The Group were presented with, and **NOTED**, a *slide showing the Performance Dashboard for Quarter 3 2024/2025. The following was highlighted within the report:-

- The overall performance was presented in a pie chart and combined RAG (red, amber, green) ratings from both performance and finance measures to indicate overall performance.
- Building Control Income was slightly below budget due to the depressed housing market.
- Two indicators related to capital projects were shown as red
- There had been an underspend due to a slippage on installation of additional EV charging over and above the Local Electric Vehicle Infrastructure (LEVI) scheme run by Devon County Council.

Note: * Performance Dashboard previously circulated.

8 WILLAND NEIGHBOURHOOD PLAN

The Group had before it a report * from the Director of Place and Economy considering the Willand Neighbourhood Plan.

The report was presented by the Forward Planning Team Leader and the following was highlighted within the report:-

- The outcome of the recent Local Referendum held for the Willand Neighbourhood Plan on 27 February 2025.
- There was a requirement for Mid Devon District Council to make a decision regarding the adoption of the Plan.
  Those eligible to vote were asked the following question “Do you want Mid Devon District Council to use the Neighbourhood Plan for Willand to help it to decide planning applications in the neighbourhood area”?
- The results of the Referendum were published on the Council’s website and were as follows:-
  (i) The number of votes cast in favour of a yes was 269.
  (ii) The number of votes cast in favour of a no was 29.
  (iii) There was one spoilt ballot paper.
  (iv) The total number of votes cast was 299.
- The outcome of the vote was that 90% of voters were in favour of the Willand Neighbourhood Plan which meant it had obtained the same legal status as a Local Plan.
- As a result of that, the Neighbourhood Plan had become part of the Statutory Development Plan for the area.
- This meant that applications for planning permission must now be determined in accordance with the Development Plan, including the Willand Neighbourhood Plan, unless material considerations indicated otherwise.
- The Council must now formally adopt the Plan as soon as reasonably practicable and no later than 8 weeks from when the Referendum was held.

- The Council may refuse the Plan if it considered that making it would be a breach or would otherwise be incompatible with any remaining EU obligations or any human rights obligations.
- Mid Devon District Council officers held the view that the making of the Plan would not breach those obligations.

RECOMMENDED to the Cabinet that:-

1. The Willand Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the Willand area;

   (Proposed by Cllr L Knight and seconded by Cllr B Fish)

2. The Willand Neighbourhood Plan Adoption Decision Statement (Appendix 2) is published to meet the publicity requirements in the Regulations.

   (Proposed by the Chair)

Note:-

(i) Cllr C Harrower and Cllr G Westcott abstained from voting as they were not present for the duration of this item

Reason for the decision

As set out in the report.

Note *Report previously circulated.

9 CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE UPDATE

The Group had before it, and **NOTED** a report* from the Cabinet Member for Environment and Climate Change which was presented by the Climate and Sustainability Specialist Officer.

The following was highlighted within the report:-

- Mid Devon District Council had recently recruited a Project Manager who would be helping to deliver on the green projects.
- A total of 1810 trees had been planted this season which was three times above the Council's target.
- Green Business Grants were about to be launched and would be publicised.
- The Council were building on community engagement in relation to the Climate Change Strategy.
- Efforts were underway to consider how to support or enhance the status of the Grand Western Canal.

Discussion took place regarding:-

- The various designations which may help to enhance and protect the Grand Western Canal.
- The planting of trees and that free trees could be obtained from the Devon Wildlife Trust and the Woodland Trust.
- The protection of trees once they had been planted.
- The Sustainable Tiverton Share Shop and how this could be better accessed.
- Free parking in the town centre for volunteer workers or the ability to pay "by the hour". It was explained that parking meters had set time frames.

It was **AGREED** that the Head of Finance, Property and Climate Resilience would investigate parking charges further with the Council's Parking Services Team and report back to this PDG.

Note: * Report previously circulated.

10 **PLANNING SUMMARY REPORT**

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:-

The report summarised the actions from the proceeding months in relation to planning matters. The following updates were included within the report:-

(i) New National Planning Policy Framework (NPPF)
(ii) New Local Plan
(iii) Development Management Policies
(iv) Development Management
(v) S106
(vi) Conservation
(vii) Building Control
(viii) Planning Enforcement

The following was highlighted within the report:-

- The various proposed changes to the planning system such as the housing delivery targets.
- The Planning and Infrastructure Bill had been presented by Government today and it appeared that this would propose or introduce significant changes to the way the planning systems worked in the UK and how development would come forward in the future.
- Local fee setting would be delegated to Local Planning Authorities to allow costs to be covered.
- Nationally, planning application volumes were down by approximately 2%.
- An advertisement for a Planning Enforcement Officer was now live on the Council's website with a closing date of 28 March 2025.

Note: * Report previously circulated.

11 **CHAIR'S ANNUAL REPORT**

The Group had before it and **NOTED** the * Chair's Annual Report for 2024/2025.

The Chair stated that the Planning, Environment and Sustainability Policy Development Group would bring life to the ideas of elected Members with the support of officers, input from local constituents and local organisations to continue to build, enhance and preserve the beautiful Devon landscape against the effects of climate change.

There were a huge number of routes to be pursued to make the most impact and to leave a lasting legacy. Steps taken would make a real difference to the community in the years ahead.

This report along with all other Chair's reports for 2024/2025 would be presented at full Council on 23rd April 2025.

Note: * Report previously circulated.

(The meeting ended at 18:59) **CHAIR**

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MINUTES of a **MEETING** of the **SERVICE DELIVERY & CONTINUOUS IMPROVEMENT POLICY DEVELOPMENT GROUP** held on 10 March 2025 at 5.30pm

Present Councillors	M Fletcher (Chair) C Connor, M Farrell, A Glover, M Jenkins and S Robinson
Apologies Councillors	B Fish and C Harrower
Also Present Councillor	J Wright
Also Present Officers	Matthew Page (Head of People, Performance & Waste), Dean Emery (Head of Revenues, Benefits & Leisure), Lisa Lewis (Head of Digital Transformation & Customer Engagement), Andy Mackie (Leisure Services Manager) and Sarah Lees (Democratic Services Officer)
Councillors Online	E Buczkowski, J Buczkowski, S Keable and J Lock
Officers Online	D Beer (Operations Manager for Street Scene and Open Spaces) and Ben Snow (Leisure Centre Manager)

46 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr B Fish and Cllr C Harrower who was substituted by Cllr S Robinson.

47 PUBLIC QUESTION TIME

There were no public questions.

48 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

49 MINUTES

The minutes of the previous meeting held on 2nd December 2024 were approved as a correct record and **SIGNED** by the Chair.

50 CHAIR'S ANNOUNCEMENTS

The Chair had the following announcements to make:

- He apologised to those attending the meeting either in person or online for the delay in the start of the meeting. The meeting had been inquorate for the first 10 minutes after the official start time.

- He reminded the Group that an invitation had been sent out to the Group to visit one or all of the Leisure Centres on 18th, 19th and 20th March.

- He also reminded the Group that a workshop was planned for the Policy Development Group on 31 March 2025 at which the service leads would provide relevant information for each of their service areas so that the PDG had a better understanding of the areas reporting to it for the coming year. This would be an in person only workshop. All were encouraged to attend.

51 PERFORMANCE DASHBOARD Q3 (00:03:00)

The Group were presented with, and **NOTED**, a slide * showing performance information in the Service Delivery & Continuous Improvement area.

The following was referred to:

- There were amber ratings in relation to household waste collected per household, staff turnover, missed bin collections, the Council Tax collection rate and households on chargeable garden waste. However, performance was only very slightly behind the predicted position for quarter 3 and in some cases the targets set were very challenging. The pressure on resident's household finances due to current economic circumstances might also be a factor in relation to Council Tax collection rates.
- There were red ratings in relation to the public survey engagement rate, agency spend against budget and capital slippage of projects. It was explained that in relation to agency spend there had been a requirement to manage the demands of the waste collection service by using agency staff but overall the requirement to do this had dramatically reduced over the last two years.

A brief discussion took place regarding missing data in relation to 'Leisure cost per visit'. It was requested that this data be provided for future reports.

Note: * Slide previously circulated.

52 **ARTIFICIAL INTELLIGENCE POLICY (00:08:00)**

The Group had before it a report * from The Head of Digital Transformation & Customer Engagement proposing a policy to govern and monitor the use of artificial intelligence (AI) within the organisation.

The following was highlighted in the report:

- The purpose of the proposed new policy was to ensure that users were aware of AI methods, the importance of information security, AI's growing influence and to identify key roles and responsibilities.
- The policy also set out the acceptable uses of AI.
- There would need to be data protection assessments for certain AI uses and a need to ensure users were transparent in their use of AI.
- Checks and balances would need to be in place.
- A key issue needed to be factoring out biases, ensuring accuracy and maintaining human oversight.
- As part of the policy there would need to be a number of follow up actions including staff training, regular risk reviews, the issuing of acceptable use guidance, equality impact assessments and ensuring the Council met the strict guidelines of procurement.
- The policy itself would also need a review every six months to ensure methods were being used safely. Due to this frequency, it was likely this would be delegated to the Deputy Chief Executive (S151).
- AI presented a lot of risk but also a lot of opportunity.

Discussion took place regarding:

- A Member briefing would be organised to update and inform Members, however, the key focus in the initial stages would be to provide training to staff as the primary users.
- The proposed policy was thought to provide a very useful framework moving forwards.

RECOMMENDED to the Cabinet that it recommends to full Council the adoption of the Artificial Intelligence Policy.

(Proposed by the Chair)

Reason for the decision

In appropriate or unauthorised use of AI may expose MDDC to risks such as data breaches, copyright infringement, or biased decision making, potentially resulting in legal proceedings.

Note: * Report previously circulated.

53 **LEISURE SERVICE - VERBAL UPDATE (00:19:00)**

The Group received, and **NOTED**, a verbal update from the Operations Manager for Leisure Services regarding current activity with the Leisure Services area.

This included summary information in relation to the following:

- A staffing restructure to allow for clearer reporting lines and divisions of responsibility.
- A digital transformation project affording far more accurate data and a smoother customer journey.
- The service was being rebranded to 'Active Mid Devon'. This would help to position the leisure service as one that other local authorities aspire to.
- The service was currently working towards the UK Active Standard which was designed to help instil customer confidence in the safety and inclusivity of the Council's fitness and leisure facilities.
- Working with Devon libraries focussing on the benefits of being physically active.
- Progress with the planned 'Wellbeing Walks'.
- Park runs – two areas had now been secured for Junior Parkruns, Westexe in Tiverton and CCA fields in Cullompton. Volunteers to facilitate these events were now being sought.
- Training sessions in relation to Menopause awareness had been and will continue to be delivered.
- The Culm Valley Sports Centre had hosted a Community Open Day and the feedback had been very positive with new memberships secured.
- The PDG were invited to tour the leisure centres on several dates in March.
- Changing room refurbishments had commenced at Lords Meadow.
- Social Value - at the end of 2024 the leisure service had commissioned a social value report to look at the wider impact of the service being delivered. The work leisure did went far beyond getting people mentally and physically healthier and even beyond teaching valuable life skills such as swimming. Leisure had had its best year yet and by measuring social value in addition to revenue and participation the service could now see that Mid Devon sat proudly in the top 25% in the country for the social value contribution, benchmarked against over 2500 other providers using the same methodology.

Discussion took place with regard to:

- It was felt to be a good idea to bring the libraries and leisure centres together for the benefit of residents.
- It would be a great community asset if it was possible to succeed in setting up park run/s.
- Leisure centre open days were a really good initiative and had proven to lead to visitors signing up for memberships.

The Chair thanked the officer for this useful update.

54 **ENVIRONMENT & ENFORCEMENT PERFORMANCE REPORT Q3 (00:35:00)**

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

The following was highlighted within the report:

- A key focus had been on interacting with residents and landlords which had helped to support compliance work around Bin-It 123 and ensuring greater levels of recycling.

- The service had successfully gained accreditation for the CSAS (Community Safety Accreditation Scheme). The scheme was operated by Devon and Cornwall Police and provided accredited officers with additional powers, most notably the power to request names and addresses of individuals involved in enviro crime. Failure to provide a CSAS accredited officer with these details was an offence in itself.

- Fly Tipping reports regularly fluctuated by small amounts against comparative years. Quarter three had seen a small overall decrease in fly tipping reports received. Residents were encouraged to report instances of fly tipping.

- The Council had been shortlisted in recognition of its work to increase recycling rates and reduce fly tipping and littering. It was one of nine local authorities selected for the Local Government Chronicle's (LGC) Environment Services Award. The nomination highlighted the success of the Council's Bin-It 123 initiative, which introduced three weekly bin collections in October 2022. Since its implementation, Mid Devon had achieved a 5% increase in recycling rates, bringing the total to nearly 60% and significantly reducing residual waste. This Process had placed Mid Devon District Council among the top 10% of authorities nationally.

- The waste service was also in the process of instigating the pilot schemes in relation to pots and pans recycling and nappies.

- The communication approach would be a key focus moving forwards making sure it was as effective as possible with extra recycling guidance, health and safety advice and active enforcement. The balance between education and enforcement needed to be got right.

A brief discussion took place with regard to there being issues where residents had to leave waste in communal areas such as the leaving of material which could and should have been recycled but because the area was communal it could be easily hid and unattributed. It was confirmed that the service would be looking at this in the near future to see how this could be better managed.

Note: * Report previously circulated.

55 **CHAIR'S ANNUAL REPORT FOR 2024/2025 (00:44:00)**

The Group had before it, and **NOTED**, the Chair's annual report * for 2024/2025.

The Chair highlighted the following:

- The commendable work of the Waste and Recycling teams, particularly with regard to the pilot schemes for pots and pans and nappy recycling. He was happy that the Group had helped to push these pilots 'across the line'.

- He encouraged the Group to visit the Leisure Centres for a tour.
- He was excited for the policy shaping workshop that was planned for the Group on 31st March. He hoped the Group could work collaboratively with the officers to dig a bit deeper into the service areas that they had responsibility for. He reiterated a request that all Members of the Group attend in person on this date.

It was **NOTED** that this report along with all other Chair's reports for 2024/2025 would be presented at full Council on 23rd April 2025.

56 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00:47:00)**

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

(The meeting ended at 6.28 pm) **CHAIR**

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 12 March 2025 at 1.15 pm

Present Councillors	L J Cruwys (Chairman) S J Clist, G Cochran (Vice-Chair), F J Colthorpe, G Czapiewski, J M Downes, C Harrower, B Holdman, L G J Kennedy, M Jenkins and S Robinson
Apologies Councillors	G Duchesne and N Letch
Also Present Councillors	S Keable and J Poynton
Also Present Officers)	Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), John Hammond (Development Management Manager), Jake Choules (Planning Officer), Tim Jarrett (Arboricultural Officer), John Millar (Area Team Leader), Daniel Sims (Planning Officer), Heather Nesbitt (Planning Enforcement Officer) and Angie Howell (Democratic Services Officer)
Councillors Online	A Glover, L Knight and D Wulff
Officer Online	Dr Stephen Carr

82 **APOLOGIES AND SUBSTITUTE MEMBERS (00:04:37)**

Apologies were received from Cllr G Duchesne with Cllr J Downes substituting and Cllr N Letch with Cllr L G Kennedy substituting.

Cllr M Jenkins confirmed he would be late attending.

83 **PUBLIC QUESTION TIME (00:05:54)**

Chris Howard – referred to Application No. 24/01618/FULL and asked the following questions:-

Q1: Are Members aware of Devon County Council's guidance notes on Sustainable Drainage Systems? Section 9, 'Requirements for planning' states the need for consideration of drainage at the earliest possible stage. It also suggests that a major development (10 houses or more) should receive greater scrutiny. Here we have two developments of five houses ie 10, with obvious collaboration and shared drainage strategy.

'Sustainable Drainage System – Guidance for Devon (2023)' states that a discharge of a condition should only be approved for a development if there is a clear maintenance schedule for the attenuation tank. I have not seen this schedule on the mid Devon portal.

Q2: Bearing all of this in mind, does the Council believe that this development is following best practice as laid out by Devon County Council in their document 'Sustainable Drainage System – Guidance for Devon (2023)'?

Responsible development

Q3: Are Members aware that when the plans to run the pipes across our properties first appeared on the Mid Devon portal, neither us nor our neighbour had been approached by the developer. We had a tip off from a neighbour. Last summer, we received phone calls from South West Water, giving 7 days' notice of a proposed site visit to our gardens. We had not agreed to this and no planning permission had been approved at this stage. We also received an e-mail from one of the developers suggesting that we should cooperate with them and get a better deal because South West Water will ultimately make a requisition and come and, to quote, 'bash a trench' through our gardens. There also appears to have been no attempt to redesign the number or layout of the houses to accommodate an alternative drainage strategy.

Q4: Does the Committee believe this is the trademark of responsible and considerate development?

Connection to adjacent development

Q5: Are Members aware that the drainage will connect to the adjacent development 19/00914/FULL. We did not object to this application in the first instance because our properties were not directly impacted. However, retrospective planning meant the pipes were re-routed to come across ours and our neighbour's gardens. At this point we had no formal right to object which seems extremely unreasonable. We are told that our only way to object to this adjacent development is via a civil action.

Q6: Will the Committee support us in obliging the developers of 24/01618/FULL and 19/00914/FULL to look again at the collaborative design of the whole site with a view to keeping drainage off third party land?

Stephanie Howard – referred to Application No. 24/01618/FULL and asked the following questions:-

Attenuation tank
Q1: Are Members aware that the attenuation tank is just shy of the volume of Tiverton swimming pool, (21 x 9 x 1.5 metres)? This will be located within a few metres of ours and our neighbours' boundaries. Who exactly will be responsible for the regular maintenance of this tank bearing in mind there are two applicants making use of it?

Q2: How will the Council ensure accountability for the ownership and maintenance of this tank especially regarding any potential failings?

Route
Q3: The development will be accessed through Clay Lane. Are the Committee aware of any reason, other than financial viability for the developer, why the drainage should not go along Clay Lane or other public highways instead of through other people's property?

Only one trial pit
Q4: Are Members aware that only one trial pit appears to have been dug on site for this development of five houses? There appears to be no indication on the portal where this was excavated, and I cannot see any accompanying technical memo. The assumption seems to have been made that the whole site will be unsuitable based on this one pit.

Q5: Do Members feel this is adequate testing regarding trial pits to rule out on-site infiltration tanks which would be higher up the South West Water hierarchy?

Site visit
Q6: When making such a controversial decision that will have such a significant effect on local residents, do the Committee feel that the Planning Officer and Committee Members should undertake a site visit to look at the residents' homes that will suffer this destruction?

Duty of care
Q7: While we understand new houses are needed in Mid Devon, do the Committee feel that it is right for new developments to involve the destruction of parts of other residents' properties and gardens, because adequate drainage plans have not been appropriately planned at the start?

Q8: Do new developers have more rights than existing residents?

Q9: Do the Committee feel that Mid Devon District Council have a duty of care to residents' wellbeing and protect such violations of their homes and properties?

Pamela Disney – referred to Application No. 24/01618/FULL and asked the following questions:-

Q1: Are Members aware that plans have been drawn up without any true understanding of the route it will take? Drawing a line on a map cannot take into account the potential damage to patios, tarmacked drives, flower beds, 3 hedges (and their biodiversity), lawn, clay pipes, and wooden fences in its path. It will also severely hamper vehicular and pedestrian access to the homes whilst work is in progress.

Q2: Does the Committee believe that residents should be subjected to this intrusion, distress and impact on their properties because the developer's original drainage plans have not worked out?

Michael Cuthbertson - referred to Application No. 24/01618/FULL and asked the following questions:-

The officer's report states that "the surface water drainage scheme proposed under the application before Committee has already been found to be acceptable under application reference 19/00914/FULL".

Q1: Are the Committee aware that this was by way of a condition discharge application (discharging an already discharged condition) which did not require consultation to neighbouring properties & statutory consultees?

NB: This only actually came to light when 24/01281/FULL (another application to vary Condition 3 of 22/00432/FULL) was consulted on and drew several objections before being withdrawn with the developers "looking again at an alternative drainage solution for this project." However the condition discharge application contained the very same drainage strategy!

Q2: Are the Committee aware that there is an approximate 3m drop in elevation from the hydro brake chamber at the edge of the application boundary to the surface water sewer in The Spinney? Approximately 2m of this level change occurs between the boundary of Eastfield House and the proposed connection to the surface water sewer in The Spinney. This fall needs to be achieved over 79.4m of pipe – an average gradient of 1 in 26.8 over the entire length.

Q3: Is this an acceptable gradient and if so, what depth of trench will be required to achieve this fall?

Q4: Are the Committee aware that only 3 properties in The Spinney were included in consultation for a proposed scheme that would extensively disrupt access all 6 properties with driveways on The Spinney (Nos. 1-4 The Spinney, plus "Beacon View" & "Avenell" whose addresses are on Ashley Road), given that the surface water sewer connection point is at the end of the driveway to No. 3 The Spinney which is the first house in the close?

Q5: Are the Committee aware that the proposed foul water drainage scheme will connect a further 10 dwellings to an existing foul sewer serving 3-5 dwellings? Sewer construction guidance states that foul sewer pipes serving 10 houses or less should be 100mm in diameter, with more than 10 houses requiring 150mm diameter pipes.

It is believed that the works in 3rd party land to commence the foul sewer connection have already taken place, though the foul water scheme has not been approved for either this application or 19/00914/FULL

Q6: Would the Committee undertake a site visit to determine if this is the case?

Q7: In general, would the Committee undertake a site visit to assess the impact of the proposed scheme to neighbouring residents and the environment?

84 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:18:07)**

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

Cllr S Clist made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application numbers 24/00840/FULL and 24/01618/FULL as he had received communications. For Application No. 25/00205/NMA he was the Cabinet Member for Housing, Assets and Property Services and this fell within his portfolio and confirmed he had no involvement in this application.

Cllr J Downes made a made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application number 24/00840/FULL in that he had received email correspondence from an objector.

85 **MINUTES OF THE PREVIOUS MEETING (00:19:00)**

The minutes of the previous meeting held on 12 February 2025 were agreed as a true record and **SIGNED** by the Chair.

86 **CHAIR'S ANNOUNCEMENTS (00:09:16)**

The Chair reminded the Planning Committee of a Members Briefing taking place on Thursday 27 March, 2.00pm at Phoenix House regarding Tiverton Eastern Urban Extension Area B and encouraged all Councillors to attend in person.

87 **WITHDRAWALS FROM THE AGENDA (00:20:01)**

There were no withdrawals from the Agenda.

88 **PERFORMANCE DASHBOARD QUARTER 3 (00:20:05)**

The Group were presented with, and **NOTED**, a slide * showing the Performance Dashboard for Quarter 3 2024/2025. The following was highlighted within the report:-

- The overall performance was presented in a pie chart and combined RAG (red, amber, green) ratings from both performance and finance measures to indicate overall performance.

- Major planning applications determined within 26 weeks and minor and other planning applications determined within 16 weeks were both shown as amber which were set against an in-house target of 100% rather than national targets of 60% and 80% respectively.
- There was lower planning income in the financial year due to the depressed housing market which carried through to the discretionary planning fees which also showed as amber.
- The income for discretionary fees was projected to finish at only £3000 behind target for the year.

Discussion took place regarding:

- The cost of planning appeals – it was explained that no costs were currently showing against this measure.

Note: * Slide previously circulated.

89 **THE PLANS LIST (00:24:02)**

The Committee considered the applications in the *Plans List.

1. 24/00840/FULL - Erection of a building for machinery and equipment storage at Hooper Services (South West) Ltd, Crediton, Devon. (00:24:30)

   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 the Ward Councillor due to: overdevelopment of the site; possible illegal use of the site; development in a floodplain; and environmental impact.
- The building required additional storage for equipment and machinery to be kept dry and safe from theft with the benefit of also helping to tidy the area.
- The application was submitted in June 2024 and during consideration of the application Planning Officers had worked with the Applicant and the Agent to proactively negotiate amendments and agreements.
- The key considerations raised by objectors and Crediton Town Council were issues relating to flood risk. The Environment Agency initially objected on the grounds of insufficient risk assessments.
- Following a revised Flood Risk Assessment the Environment Agency confirmed they had no objections provided it was built in accordance with the updated Flood Risk Assessment and associated planning drawings. They were satisfied that there would be no risk to third parties and that the area could be considered as Flood Zone 3a for this development.
- The flood risk assessment confirmed that precautions of flood resilient measures should be taken as recommended by the Environment Agency, which included that all ground floor construction should be a flood resistant material and all electricity power supply cables should be downwards fed.
- In order to address concerns raised by the community a condition had been recommended by the Public Health Officer that no machinery should be operated except during the hours of 7.30am-7pm Monday-Fridays or 8.00am-1pm on Saturdays and not at all on Sundays or bank holidays all of which had been agreed with the Applicant.

- There were a number of conditions recommended to secure tree protection measures and additional planting should be undertaken.
- Concerns had been raised regarding the impact on the highways network. The County Highways Authority visited the site and raised no objections, they also confirmed that a figure had been taken from TRICS (Trip Rate Information Computer System) database and this showed there would not be a severe impact on the highways network.

Discussion took place regarding:-

- The type of tree used when planting for screening as the Committee felt that Leylandii would grow very tall and quickly outgrow the screen effect and were concerned about the future management and maintenance of the trees.
- The preferred use of a more sensitive species to be planted.
- The use of water butts and whether they would overflow – it was explained that they would be fitted with an overflow that would discharge onto the grass bank.
- Concerns regarding flood risk to the wider area.
- The colour of the material being used – it was explained that by using green cladding it would blend into the countryside better than the existing grey buildings on site.
- Lighting on the site and whether a motion sensor could be used.
- Additional conditions regarding the change of opening hours the use of the mezzanine and lighting. It was explained that planning justification must be considered when applying additional conditions.

Cllr J Downes requested a site visit and in turn for this item to be deferred, which was seconded by Cllr S Robinson. Upon a vote being taken the request for a site visit was declared to have **FAILED.**

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

- An amendment to Condition 7 to include a request for an additional scheme relating to all of the boundaries prior to commencement of works in terms of planting and having an informative in using a more suitable long term species to include height management.
- Along with a condition, should any lighting be required, that a proposed scheme of external lighting for the building be submitted and approved in writing by the Local Planning Authority prior to its first use.
- Delegation was given to the Development Management Manager to finalise the wording in line with the above.

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

Reason for the Decision – In the interests of nature conservation, neighbouring amenity and to prevent unacceptable levels of light pollution, in accordance with Policies DM1 and DM4 of the Mid Devon Local Plan 2013 – 2033.

Notes:-

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(i) Cllr L G J Kennedy declared that he was a director of Devon Association of Local Councils (DALC) and that Cllr Liz Brookes-Hocking was the Chair of DALC.
(ii) Rose Tripp, Russets spoke on behalf of the Agent.
(iii) Cllr L Brookes-Hocking, spoke on behalf of Crediton Town Council.
(iv) Cllr J Downes spoke as the Ward Member
(v) Cllr J Downes and Cllr S Robinson voted against the application.
(vi) Cllr M Jenkins arrived at 1.50pm and abstained from voting as he was not in attendance for the duration of this item.

2. 24/01618/FULL - Variation of Condition 3 of Planning Permission 22/00432/FULL - Erection of 5 dwellings - for revised plans in relation to drainage at Land at NGR 306758 113093, Clay Lane, Uffculme. (01:43:04)

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

- The proposed development was for the variation of Condition 3 of Planning Permission which aimed to amend a previously approved drainage scheme.
- The application was called in by Cllr A Glover to assess the impact on neighbourhood amenities local services, drainage, flood risk and the environment.
- It fell within Flood Zone 1 which represented the lowest probability of sea or river flooding.
- The proposed site benefitted from planning permission for 5 dwellings and the site immediately to the east also benefitted from permission for 5 dwellings. The applicants had worked together on the drainage schemes.
- Infiltration and testing on the site found it was not possible to carry out infiltration due to the clay like surface conditions. The next solution would be connection to a surface water body.
- The nearest body of water was the River Culm which was 300 metres from the site and would need to pass through the main village and this was not considered to be a practical option.
- The next option was a connection to a surface water sewer which was located 50 metres from the site and was therefore considered a more realistic option.
- South West Water (SWW) confirmed they were satisfied that the revised drainage scheme met with the destination hierarchy and there were no objections from any other professional consultees.
- This would require works on third party land which had formed much of the public objections to the application.
- The surface water would eventually move to an attenuation basin which would store water in order to prevent too much discharge into the network based on capacity calculations. This would then be pumped into the sewage network.
- Mid Devon District Council would have enforcement powers to ensure the attenuation basin was maintained.
- The revised drainage scheme was not expected to impact or harm the character of the Conservation Area.

- Whilst officers did have sympathy with neighbours who would be impacted by the work to their property, South West Water had requisition powers to carry out those works.

In response to public questions the Planning Officer answered as follows:-

Some of the questions were directed to Members and others have mostly been answered within the officer report and throughout this presentation.

Q1 - Chris Howard: Sustainable Drainage System – Guidance for Devon (2023)' states that a discharge of a condition should only be approved for a development if there is a clear maintenance schedule for the attenuation tank. I have not seen this schedule on the mid Devon portal.

A1: I would clarify that this was guidance as opposed to policy and the Devon County Council Lead Local Flood Authority did not comment on the application due to it not being a major and not being in an area of high flood risk or in a critical drainage area.

Q3 – Chris Howard: The developers had not consulted with the neighbours.

A3: This was outside of the Local Planning Authority's control and the planning application itself was correctly advertised by a site notice, an advert in the press and writing to adjoining neighbours.

Q4 – Stephanie Howard: Are Members aware that only one trial pit appears to have been dug on site for this development of five houses?

A4: One trial pit was dug on the site specific to this application with others being dug on the adjacent site which had very similar ground conditions.

Q6 – Stephanie Howard: When making such a controversial decision that will have such a significant effect on local residents, do the Committee feel that the Planning Officer and Committee Members should undertake a site visit to look at the residents' homes that will suffer this destruction?

A6: I had visited the application site, it was for Members to decide if they would like to defer for a site visit although I am not sure what the purpose would be.

Q2 – Michael Cuthbertson: Are the Committee aware that there is an approximate 3m drop in elevation from the hydro brake chamber at the edge of the application boundary to the surface water sewer in The Spinney?

A2: This referred to land outside of the red line but it was common for drainage schemes to utilise the existing topography of sites.

Q5 – Michael Cuthbertson: Are the Committee aware that the proposed foul water drainage scheme will connect a further 10 dwellings to an existing foul sewer serving 3-5 dwellings? Sewer construction guidance states that foul sewer pipes serving 10 houses or less should be 100mm in diameter, with more than 10 houses requiring 150mm diameter pipes.

A5: This would need to be a suitable size to join the network and be agreed by SWW.

Discussion took place regarding:-

- Whether conditions could be placed on South West Water (SWW) to reinstate neighbours land and to correct any potential damage to their property/land? It was explained that this was not possible as it would be an agreement between residents and SWW as they were the Statutory Body.
- Who would be responsible for the maintenance of the attenuation tank and the sewers? It was believed that SWW would be responsible.
- The capacity of the attenuation tank and the risk of flooding.
- The lack of consultation with residents and engagement with third parties.
- The removal of hedgerow, the protection of tree roots and the impact on wildlife
- The fact that only one trench had been dug for this development.

It was **RESOLVED** that planning permission be refused.

(Proposed by Cllr S Clist and seconded by Cllr B Holdman)

Reason for the Decision – Insufficient information had been submitted to justify why the foul drainage water scheme could not join the sewer at Clay Lane. Similarly, insufficient infiltration testing had been carried out to justify why infiltration was not a realistic surface water drainage solution. In the absence of sufficient evidence it was considered that this solution would result in unjustified impacts upon the amenity of neighbours and did not represent a clear understanding of the site contrary to policies S1 and DM1 of the Mid Devon Local Plan (2013-2033).

Notes:-

(i) Chris Howard spoke as the objector.
(ii) Simon Lane spoke on behalf of Uffculme Parish Council.
(iii) Cllr J Poynton and Cllr A Glover spoke as Ward Members.
(iv) Cllr G Cochran, Cllr F J Colthorpe, Cllr L Cruwys and Cllr M Jenkins voted against the application.
(v) It was agreed that if the decision were to be appealed then Cllr S Clist, Cllr L G J Kennedy and Cllr S Robinson would sit in on the appeal.
(vi) Cllr J Downes left the meeting at 3.13pm and Cllr L G J Kennedy left the meeting at 4.00pm once this item had been voted upon.

3. 25/00205/NMA - Non-Material Amendment for 23/00129/MFUL to allow alterations to the site plan, including cycle storage arrangements, landscaping and addition of footpath; amendments of internal layouts, including relocation of external doors and windows at Dwelling Block 2 - 8 Holly Road and, Garage Blocks Sycamore Road, Tiverton. (02:45:51)

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

- This application was for a non-material amendment to allow alterations to the site plan which included cycle storage arrangements, landscaping, the addition of a footpath and amendments to the internal layouts including relocation of external doors and windows.
- As Mid Devon District Council were the applicant and landowner there was a requirement for the application to be determined by the Planning Committee.
- The amendments to the scheme were very small and insignificant in the sense that they did not require further consultation and were considered to be a non-material amendment.
- If the Committee deemed the amendment to be of a greater scale then a more formal revised application would be required.
- The changes proposed were to change the layout of the approved dwellings to ensure the properties were more accessible to future occupiers.
- There would be a rearrangement of windows and doors.
- The floor plans showed very minor changes inside the property and all rooms complied with National Space Standards.
- The bin and cycle storage areas had been reduced and parking arrangements had been previously approved.

Discussion took place regarding:-

- Reduction in waste and recycling storage. It was explained that there was storage provision and that the space met the Waste Standards for Devon County Council in terms of collection and storage of waste.

It was **RESOLVED** that planning permission be granted for the Non Material Amendment.

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

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

Note:-

(i) Cllr G Czapiewski spoke as Ward Member.

4. 25/00076/TPO - Application to crown reduce 1 Oak tree by 2m on one side, protected by Tree Preservation Order 06/00006/TPO at 38 Redvers Way, Tiverton, Devon.
   (03:02:31)

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

- The application was brought to the Planning Committee as the Applicant was an employee of Mid Devon District Council.
- The tree was in a residential area that bordered seven properties.
- Since the Tree Preservation Order (TPO) was in made in 2006 applications had been received every four to five years to prune the tree due to the close proximity to the surrounding dwellings.
- Previous pruning had been undertaken to reduce the crown spread in order to maintain a more harmonious relationship between neighbours.
- The rationale provided in the application was due to the neighbours complaining that the oak tree branches were too close to the property and squirrels were entering the roof space of the adjacent property by jumping from the branches. However no evidence had been provided to support this.
- The application was not specific as to which side of the crown that required pruning. However from a site visit the south west aspect of the crown was noted to be within 0.5m of the adjacent property.
- It was anticipated that within one or two growth seasons the crown spread of the tree would directly conflict with the adjacent dwelling and any damaged caused would be classed as a nuisance.
- Tiverton Town Council had been consulted on the application and had commented that the planned work might unbalance the tree and were unable to support the application.
- A sensible crown clearance could be achieved by target pruning and would not significantly alter the appearance of the tree.
- To achieve a clearance of between 2m-2.5m from the adjacent dwelling the maximum pruning wounds would not exceed 50mm in diameter and would remain appropriate to the condition of the tree.
- In the interest of visual amenity the works carried out would be in accordance with best arboricultural practice.

Discussion took place regarding:-

- The justification to prune the tree and the impact of growth increase if it were not to be pruned.

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

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

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

*List and report previously circulated.

90 **MAJOR APPLICATIONS WITH NO DECISION (03:16:00)**

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

The Committee agreed the following:-

1. 24/01847/MFUL - To come to Committee – no site visit was required.
2. 25/00141/MARM - To remain delegated as per the report.

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

91 **APPEAL DECISIONS (03:21:10)**

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 4.34pm) **CHAIR**

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Audit Committee – Annual Chair's Report 2025

First of all I would like to thank colleagues for electing me as Chair and for the support of my Vice Chair, Gordon Czapiewski, over the past 12 months. I was pleased to be able to represent the Council at the DAP Committee meetings with Cllr Czapiewski. Also being the Chair of the Audit Committee when DAP celebrated their 15th Anniversary.

I would like to thank those members of the public who had regularly attended and kept the Committee on its toes in relation to housing matters and information management.

I welcome the appointment of the Independent Person to provide relevant and qualified knowledge and expertise moving forwards.

The Committee provided thorough analysis of corporate risks at each and every meeting, particularly 3Rivers, the challenges of recruitment, Cullompton Relief Road, Climate Change and the reputational damage to the Council caused by 3Rivers, the latter being formally dissolved in November 2024.

Concerns regarding the Cyber Security has been raised at almost every meeting, a challenge facing the entire sector. I would like to thank those who work tirelessly to uphold our Cyber Security.

I welcome the new auditors Bishop Fleming who attended their first Committee meeting in August. I'm grateful to them for providing a new perspective on the Council's financial arrangements and for the work they had undertaken in relation to the 2023/2024 audit and for identifying the Housing Rents error in particular.

In the future my hopes are a simplification of the accounts format, insights of the new Independent Person, continued cooperative working with DAP and Bishop Fleming.

I would like to finish by thanking all Committee Colleagues for their attendance, support and valued contribution to each and every debate.

Cllr Lloyd Knight

Audit Committee Chair 2024-2025

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Scrutiny Chairman's Annual Report – 2024-2025

It's been a busy year for the Scrutiny Committee, with ten full meetings all with hybrid accessibility, and briefings. I was delighted to be elected Chair for this year and continued the previous Committee's way of working, that of 'critical friend' giving robust clear guidance to Cabinet, Council, officers and external bodies / organisations, both pre- and post-decision making. I stated from the outset that openness and transparency would be the watchwords of this committee and am proud to report that we have not had any reports presented in part II.

Of the varying work that Scrutiny Committee undertook we actively encouraged public participation – a key facet of local government activity. As usual, the committee deliberated and debated a wide range of topics, reaching decisions and democratically resolving to advise the various bodies engaged. The Committee remained available to scrutinise the decisions of Cabinet, Council, Officers and external organisations but none were called in.

Areas that the Scrutiny Committee has considered this year include:

- Six monthly Establishment updates
- Six monthly whistleblowing updates.
- Six monthly Corporate performance reports
- Town and Parish Charter
- Care Leaver Friendly Employer Charter
- Sale of Land that would unlock 70 Affordable Homes
- Planning Enforcement Policy Update
- Community Safety Partnership Report
- Mid Devon as a Trauma Informed Council
- Cullompton Infrastructure update
- Air Management in Cullompton and Beyond
- Mid Devon housing Voids
- Solar Panel Farms and Anaerobic Digesters – Quantity of Sites and Land Use
- Annual report of complaints and compliments
- The Impact of the Government's Proposed Changes to National Planning Policy on the Council's Priorities and Preparation of a New Local Plan
- Examination and Review of Freedom of Information Processes within Mid Devon District Council and Monitoring
- The Destination Management Plan
- Annual Report under the Regulation of Investigatory Powers Act
- Housing Rents
- Budget Review
- How Devolution may affect Mid Devon District Council

Finally we invited representatives from South West Water to our meeting in March and scrutinised them about their policies and procedures. The meeting was well

attended by Councillors and Members of the Public and there was a frank exchange of views.

We have completed the process of scrutinising the portfolios of the Cabinet members to get a better understanding of their responsibilities and oversights. This year we heard from:

- Cabinet Member for Service Delivery and Continuous Improvement
- Cabinet Member for Environment and Climate Change
- Cabinet Member for Housing, Assets and Property Services
- Cabinet Member for Parish and Community Engagement
- Cabinet Member for Quality of Living, Equalities and Public Health

It has been a privilege and pleasure to chair the Scrutiny Committee and I am indebted to officers and members for their tireless hard work, thus making our meetings well informed. A large thank you to everyone.

Cllr Lance Kennedy (Tiverton Cranmore)

Chair – Scrutiny Committee

Chair's Annual Report for 2024 – 2025
Community, People and Equalities Policy Development Group

This was the first year of the newly re-constituted Community, People and Equalities Policy Development Group, bringing with it some new policies and a whole host of new thematic areas for us to understand and consider.

In June we considered and recommended approval of the new **Corporate Plan** for 2024-2028. We also considered the **Food Safety Plan** and the **Resilience Strategy**.

The PDG considered and recommended to the Cabinet that the revised **Town and Parish Charter** and its annex be approved, this document confirmed the Council's vision to engage with others in a collaborative way and to work closely with Town and Parish Councils.

Our Working Group looking at our vulnerable customers and how the lack of opening hours were affecting them succeeded in having a telephone placed in the outside lobby for visitors out of hours to contact the Council. I am pleased that the feedback on the phone downstairs is a welcome addition to help connect Mid Devon with our residents.

In September and November the PDG considered the Medium Term Financial Plan and made recommendations to Cabinet.

In November we also considered the **Regulation of Investigatory Powers** and the **CCTV Policy** and its various annexes and made recommendations to Cabinet. The PDG also dealt with **Motion 606 WASPI**, which we supported and recommended to Full Council.

(As this is in the future, at the time of drafting, you may have to amend this as you read it.)

Today we have had an excellent presentation from the Police on the latest developments to tackle Anti-Social behaviour. We have considered the **Air Quality Action Plan, the Corporate Anti-Social Behaviour Policy, the Single Equalities Policy and Equality Objective and the Community Safety Partnership.**

I have enjoyed being the Chair of the Community, People and Equalities PDG. Looking ahead, if I am still Chair we can look forward to :-

- Community Engagement Strategy
- Public Health Food Safety Plan
- Unauthorised Encampment Policy
- Regulation of Investigatory Powers
- The Corporate Anti-Social Behaviour Policy
- The Strategic Grants Review
- Single Equalities Policy and Equality Objective
- Community Safety Partnership Policy

So, there is plenty to look forward to and to get our teeth into.

We are also looking at potentially holding a meet the Funder type event to hopefully assist donors to connect with the Voluntary sector.

I am open to any ideas that any of you may have now that you have been part of the Community, People and Equalities PDG for a couple of years and you can see the important work we do and will continue to do together.

Lastly, I would like to thank David Parker for his support and constant encouragement and enthusiasm. Also, my thanks to the Officers, the Vice Chairman Cllr Cathy Connor plus our Portfolio Holders from Cabinet. I would also like to thank all Members of the PDG for their hard work, support and commitment.

Councillor Ben Holdman
Chair of Community, People and Equalities Policy Development Group
Tiverton Castle Ward

Economy & Assets Policy Development Group – 2024/2025

Chairman's Annual Report

This report provides a brief look back on the work of the Economy & Assets Policy Development Group (PDG) over the last year, along with a summary of activities undertaken by the Economic Development team, who support the policy development group.

The Economy Group have again continued to successfully gain and administer funds for the District. As ever the Group and I are indebted to the work and support of Richard, Adrian and Zoe and all of the Economic Development team.

The main focus of the Economic Development team over the last year has been the Shared Prosperity and the Rural England Prosperity programmes. The Policy Development Group has played an important role in the formulation of Shared Prosperity Investment Plans as part of the District's successful submissions to government.

PDG Overview of Meetings

During 2024/25 the Group considered a number of issues. In summary these included:

- Various UK Shared Prosperity Fund & Rural England Prosperity Fund reports
- Economic Development Team updates
- COTIE presentation on the Business Innovation Centre
- Draft Corporate Plan – PDG made comments under each of the sections of the Economy & Assets area which were incorporated into the final plan
- Green Enterprise Grants Updates
- Apricot Centre (agricultural training) presentation – Guest Speaker (Rachel Phillips)
- Car parking working group updates
- Town Centre Health updates
- Various Budget updates and financial discussions

In addition, throughout the year members have been provided with a number of reports and presentations providing data and analysis regarding the current economic position nationally and locally.

The Shared prosperity programme

As referred to above the Economic Development Team has been overseeing the third year of lead delivery of the Shared Prosperity Fund (SPF) scheme and the final year of the Rural England Prosperity Fund Scheme (REPF).

In 2024/25 so far to date, the team has:

- Supported 331 enterprises (non-financial support)
- Supported 37 organisations (non-financial support)

- Supported 24 potential entrepreneurs (non-financial support)
- Supported 4 tourism festivals/strategic events across Mid Devon and 111 town centre cultural and or tourism events and activities (across Bampton, Crediton, Cullompton and Tiverton)

As part of the SPF/REPF programmes, this year the team has:

- Delivered the highly successful Tiverton Swan Trail, which ran from Easter through to October half-term culminating in the swan auction event, which raised circa £7k for future tourism projects.
- Facilitated and coordinated the inaugural Mid Devon Walking Festival, seeing 35 walking events supported and promoted through the festival
- Attended the Mid Devon Show 2024 with our own "Mid Devon Producers" tent featuring 7 of our producers
- Supported 20 local producers and eateries with a series of "Meet the Producer" posts on our Visit Mid Devon Facebook page
- Installed new visitor signage at our three Mid Devon leisure sites highlighting the array of attractions and visitor experiences in Mid Devon
- Facilitated a package of support for our farm and food businesses including specialist sectoral workshops with Devon Agri-Tech Alliance (12 farms engaged) and membership support for 22 businesses this year with Food Drink Devon
- Delivered a series of town centre grant schemes supporting shopfront enhancements, fit-outs (moving into new units), digital enhancements and vibrant town centre projects.
- Delivered a series of digital, radio and printed promotional campaigns to support the visitor economy and promote Mid Devon as a destination

Other Achievements in 2024/25

In addition to the SPF/REPF programme the team has:

- Completed the **High Streets Heritage Action Zone** (HAZ) programme for Cullompton. Cullompton was one of only 10 successful high streets in the South West region to secure this funding. The £1.1m Historic England grant was matched with support from Mid Devon District Council, Devon County Council, and Cullompton Town Council, the project provided a programme of improvement works to reinvigorate the town centre and attract investment. The package of projects that have been delivered, include:
    - Public realm improvements at the Higher Bullring (with Devon County Council) to create an enhanced public space which enhances the setting of the war memorial, provides an increased area for the local markets, special events and increased dwell time. Since completion the area has been utilised regularly by market traders and used for special events;
    - A grants scheme for building repairs and historic support structural and historic reinstatement work, focused on Fore Street, has enabled several historic properties to benefit from improvements; and
    - A hugely successful cultural programme of activities to align with the town centre's heritage. Notable achievements included special events, such as the Roman festival, various public art projects involving local

schools and local residents, poetry and talks provided by the new Cullompton History Group.

- Developed a Crediton Masterplan through to adoption in September 2024 drawing on valuable input from the local community. The masterplan provides a comprehensive strategy to help Crediton unlock its full potential as an attractive, vibrant, and sustainable town with a strong economic foundation. The finalised masterplan has been adopted as a supplementary planning document, ensuring its influence in guiding future planning decisions. The masterplan has already demonstrated its impact by securing funding from Great Western Railway's Customer and Community Improvement Fund. This funding will be used to enhance cycling and pedestrian connections between Crediton town centre and the railway station - one of many projects that will contribute towards achieving the masterplan's objectives.

- Continued to seek funding and facilitate delivery of key Infrastructure Projects. The most notable achievement being successfully securing a funding package to enable delivery of the **Cullompton Town Centre Relief Road** in August 2024. The funding package, includes £33.5m being provided by Homes England, which will allow Mid Devon to progress the delivery of the relief road in close conjunction with Devon County Council as delivery partner. Completion of the road is forecast for 2028 with the major focus of work in the short term being to finalise designs, complete the acquisition of land and fully relocate the cricket club – the new cricket square having been prepared and seeded during the summer (2024). In addition to the relief road the District Council also secured funding in previous years to develop a business case for improvements to **Junction 28 of the M5 motorway**. During this last year this has been submitted to the Department for Transport for consideration under the Large Local Majors Programme. It should also be noted that the project to reopen Cullompton Railway station is also well advanced and is awaiting a final decision from government to fund its construction.

- Established a new **strategic business forum** for Mid Devon, working with our local employers.

- Secured and administered £25k funding towards a phase one **Green Grants Scheme** for businesses, which supported five businesses resulting in a saving of 13,402.24 kgCo2e.

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Over the last few months the Policy Development Group, along with others from the wider Council membership, have been actively involved through informal workshops in the formulation of the **next Economic Strategy**. It is intended that this document will help raise the profile of the District and the key challenges our businesses face. In addition to seeing this process to its conclusion, the PDG also will continue to play an important role in overseeing the delivery of SP4 plans over the next year.

Cllr John Downes
Chairman of the Economy Policy Development Group

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Homes PDG Chair's Annual Report

Spring 2025

My personal thanks to everyone who has attended and/or supported this group during the past year. We have achieved a great deal, not just in the completion of quite so many policies, but also with some notable achievements for our tenants.

MDH has almost 3000 homes on its current list, and approximately the same number of people applying for a home of their own. There are bold intentions to increase our housing stock, and with that goes the desire to see more people safely settled in a home of their own, and during the next 12 months.

Tenant security and happiness is at the forefront of our minds, and most of the policies seek to support and to help this. Similarly, we hope to welcome some tenant representatives onto this group in the very near future, and our downsizing working group has developed some innovative ideas to encourage families to at least consider vacating a home that is now too big for their needs, in order to facilitate another big family having the necessary space for their lives.

Devon's Housing Commission Report (Lord Best and Exeter University) was released in 2024, and raised multiple issues and opportunities. We are fortunate that MDDC has been so very forward thinking it its work with MHD. Our Labour Government has set out its intentions regarding both Social and Affordable housing stock, and its views on Right to Buy are becoming clearer – again we are fortunate that MDDC and MDH were already embarked upon appropriate plans and timescales.

MDH has a draft budget in place that covers 2022-2026, and which we believe is entirely manageable. Our Performance Dashboard data is published quarterly, and is becoming more useful as its lifetime extends. Our Communications Team has been doing an excellent job of offering help, support and advice to our tenants. Our Neighbourhood Officers do a magnificent job of knowing each and every tenant, and in offering help and support where they deem this to be necessary.

MDH has won a wide range of awards and commendations for the work that is being done despite not having a full complement of appropriately trained staff in all areas of its work. We hope to put that right in this next year, and to begin to offer a wider range of apprenticeships also.

I must also mention the Housing Options Team, and the wider Public Health Team also. They have been doing a really great job regarding the prevention of homelessness in Mid Devon by increasing the stock of dedicated temporary accommodation that can be used, and is owned, by Mid Devon. An example is the recently refurbished Belmont Road property, which is fully occupied by residents who would otherwise be homeless or living in B+B.

As a Policy Development Group we have a positive and constructive working relationship with the Cabinet having recommended a number of policies to it for approval over the past 12 months.

These have included:

- Hoarding
- Repairs and Maintenance
- Asbestos Management
- Tenure Reform and Tenancy Agreements
- Housing Initiatives' Plan
- Tenant Compensation
- Service Standards (updated)
- Asset Management
- Tenancy Agreement Project Plan
- Tenancy Management
- Housing Strategy
- Tenancy Strategy
- Tenant Involvement Strategy
- HRA Asset Management Strategy
- Variation to Standard Tenancy Agreement

Cllr Sue Robinson

Chair Homes Policy Development Group

Chairman's Report: Planning, Environment & Sustainability Policy Development Group (PDG) 2024-2025.

This new Committee superseded the Environment PDG in June 2024 with the following terms of reference – "To be a leader and pioneer of best practice so new innovation and thinking is at the heart of the services we deliver and informs our planning policies"

I was honoured to be elected as Chair by Members of the Council to build upon the excellent work of Cllr Matt Fletcher and his predecessor Cllr Josh Wright who played a pivotal role in building the influence of this important area of focus.

I am grateful for the hard work and dedication of Jason Ball, Angie Howell, Paul Deal and the Management Team at Mid Devon District Council not just in facilitating and supporting our meetings to date but in grasping our ideas and wishes and putting them into practice. I also very much appreciate the support of my Vice Chair Cllr Guy Cochran and the Members of this Committee, along with the input of Cllr Natasha Bradshaw, Cabinet Member for Environment and Climate Change.

The work of this Committee is core and fundamental to the impact of the work undertaken by this administration, our efforts, I hope, will serve to support Mid Devon communities for decades to come. We have had widespread support from across the Members of the Council and as such have tried to grasp the opportunity to really make a difference with full support.

Taking on climate change, turning off the carbon "gas tap", encouraging people to be living in harmony with our beautiful environment here in Devon, protecting our incredible landscapes, wildlife and rivers are precious and valiant aims we all share.

As a Committee our challenge has been to ensure that we build a widely understood "dashboard" of key indicators that enable us to see where we stand as a District Council. Thus we very much appreciated the establishment of the Climate Action Plan 2024 which has brought together this information and guidance to ensure that we continue to reduce our carbon emissions footprint each year. This report confirmed a reduction of 1.2k tCO2e before adding offsetting over the last year. Whilst this is a small step to reducing over 16k tCO2e, having a plan is vital. We can now see what it looks like and measure our success.

As a Committee we engaged in a wide range of topics. These included:

- Establishment of 2 habitat banks to ensure local developments can meet at 10% minimum threshold.
- Supported development of the budget.
- Set out to extend officer capacity to support wider engagement with community groups such as SASSY (Serious about a sustainable society and led by youth).
- Supported the establishment of new EV charging stations in Tiverton, Crediton and Cullompton.
- Assisted the build out of Climate Strategy and Biodiversity Action Plans.

- Recommended further development of Green Enterprise Grants.
- Made input to MDDC's submission to the National Planning Policy Framework.

In tandem with this PDG an informal Committee called Net Zero Advisory Group (NZAG) has also been meeting under my continued Chairmanship. Here we have focused upon building out a user friendly dashboard that shows how the Council is performing in key climate change areas so we can clearly measure and target future achievements. Having pinpointed a number of key areas we have appointed "Champions" to act as knowledge experts and to help us further our aims in each area ie Planning Policy. We have established key areas of engagement such as community engagement that have subsequently be taken into the Policy Development Group.

I would also like to thank all fellow Members for their contribution to the NZAG debates this year, and officers for their professional support and guidance.

Service Delivery & Continuous Improvement Policy Development Group Annual Report 2024/2025

It has been a privilege and a pleasure to chair the newly established Service Delivery & Continuous Improvement Policy Development Group (PDG) over the past year. This inaugural year has been marked by constructive discussions, innovative ideas, and a shared commitment to enhancing services for the benefit of Mid Devon's residents. I am proud of what we have achieved together and look forward to building on this progress in the year ahead.

Over the last 12 months, the PDG has engaged in a range of activities and initiatives, with several key highlights:

- **Support for Waste & Recycling Initiatives**: We worked closely with the Waste & Recycling team and look forward to trialling innovative schemes such as nappy collections and curbside collection of pots and pans. These initiatives demonstrate our commitment to improving waste management services while promoting sustainability.
- **Ongoing Review of the Bin It 123 Scheme**: The continuous evaluation of this scheme has been a priority, including efforts by the Environmental Enforcement Team to educate residents on reducing side-waste. I would like to extend my congratulations to all staff and residents who have contributed to maintaining such strong performance in this area.
- **Leisure Centre Tours**: I had the pleasure of accompanying Cllr Wright on a visit to our leisure centres which provided valuable insights into the environmental initiatives being implemented, showcasing our dedication to sustainability across council services. A tour for all members of the PDG will also be organised in due course.
- **Policy-Shaping Workshop**: I'm excited that we will soon be organising a workshop for all members of the PDG, enabling us to collaborate on shaping future policies and ensuring that our decisions are informed by diverse perspectives.

These achievements reflect the collective effort of members and officers alike, and I am grateful for their contributions.

I would like to express my sincere thanks to my fellow PDG members for their active participation in debates and discussions throughout the year. Your enthusiasm and commitment have been instrumental in driving our work forward.

Special thanks are also due to Sarah Lees for her exceptional support in organising agendas, preparing report packs, and ensuring that our meetings run seamlessly.

Finally, I would like to acknowledge the officers who have provided invaluable guidance and recommendations. Your expertise has been crucial in helping us make informed decisions that benefit our community.

As we move into the next 12 months, I see significant opportunities for us to further enhance our work as a PDG. We must continue fostering open dialogue, exploring innovative ideas, and challenging ourselves to find new ways to improve services for Mid Devon residents.

I am particularly keen to focus on:

- Expanding engagement with residents to better understand their needs and priorities.
- Exploring additional environmental initiatives across council services.

- Strengthening collaboration between members and officers to ensure robust policy development.

I am confident that with continued commitment from all involved, we can achieve even greater success in the coming year. Together, we can ensure that Mid Devon remains a place where residents receive high-quality services that meet their needs.

Thank you once again for your support over the past year—I look forward to working with you all as we strive for continuous improvement next year.

Cllr Matt Fletcher
Chair, Service Delivery & Continuous Improvement Policy Development Group