

Service Delivery & Continuous Improvement Policy Development Group

**Monday, 24 June 2024 at 5.30 pm
Phoenix Chambers, Phoenix House, Tiverton**

**Next meeting
Monday, 23 September 2024 at a time to be confirmed**

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: 364 870 847 478
Passcode: Uqr7Ag

Membership

Cllr M D Binks
Cllr C Connor
Cllr M Farrell
Cllr B Fish
Cllr M Fletcher
Cllr A Glover
Cllr C Harrower
Cllr M Jenkins
Cllr J Poynton

AGENDA

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

- 1 **Election of Chairman**
To elect a Chairman of the Policy Development Group for the municipal year 2024/2025.
- 2 **Election of Vice Chairman**
To elect a Vice Chairman for the municipal year 2024/2025.
- 3 **Start time of Meetings**
To agree a start time of meetings for the remainder of the municipal year.
- 4 **Apologies and Substitute Members**
To receive any apologies for absence and notice of appointment of substitutes.
- 5 **Public Question Time**
To receive any questions from members of the public and replies thereto.
- 6 **Declaration of Interests under the Code of Conduct**
To record any interests on agenda matters.
- 7 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.
- 8 **Draft Corporate Plan 2024 - 2028** *(Pages 7 - 32)*
To receive a report from the Chief Executive inviting the Policy Development Group to consider the draft Corporate Plan for 2024-28 and to provide feedback to the Cabinet for amendment to the final draft.
- 9 **Performance Dashboards for Quarter 4** *(Pages 33 - 36)*
To receive and discuss summary information reflecting to performance in the Service Delivery & Continuous Improvement areas for quarter 4 2023/2024.
- 10 **Future Waste and Recycling Options** *(Pages 37 - 46)*
To receive a report from the Operations Manager for Street Scene and Open Spaces setting out future options regarding the provision of the Waste and Recycling service to the residents of Mid Devon.
- 11 **Public Spaces Protection Order - Dog Control** *(Pages 47 - 70)*
To receive a report from the Environment and Enforcement Manager seeking an extension to the period that the Mid Devon (Public Spaces

Protection)(Dog Control) Order 2021 is in force for and to seek some variation to it.

- 12 **Formal Review of Bin-It 123** (Pages 71 - 80)
To receive a report from the Operations Manager for Street Scene and Open Spaces outlining what the service is doing around education and enforcement to reduce residual waste while increasing recycling. It outlines a way forward in terms of raising further awareness of good recycling practice to maximise the reduction in our carbon footprint, including the waste hierarchy around reduce, reuse and then recycle.
- 13 **Annual Environmental Enforcement Report** (Pages 81 - 88)
To receive a report from the Environment and Enforcement Manager providing an overview and review of the Environment and Enforcement service for the 2023/24 financial year and the improvements that have been made during this period.
- 14 **Access to Information - Exclusion of the Press and Public**
Discussion with regard to item 15, may require the Policy Development Group to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Policy Development Group would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.
- Recommended that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 15 **Extending the Fleet Contract with Specialist Fleet Services** (Pages 89 - 104)
To receive a report from the Operations Manager for Street Scene and Open Spaces and Head of People, Performance & Waste considering an extension to its current contract regarding its fleet provision with SFS (Specialist Fleet Services Limited).
- 16 **Work Programme - 2024/2025** (Pages 105 - 106)
To discuss ideas for a work programme for this Policy Development Group for the coming 12 months.
- 17 **Identification of items for the next meeting**
Members are asked to note that the following items are currently identified for the next meeting and to identify anything else they would

like adding to the agenda:

- Draft budget for 2025 / 2026
- Performance Dashboard for Quarter 1

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

Stephen Walford
Chief Executive
Friday, 14 June 2024

Meeting Information

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

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. Residents, electors or business rate payers of the District wishing to raise a question 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 a response is received at the meeting to the written question. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which concerns the Council's powers / duties or which otherwise affects the District. If your question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.

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

If you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on: slees@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

Report for: Service Delivery and Continuous Improvement PDG

Date of Meeting:	24 June 2024
Subject:	Draft Corporate Plan 2024-28
Cabinet Member:	Cllr Luke Taylor, Council Leader
Responsible Officer:	Stephen Walford, Chief Executive Matthew Page, Head of People, Performance and Waste Steve Carr, Corporate Performance and Improvement Manager
Exempt:	N/A which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All
Enclosures:	Appendix 1: Draft Corporate Plan 2024-28

Section 1 – Summary and Recommendation(s)

To consider the draft Corporate Plan for 2024-28.

Recommendations:

- 1. Members are asked to review the draft Corporate Plan 2024-28, Appendix 1, and recommend their feedback to Cabinet for amendment to the final draft.**

Section 2 – Report

1.0 Introduction

- 1.1 A Corporate Plan is a strategy that documents, communicates and provides a framework for the delivery of strategic priorities. It should provide a shared understanding of what the Council is trying to achieve. This ensures the public are aware of the Council's objectives, and can therefore hold the Council accountable.
- 1.2 The Corporate Plan also clarifies to staff what the Council's priorities are, and enables their role in delivering the Plan to be delegated to them, such as through the appraisal process.
- 1.3 A Corporate Plan enables governance, resources and other management controls, such as risk management, to be aligned to the Council's strategic goals.
- 1.4 It is also used to assess performance by internal and external auditors in terms of Value for Money considerations, ensuring that Council resources are aligned and are being used effectively to achieve corporate aspirations.

2.0 Corporate Plan 2024-28 Development

- 2.1 The draft Corporate Plan has been under development since January 2024 when an initial meeting was held by the Council Leader with the Cabinet and committee/ Policy Development Group chairs and vice chairs. Officer support was provided by the Leadership Team and the Corporate Performance and Improvement Manager.
- 2.2 This initial meeting began to clarify the timeline for developing a new corporate plan, the approach to be undertaken, and the thematic areas to be explored.
- 2.3 Further research was undertaken by the Council Administration into the key development areas to be considered under each thematic area. Analysis of this feedback was provided by officers at a subsequent meeting in March 2024. Members from the Administration used this information to clarify and prioritise their aims and objectives. From this, the draft Corporate Plan 2024-28 has been developed by Council officers.

3.0 Draft Corporate Plan 2024-28 Structure

- 3.1 The draft Corporate Plan has a fairly typical layout for a strategy document. Following a front cover and a contents page, there are a series of background and contextual pages to introduce the reader to the Plan, the District, and to the Council.
- 3.2 The Council's priorities are structured around five themes, these are:

- Planning, Environment & Sustainability
 - Community, People & Equalities
 - Homes
 - Economy & Assets
 - Service Delivery and Continuous Improvement
- 3.3 The Council reviewed its governance arrangements in spring 2024, and realigned its Policy Development Groups to these themes.
- 3.4 For each theme in the draft Corporate Plan, a number of Aims are listed. 28 Aims are currently proposed. These provide a strategic statement of what the Council is aiming to achieve. For each Aim, there is an objective statement detailing how the Council will deliver on each Aim.
- 3.5 A set of performance indicators are provided within the draft document. These indicators and their targets are very much in development by officers. The performance indicators will enable both the Council, and others, to monitor and scrutinise performance in delivering the Corporate Plan. By exception, these indicators have draft performance targets in place. These are either set as annual targets, or as a target over the course of the Plan.
- 3.6 The final pages of the draft Plan detail the Council's values and there is a summary statement provided by the Chief Executive.
- 4.0 Further Refinement**
- 4.1 As stated, this is a draft document. It would benefit from the insight and review of all Elected Members. Members of this PDG are asked to consider the draft document, in particular the sections which pertain to this PDG, and recommend their feedback to the Cabinet meeting on 02 July. The draft Corporate Plan will subsequently be presented to Full Council on 17 July 2024 for consideration and approval.

Financial Implications

A new corporate plan will set the direction of policy travel for the Council at a strategic level. However, it does not have any direct actions associated with it at this point, and the council's financial context will continue to be set at a strategic level via the annual budget and Medium Term Financial Planning processes. When the Council agrees a new corporate plan, subsequent decisions that may be taken to realign activity to the new corporate plan in due course, will each be subject to the appropriate impact assessments given to decisions made by the Council in the normal way.

Legal Implications

Setting out the Council's Aims and Objectives through a corporate plan helps the Council demonstrate its performance in relation to Value for Money considerations.

Risk Assessment

Not applicable at this stage. Upon approval, the Council's performance to achieve its corporate plan will be measured and monitored through a suite of performance metrics. This will help to identify underperformance as soon as possible, and enable decisions to be taken to improve performance.

Risk management processes within the Council reflect the strategic and operational priorities of the Council. Therefore, once a new corporate plan is approved all relevant risk registers, particularly the Corporate Risk Register, will need to be reviewed to ensure they appropriately capture all relevant risks.

Impact on Climate Change

Throughout the draft Corporate Plan, aims and objectives related to the Council's impact on climate change can be noted. These are supported by relevant performance measures. Alongside this reference is made to climate resilience, ensuring that the Council and our communities are prepared and able to meet the challenges of a changing climate.

Equalities Impact Assessment

One of the five themes of the Corporate Plan is Community, People and Equalities which details a number of aims and objectives related to equalities. All policies and decisions undertaken by the Council as a result of a new Corporate Plan will be subject to an equalities impact assessment in the normal way.

Relationship to Corporate Plan

This report introduces the draft Corporate Plan 2024-28 which will replace the current Corporate Plan. A final performance report on the current Corporate Plan will be presented to Cabinet on 02 July 2024. The new corporate plan will set the overarching direction of travel for the council and will guide all future decision-making for the remainder of the political cycle.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 6 June 2024

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 6 June 2024

Chief Officer: Stephen Walford

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

Date: 6 June 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 24/05/2024

Cabinet member notified: Yes

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

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

Section 4 - Contact Details and Background Papers

Contact: Dr Steve Carr, Corporate Performance and Improvement Manager

Email: scarr@middevon.gov.uk

Telephone: 3CX Extension: 4217

Background papers:

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Corporate Plan 2024-2028

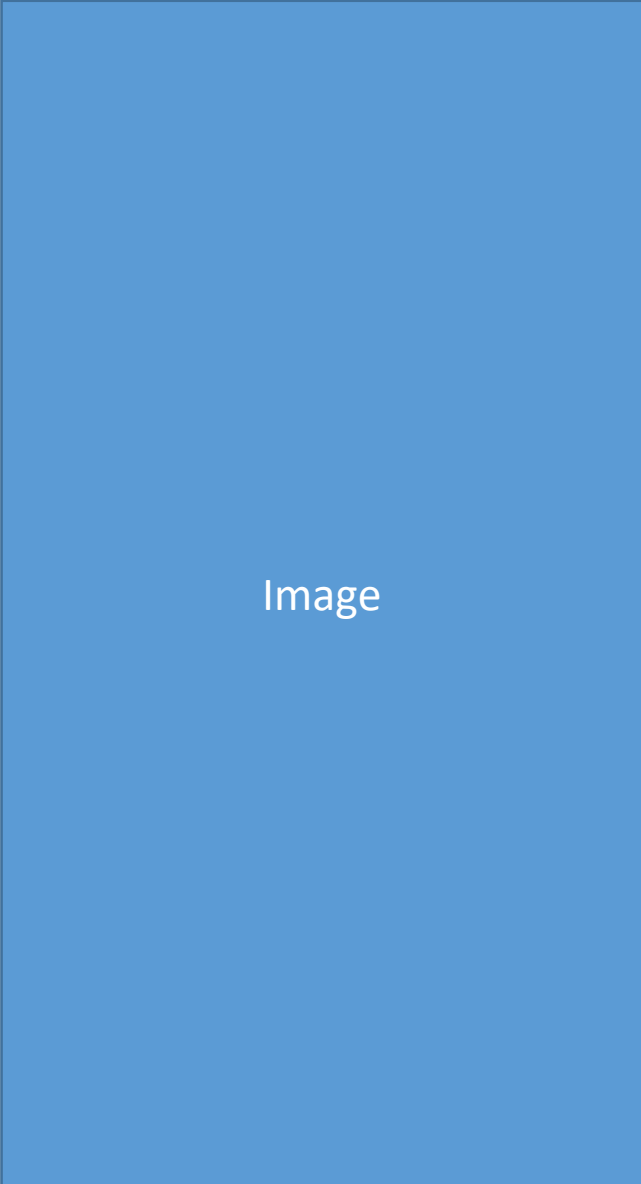
Additional title statement tbc

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Introduction

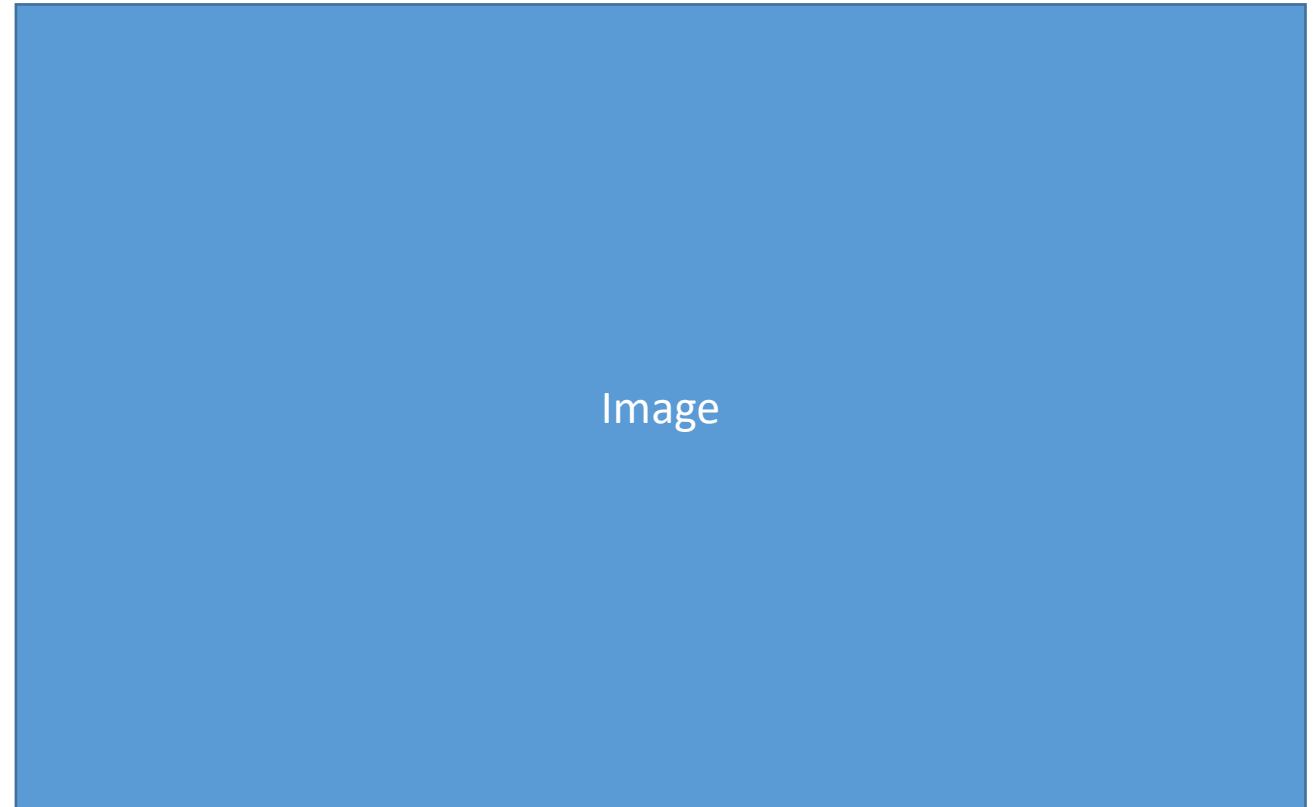
Through our Corporate Plan, we want to set out our ambitions for Mid Devon and the Council. By doing this, we hope to provide a shared understanding of what we are trying to achieve. Our Corporate Plan is split into five sections (or themes). These are:

- Planning, Environment & Sustainability
- Community, People & Equalities
- Homes
- Economy & Assets
- Service Delivery & Continuous Improvement

Within each of these five themes we set out:

- What we want to achieve
- How we will achieve it
- How we will measure our performance

The Council's Corporate Plan provides the framework for the delivery and monitoring of the Council's corporate ambitions.



Background

Mid Devon District Council serves a rural location covering an area of 353 square miles (914 km²) in the agricultural heartland of Devon, between Dartmoor, Exmoor and the Blackdown Hills. Mid Devon has three principle towns – Tiverton, Cullompton and Crediton. These towns provide services for surrounding rural communities.

Approximately 83,000 people live in Mid Devon, and more than half of our residents live in villages across the rural heartland. Of the 296 districts in England, Mid Devon is the 32nd largest by area, but it is also the 23rd smallest by population. This reflects its rural characteristics.

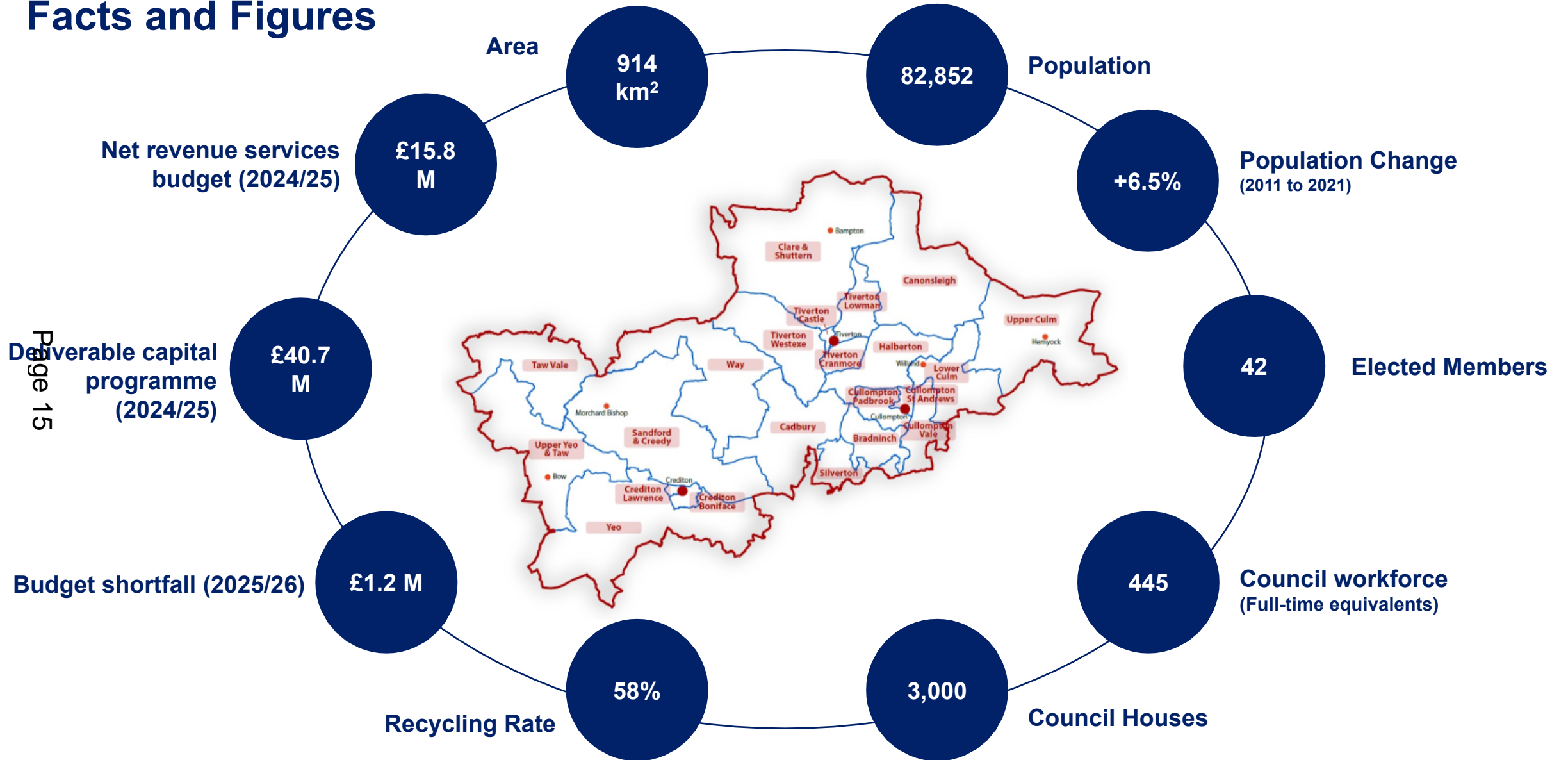
Strategically located on South West England's main transport and communication corridor, Mid Devon is mid-way between Taunton and Exeter. Our main offices lie to the North East of the city of Exeter, one of the most rapidly expanding economies in the country. As a district council, Mid Devon has sought to maximise this opportunity by delivering quality growth in a high-quality environment.

“It is my pleasure to present the Corporate Plan 2024 - 2027. This Plan expresses a positive and ambitious vision for Mid Devon, however it also acknowledges the financial challenges facing the Council, and the district more generally. Understanding this broader context is important for setting the right expectations. The actions and targets set out in the corporate plan must be both ambitious and achievable in order to provide a meaningful assessment of the progress the Council is making. We will keep these under regular review to ensure they drive continual improvement and deliver the Council’s vision. We are committed to engaging with others in a collaborative way. We are strong local leaders, and will help others to improve and grow. We take pride in doing this.”

Cllr Luke Taylor
Leader of Mid Devon District Council



Facts and Figures



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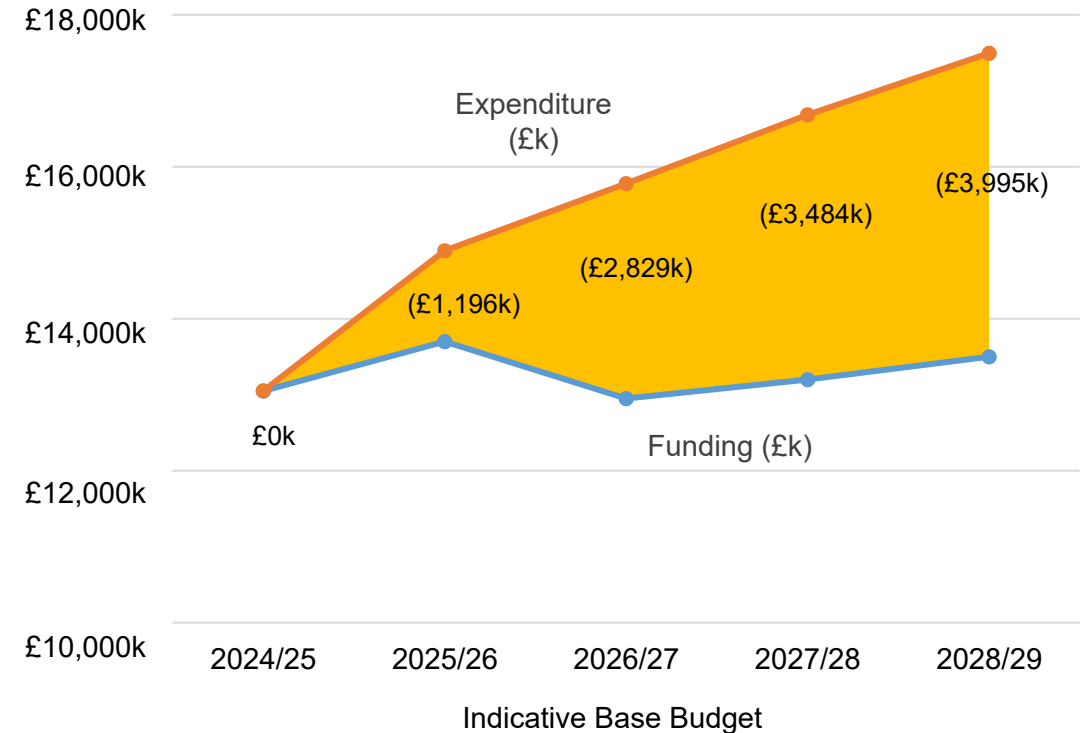
Medium Term Financial Plan

The General Fund Medium Term Financial Plan summary position shows a cumulative shortfall of £3,995k over the remaining four-years of the Plan which remains to be addressed.

The underlying budget shortfall occurs largely in 2025/26 and 2026/27 due to inflation and reduced grant funding assumptions linked to long outstanding and overdue reforms to Local Government Funding mechanisms. These include:

- 2025/26 Grant allocations remain as per 2024/25. 2026/27 and beyond Grant Allocations assume a 50% reduction;
- A partial loss of historic growth in business rates on reset of the business rates system in 2026/27;
- Council Tax referendum principles at previous levels (£5 or 2%) from 2025/26.

These projections demonstrate the challenging financial position facing local councils, and set the context for outlining our corporate objectives.



Our Priorities

Our aims and objectives are centred around five themes:



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



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



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



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



Service Delivery & Continuous Improvement - Delivering Council services that residents want in the right way, in the right place and at the right price.

1 Planning, Environment & Sustainability

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

1.1 Demonstrate climate leadership through achieving ambitious net zero targets

We will take action on reducing our own emissions, but will also look to bring in additional funding to make our journey towards net zero a reality. Lowering our fleet emissions and supporting tree planting schemes will feature alongside opportunities to ensure our high-energy services, such as leisure centres, are as efficient as possible.

1.2 Support the district's climate resilience and net zero carbon aspirations

We will continue to expand the provision of electric charging points across the district and will support community groups undertaking environmental action – sharing best practice and encouraging learning across Mid Devon. We will continue to work to support the implementation of the Devon Carbon Plan and will look beyond our borders to learn from others as we support our communities to take opportunities to lower emissions and generate renewable energy.

1.3 We will work with stakeholders to introduce planning policy which reflects the key issues and challenges facing the district

We will work with communities to bring forward the new local plan – Plan Mid Devon based around our top planning priorities, seeking to encapsulate and reflect the planning ambitions of the council and its communities. As the Government increases its oversight on planning performance, we will ensure our planning decisions are timely, robust and defensible.

1.4 We will ensure that biodiversity is increased across the district

We will develop and implement our biodiversity duty action plan, and will encourage developers to exceed the minimum 10% biodiversity net gain, working with local communities where possible, in order to bring real enhancement to nature across the district.

1.5 We will value and protect Mid Devon's natural and built environment

We will work with our communities to address environmental damage and will look to prosecute those who cause harm through fly tipping or littering. We will also challenge those who fail to mitigate environmental impact, liaising with other statutory bodies as required to bring about change. We recognise the importance of the built environment and will work to protect our heritage.



Performance Measures and Targets

To ensure transparency and accountability, we have set out how we will measure the performance of our Corporate Plan and our targets.

No.	Measure	2022/23	2023/24	Target	Comment
1.1	Council carbon footprint	17,730 t CO ₂ e	TBC	To be discussed	
1.1	Carbon emissions avoided (renewables and green transport)			TBC	
1.2	Electric car charger points across MDDC car parks	0	0	10 by 2028 (TBC)	Need to clarify baseline (start point)
1.2	Secure external funding to deliver carbon reduction in the district			(TBC)	In development (RM)
1.3	Planning application standards on the speed and quality of decision making				In development (RM), suite of PIs
1.3	Strengthen planning enforcement approach by bringing forward a revised local enforcement plan			Adoption of new plan by end of 2024	RM to timeline
1.3	Adopt Plan Mid Devon			Adoption by 2027	In development (RM)
1.4	Biodiversity gain above 10% across new developments		>10%	>10%	To be reviewed once we have a meaningful baseline

2

Community, People & Equalities

Involving and engaging with our communities, ensuring everyone is treated with equity and respect, and protecting our most vulnerable.

2.1

We will work closely with Town and Parish councils

We value and understand the importance and expertise of our Town and Parish councils. We will seek to develop closer collaborative working relationships through improved communications and engagement.

2.3

We will support the health, wellbeing, and safety of our residents

We will ensure that our leisure services continue to help improve peoples' health outcomes. We will keep the public safe through our rigorous public health inspections. And we will continue to enable people to stay in their homes by coordinating housing adaptations. We will work to ensure our places are planned to improve health and wellbeing.

2.5

We will listen to and respond to feedback

We value all feedback that the Council receives. We will maintain an effective complaints process and ensure that we respond promptly and appropriately. We will ensure that the we consult and engage with stakeholders in an open and transparent manner.

2.2

We value and will work closely with local Voluntary, Community and Social Enterprise organisations

We recognise the vital role that voluntary, community and social enterprises play in our district. We will continue to support these organisations develop including through the use of grant funding. We will support community events across the district and recognise the importance of youth services.

2.4

We will support our residents and communities through the Cost of Living Crisis

We recognise the challenges facing people brought about by the Cost of Living crisis. Through administrating benefit schemes and applying Council Tax Reduction schemes we will support the vulnerable in our communities. We will draw down grant funding to support businesses in our communities through these challenging times.



Performance Measures and Targets

No.	Measure	2022/23	2023/24	Target	Comment
2.1	Support towns and parishes to develop their Community Emergency Plans		4	4 p.a.	New measure
2.2	Support the VCSE sector by securing additional external funding		£200k	>£200kp/a	Need to baseline
2.3	Homes made safe under the Housing Assistance Policy	N/A	81	60 p.a.	
2.5	New Subscribers to Let's Talk Mid Devon	N/A	415	400 p.a.	
2.5	Complaints resolved within target timescales	93 %	92 %	85 % p.a.	Revised complaints policy timelines are far shorter for complex cases, hence reduced proportion expected

3

Homes

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

3.1

We will increase the delivery of quality designed, well built homes across the housing market to meet identified needs

Mid Devon does not have enough homes. We will support the delivery of quality new homes built in the district. We will build and expand our own social housing, and encourage the delivery of new affordable homes built in the district.

3.2

We will build, promote, and encourage the building of energy efficient and low carbon homes and communities

We recognise that our homes in Mid Devon need to be fit for the future. We will ensure our social housing meets high energy efficiency standards. Through planning and building control we will act so that homes in the district are energy efficient, low carbon, and resilient to climate change.

3.3

We will invest in our homes

We will upgrade our social housing by installing energy efficiency measures and renewable energy. We will maintain our high standards of maintenance across Mid Devon Homes. We will monitor tenant satisfaction with maintenance and act on the feedback received.

3.4

We will work closely with our tenants to ensure they feel safe, secure and happy in their homes

We will monitor and continue to improve overall tenant satisfaction. We will work to ensure that cases of antisocial behaviour are kept to a minimum. We will work with our tenants through engagement events, and be guided by them to ensure they feel safe, secure, happy and satisfied in their homes.

3.5

We will support and respond to people presenting as homeless

We will act compassionately to minimise rough sleeping in the district, ensuring people have a safe warm place to sleep. We will maximise homelessness prevention through the use of different types of accommodation, and increase the number of housing options available. We will provide support and guidance for people presenting as homeless.



Performance Measures and Targets

No.	Measure	2022/23	2023/24	Target	Comment
3.1	New Council houses added to MDH stock	N/A	6 (check number – not correct)	100p/a	Anticipated 440 by 27/28
3.1	Additional affordable homes delivered across the district			TBC (LHNA figure)	Including market delivery and RSLs
3.2	New net-zero MMC properties in Mid Devon stock			50/pa	The majority (greater than half) to be net zero
3.3	Tenant satisfaction with the overall repairs service (TP02)			70 % p.a.	Check we check regulatory regime – are these min thresholds?
3.4	Tenant satisfaction that home is safe (TP05)		71.6 %	70% p.a.	See above
3.5	Support those experiencing homelessness by minimising the use of B&B accommodation				Lower than £xxx spent

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4

Economy & Assets

Growing the District Economy and increasing returns from our assets.

4.1

We will work with local businesses, stakeholders and residents to regenerate our town centres

We will act to secure and distribute grant funding to support our town centres. Events and projects will be used to encourage increased footfall and ensure vibrant high streets.

4.4

We will support business and economic development across Mid Devon, enabling job creation, and supporting sustainable tourism growth

We will build on our excellent track record of securing funding to support economic development projects and will support businesses develop into new markets. We will work to develop events and festivals in Mid Devon to encourage footfall into our communities to benefit our businesses, making Mid Devon a destination in its own right.

4.6

Work with our communities and stakeholders to ensure our car parks meet the parking requirement needs of our communities

We will continue to work in a collaborative manner with key stakeholders to review the use of our car parks. We will ensure that our parking charges are fair whilst maintaining a sustainable business model.

4.2

We will build on successful commercial activity, working with our communities to ensure its success

We will continue with prudent commercial ventures. This includes letting industrial units to local businesses, expanding electric vehicle charging points on council assets, and ensuring Tiverton Pannier market continues to be a success.

4.5

We will work with partners to ensure that Mid Devon has the infrastructure it requires to meet its potential

We will play a key role in realising the major infrastructure the district requires to help it meet its potential. This includes the upgrade to J28 of the M5; the Cullompton Town Centre Relief Road; Cullompton Station; Culm Garden Village; and Tiverton Eastern Urban Extension.

4.7

The Council is able to maintain its property and land and maximise the benefits of these assets to the council and to the public

It is vital that we maximise income streams from our assets. We will explore opportunities for partners becoming commercial tenants in our existing properties.

4.3

We will support local businesses set-up, develop and grow

We will fully investigate the potential of establishing a co-working space for small businesses through the Work Hub project. We will drawdown and administer grants for businesses local to set up, develop and grow in the district.



Performance Measures and Targets

No.	Measure (reporting timespan)	2022/23	2023/24	Target	Comment
4.1	Events supported in our town centres			6 p.a.	In development (RM)
4.2	Pannier market occupancy rate	85 %	86 %	85 % p.a.	To be discussed?
4.3	Co-working spaces developed to support local economic activity			5 by 2027/28	In development (RM)
4.3	Businesses supported (non-financial support)	269	292	TBC	In development (RM), also applicable for 4.4
4.4	Tourism events supported			2 or 3 p/a?	In development (RM)
4.5	Secure the delivery of key enabling infrastructure at Cullompton				In development (RM)
4.7	Commercial property voids			Less than 5 %	

5

Service Delivery & Continuous Improvement

Delivering Council services that residents want in the right way, in the right place and at the right price.

5.1

We will ensure that The Council remains the employer of choice in Mid Devon

Against a set of challenging circumstances, we will ensure that our staff remain motivated and satisfied. We will ensure that staff development opportunities are available and that people choose to have long, productive, and happy careers with us.

5.3

We will maintain our leisure services and ensure they are fit for the future

We recognise the need to continue to reduce the environmental impact of our leisure services and will work to reduce the carbon emissions of our leisure centres. We will also strive to move the service to having less financial dependence on the council, whilst ensuring our leisure users are satisfied.

5.5

We will continue to improve and transform our services

We will continue to take the opportunities that arise from digital transformation to improve our services. Where appropriate we will consider opportunities for shared services or new ways of working with our partners. We will seek to improve our overall productivity to ensure Value for Money.

5.2

We will further increase our recycling services, enabling our communities to achieve even higher levels of recycling

Through education and enforcement, we will continue to reduce residual waste collected. Alongside this we will strive to have one of the highest recycling rates in England, and consider additional waste streams we can collect as recycling. Our services will remain excellent, with minimal missed bin collections, and a high opt-in rate to our garden waste service.

5.4

Council finances remain sustainable despite difficult financial conditions

Prudent financial management is critical in the testing financial environment. We will build up our financial reserves, maximise income collection, and ensure that debt remains at an appropriate level.

5.6

Ensure that the public have a good understanding of council services, and that they are satisfied that the services are efficient and effective

We will strengthen our public communications to ensure clarity on the services that we are responsible for. We will measure public satisfaction and act on the results to ensure residents are satisfied with our performance.



Performance Measures and Targets

No.	Measure (reporting timespan)	2022/23	2023/24	Target	Comment
5.1	Staff turnover	19.5 %	17.0%	17.0% in 2024/25	2027/28 target: 15% (excluding retirees/ dismissals)
5.1	Positive staff engagement (staff survey measure)		TBC	72% in 2025/26	75% in 2027/28
5.2	Residual waste per household	327.3 kg	313.3 kg	300 kg in 2024/25	Targets: 290 kg (25/26); 285 kg (26/27); 260 kg (27/28)
5.2	Household recycling rate	55.4%	57.8%	58.5 % in 2024/25	Targets: 59% (25/26); 59.5% (26/27); 62 % (27/28)
5.2	Missed Bin Collections (All)	0.04 %	0.03 %	0.03 % p.a.	Need the aggregated figure
5.3	Total leisure memberships / Reducing level of public subsidy			TBC	Check with members on preferred metric
5.4	National non-domestic rates collection rate	96.8 %	99.4 %	98 % p.a.	
5.4	Council Tax collection rate	97.1 %	97.5 %	98 % p.a.	
5.6	Public survey engagement rate			15 % p.a.	
5.6	Overall council approval rating			70 % p.a.	Use residents survey data as baseline?

Our Values

The organisation has an agreed set of core values that underpin the way we work and how we fulfil our aspirations. These values are known as the four Ps and set out what we believe should be the basis for the type of organisation we want to be.

These values are:

- People
- Performance
- Pride
- Partnership

While our organisation is a place-based entity, rooted in the custodianship of the area of Mid Devon, it is nevertheless primarily a people-focused business. The organisation supports and is steered by our Councillors as the democratically-elected representatives of the people, and is run for the benefit of the people of Mid Devon. Our performance as individuals and as a collective is paramount, and we expect all those working for or with Mid Devon to take pride not only in their own work, but in the way we operate and the outcomes that are achieved for our communities.

Finally, we recognise the core value of partnership as so many of our services depend on our relationships and collaboration with suppliers, contractors, government and its departments and agencies; local towns, parishes and the voluntary sector; or the wider strategic network of councils working together across Devon and the South West.

Summary

The corporate plan sets out the ambition for what the council is aiming to achieve over the next four year period. It acts as the driving force behind our collective efforts and the guiding principles unifying our shared intent. Importantly, it also sets the strategic framework for managing our performance – and this cascades through the organisation in order that everyone can understand their role and how their success as an individual or as a local delivery team contributes to the success of the whole organisation and wider Mid Devon team.

We will use regional and national benchmarking to evaluate our performance and will ensure that we take opportunities to learn in order to deliver services for the people of Mid Devon that are informed by best practice and tailored to reflect the needs of our residents and communities. We will look ‘up and out’ not only to contextualise our own performance, but also to seek opportunities to collaborate with other authorities; neighbours, peer groups, and national innovators, to deliver better quality, more efficient services.

We start this corporate plan with a number of award winning services and top quartile achievement on a national basis. Against an increasingly difficult resource backdrop for local government, our challenge will be to maintain our existing high performance in the priority areas set out in this plan, and to support those functions where greater focus is needed. Our ambition can only be delivered by continuing to transform and modernise the way we work in order to deliver best value, by recognising the partnership and community interests of many other stakeholders in delivering this plan, and by working to maximise the effectiveness of all those with whom we share a common goal.



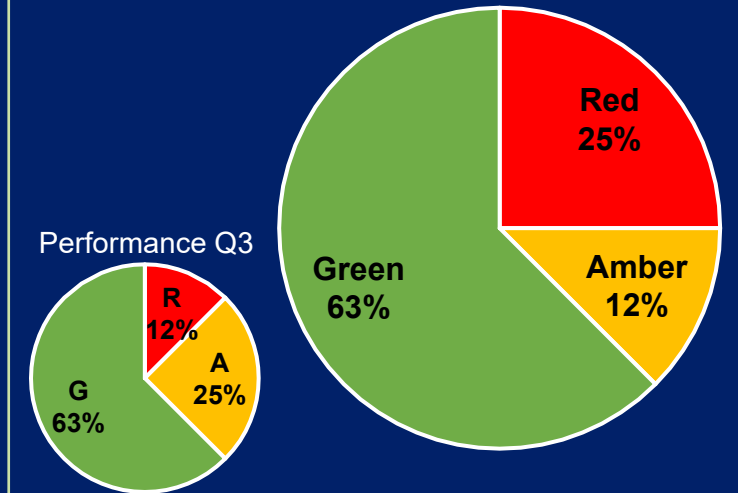
Stephen Walford
Chief Executive



Community PDG Performance Dashboard – Quarter 4 2023/24

Performance Measures	Performance	Annual Target	RAG
All council complaints resolved within timescales (Average YTD)	92%	95 %	A
Licenced vehicle inspections (YTD)	94	40	G
Food safety inspections (YTD)	347	200	G
Private water supply sampling (YTD)	120	120	G
Environmental protection service requests (Average YTD)	82.0 %	95 %	R
Engagement rate on Let's Talk Mid Devon (Current)	16.0 %	TBD	

Overall Performance Q4



Finance Measures	Performance	Annual Target	RAG
Community PDG – Outturn	£4,715K	£5,418k	G
Leisure Income	(£3,324K)	(£2,931k)	G
CMY PDG – Capital Slippage % of projects (Current)	36%	0	R

Corporate Risk	Risk Rating (Trajectory)
Severe Weather Emergency Recovery	12 (no change)

In Focus

The Complaints and Feedback Policy has been reviewed. It sets out the standards and response timescales that customers can expect when providing feedback to the authority. In 2023/24, we received 486 complaints.

98% of environmental protection requests were responded to within 5 working days in Quarter 4.

Leisure membership numbers and income have increased and returned to pre-Covid-19 levels. In particular, swimming lesson income has increased. When coupled with the 20% VAT that no longer needs to be passed to Government, overall income is £419k higher.

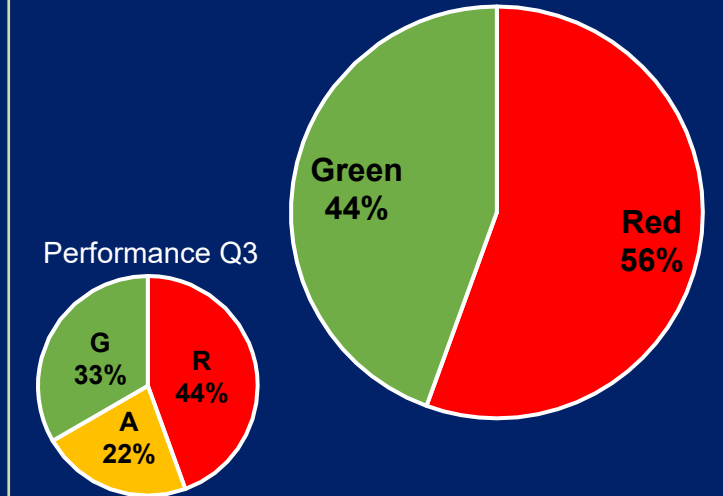
Environment PDG Performance Dashboard – Quarter 4 2023/24

Performance Measures	Performance	Annual Target	RAG
Household waste collected per household (YTD)	313.3 Kg	330 kg	G
Household recycling rate (Average YTD)	57.85 %	56.5 %	G
Households on chargeable garden waste (Current)	12,239	11,800	G
Own fleet CO2e avoided (YTD)	6.5 t CO ₂ e	10 t CO ₂ e	R
Solar panel performance – corporate estate (YTD)	46 t CO ₂ e	TBC	

Finance Measures	Performance	Annual Target	RAG
Environment PDG – Outturn	£4,127k	£4,996k	G
Income received from recycled material	(£511k)	(£661k)	R
Agency Spend 'v' Budget (Environment)	£435k	£130k	R
Environment PDG – Capital Outturn	£298k	£1,675k	R
Environment PDG – Capital Slippage % of projects (Current)	53%	0%	R

Corporate Risk	Risk Rating (Trajectory)
Failure to meet Climate Change Commitments by 2030	15 (no change)
Operation of a Waste Management Service	8 (no change)

Overall Performance Q4



In Focus

The household recycling rate for 2023/24 was almost 58% as is expected to further increase in 2024/25. The recycling rate two years ago was 53.4 % (2021/22). This represents an increase in the overall rate by almost 4.5% percentage points in 24 months.

Income generated from recycled materials has been volatile throughout the year. Income from materials such as Steel and Cardboard were stronger than budget. However, this was offset by lower income generated from Paper, Aluminium, Plastic and Glass.

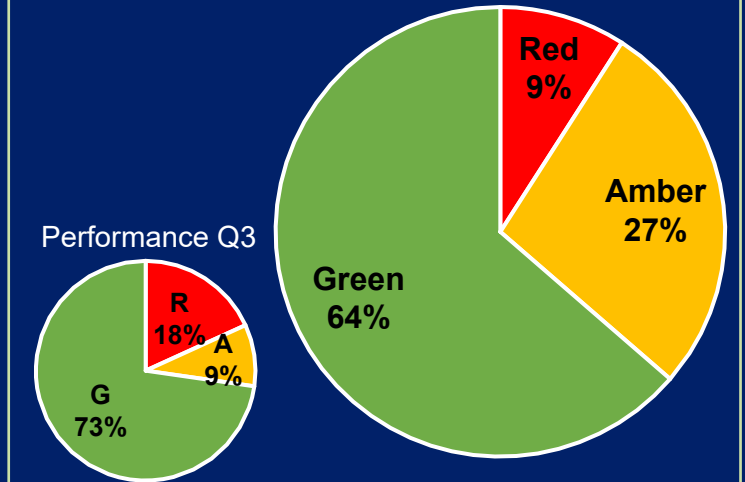
Economy PDG Performance Dashboard – Quarter 4 2023/24

Performance Measures	Performance	Annual Target	Rating
Business rateable value (Current)	£54,192,252	£53,433,767	G
Pannier market occupancy rate (Average YTD)	86 %	85%	G
Businesses supported (YTD)	360	250	G
Empty business properties (Current)	218	253	G
Funding secured to support economic projects (YTD)	£486,704	£400,000	G
Industrial units occupancy (Current)	15	15	G

Finance Measures	Performance	Annual Target	Rating
Economy PDG - Outturn	(£448k)	(£328k)	G
Car Parking Income	(£1,000k)	(£1,017k)	A
Pannier Market Income	(£93k)	(£98k)	A
Commercial Portfolio – % Voids (Current)	7.32%	0%	A
Economy PDG – Capital Slippage % of projects (Current)	56%	0%	R

Corporate Risk	Risk Rating (Trajectory)
Culm Garden Village – Loss of capacity funding	*Update embargoed
Culm Garden Village – Project delays/ impacts due to infrastructure delays	20 (no change)
Cullompton Town Centre Relief Road	25 (no change)

Overall Performance Q4



In Focus

Developments on strategic transport infrastructure in Cullompton was reported to Cabinet in June 2024.

Regular traders at the Pannier market can also be considered by trading day. For Quarter 4, the occupancy rate was: Tuesday (73%); Friday (84%); and Saturday (85%).

Car Parking income in 2023/24 has almost recovered to pre-Covid-19 levels. Projections for income from the multi-storey car park were a little optimistic, but income from permits and pay and display parking in other car parks have increased.

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Report for: Service Delivery & Continuous Improvement PDG

Date of Meeting:	24 June 2024
Subject:	Future Waste and Recycling Options
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Environment and Services
Responsible Officer:	Darren Beer, Operations Manager – Street Scene and Open Spaces Matthew Page, Head of People, Performance and Waste
Exempt:	N/A
Wards Affected:	All – District Wide
Enclosures:	None

Section 1 – Summary and Recommendation(s)

This report considers the following:

- It sets out future options regarding the provision of the Waste and Recycling service to the residents of Mid Devon.
- The list is not necessarily exhaustive but a starting point for further discussion.
- It builds upon the previous report that sets out the performance of the Bin-It 123 scheme.

Recommendation(s):

- 1. To review the contents of this report**
- 2. Make recommendations regarding the potential further investigation of the financial and practical feasibility of introducing the following practices in the District:**
 - a. Soft plastic (flexibles) collections**
 - b. Nappy waste collections**
 - c. Collecting used coffee pods**
 - d. Collecting unwanted metal pots and pans**

- e. **A chargeable scheme to allow residents the ability to place extra waste out for collection**
- f. **Charging new house builders for new bins and containers to each property**

Section 2 – Report

1.0 Introduction

- 1.1 A review of the current waste and recycling scheme was presented to the Environment PDG in August 2023 and a further update in November 2023 on the performance of Bin-It 123.
- 1.2 A review of Bin-It 123 was also requested by Members and the contents of that report should be read in conjuncture with this one.
- 1.3 This report outlines the possibilities for the service to further reduce residual waste along with an increase in the recyclate collected from the residual waste in order to meet our net zero aspirations. It outlines future proposals and pathways to raise further awareness of good recycling practice in line with the waste hierarchy to reduce, reuse and then recycle.

The Waste Hierarchy diagrams



- 1.4 The Government released its intentions with regards the Collection and Packaging Reforms (CPR), around Simpler Recycling on 09 May 202. These reforms also includes Extended Producer Responsibility (EPR) and the Deposit Return Scheme (DRS).
- 1.5 At the time of publishing this report, the Government announced the broad future direction of travel regarding Waste and Recycling services with legislation that is due to come before parliament in the following areas:

- By 31 March 2025, businesses (excluding micro-firms) must recycle metal, glass, plastic, paper, card, and food waste
 - By 31 March 2026, local authorities must collect these six waste streams (excluding plastic film) from households, with weekly food waste collection
 - By 31 March 2027, micro-firms must recycle all except garden waste, and plastic film collection will extend to all households and premises.
 - By 31 March 2027, local authorities must collect plastic films and flexibles
- 1.6 MDDC are already delivering in areas such as weekly food recycling and regular garden waste collections along with collecting the core recycling materials; paper, card, glass, plastic, steel and aluminium. The Council already exceed this legislative minimum as we also collect and recycle textiles, batteries and small electricals (small WEEE).
- 1.7 A discussion group was facilitated as part of the State of the District debate held in March 2024 to consider how to further increase our recycling rate. Ideas were presented by attendees and, along with District Councillors input, has helped form this report.
- 1.8 There is now a need to review recycling and refuse collections in order to meet our target 65% recycling rate by 2035 but available budgets will need to be considered when considering future proposals.

2.0 Next steps and what is possible

2.1 Recycling and collection of flexible plastics

- 2.1.1 As stated earlier in the report, Government have mandated collections of soft plastics from March 2027. There is no current detail on how this is going to be achieved and whether new burdens will pay for this.
- 2.1.2 Currently soft plastics can be taken to supermarkets in the District, which is supported by the FlexCollect scheme.
- 2.1.3 FlexCollect are trialling a series of flexible plastic household collection and recycling pilots between 2022 and 2025, which is managed by a consortium of stakeholders and involvement from other industry stakeholders. A small number of Local Authorities are working with FlexCollect to introduce and trial collections in their own District. This includes Somerset who began a small-scale trial in May 2023 to 3,600 households in Frome. This is being expanded to a further 20,000 properties later this year along with other Local Authorities in the scheme. The authorities in the trial have different collection schemes and demographics, so that FlexCollect can review the data for presentation and analysis. FlexCollect are not expanding this trial to other Districts.

- 2.1.4 Mid Devon along with other Devon authorities visited Somerset's waste depot in Shepton Mallet on the 29 May to observe and understand the process they use in collecting soft plastics at kerbside for processing and recycling.
- 2.1.5 Points for future consideration would include how the product will be collected along with the potential volume of material. The configuration of the current fleet of recycling vehicles would only allow it to be collected in one of the existing stillages such as the ones used for paper. The current processing configuration would not allow the material to be compacted while being stored and transported on the vehicle.

2.2 Recycling and collection of nappies

- 2.2.1 Priority with regards to nappies in the Waste Hierarchy is given first to reuse then recycling and finally disposal. Therefore, reusable nappies should be promoted as the first avenue for parents when thinking about the environment. There are schemes and advice available including Recycle Devon, which explores the use of real nappies over disposable nappies and signposts residents to the different types, how to wash them and also a free trial.
- 2.2.2 After reuse, the next priority is recycle and NappiCycle have pioneered a process allowing them to recover the material from used nappies. It uses friction washing to break down used nappies and absorbent hygiene products into clean reusable products. In Wales, the recycled nappies are then being used in asphalt for road surfacing, composite deck boards, and other secondary products.
- 2.2.3 This service can currently be provided to all Welsh Local Authorities but none at present in England. East Devon District Council are investigating the viability of a trial in November 2024, which Mid Devon will observe with interest, monitor and can review their findings for further consideration.

2.3 Recycling and collection of coffee pods

- 2.3.1 There is currently a scheme in place throughout the District for residents to recycle coffee pods through the Podback scheme. This is a collaboration of coffee pod producers who have developed a system to recycle coffee pods through various collection systems including drop-off in supermarkets (a large supermarket chain has just rolled the scheme out across their stores) and a number of household waste recycling centres (HWRCs) or alternatively they can be posted using a Podback bag and a returns label.
- 2.3.2 Once received by Podback the pods are shredded to remove the coffee, then the empty pods are reprocessed to be used in the manufacture of new products. Coffee grounds are sent for anaerobic digestion.

- 2.3.3 Sixteen UK local authorities including Exeter City Council are now able to recycle their used aluminium and plastic coffee pods alongside other household waste and recycling.
- 2.3.4 Recent trials at HWRCs have proved popular with residents. One trial in Berkshire saw 10 tonnes of pods collected within the first six months. Podback provides HWRCs with collection containers to enable aluminium and plastic pods to be collected separately. Due to the popularity of this method of collection, Podback are moving the focus and support away from Local Authority kerbside collections to setting up disposal points at County Council HWRCs.
- 2.3.5 Consideration will need to be given to how Mid Devon may collect these if not supported by the Podback scheme. Other authorities that collect the pods use various means including designated vehicles for collection of pods or refuse vehicles that have been adapted to take a small cage to collect the pods. Mid Devon may need to collect these on the recycling vehicles utilising the same stillage as the one currently used for collecting textiles, batteries and small WEEE.

2.4 Recycling and collection of metal pots and pans

- 2.4.1 Currently pots and pans are not collected by Mid Devon's waste and recycling service. If pots and pans are in good condition then residents are encouraged to donate them to charity to be reused, which follows Waste Hierarchy good practice. Alternatively, they can be taken to the nearest Recycling Centre either at Punchbowl (Crediton) or Ashley (Tiverton) where they can be placed in the metal labelled skip to be recycled.
- 2.4.2 Currently there are no Local Authorities that collect pots and pans kerbside. In order for Mid Devon to collect them the collected pots and pans would need to be placed in one of the existing stillages of the recycling vehicles. This would need to use the same stillage as textiles, batteries and small WEEE. Due to the volume these would take up, this would need to be further considered if this option was to be pursued.
- 2.4.3 There would be no extra cost in collecting pots and pans. Skip providers would provide and collect the skip free of charge, therefore no income would be received for the material collected.
- 2.4.4 The material tonnages can be included in the recycling statistics for Mid Devon, although they are included in the Devon wide statistics when taken to the HWRCs.

2.5 Collecting extra chargeable waste

- 2.5.1 Although all authorities are committed to reducing the waste sent for disposal and increasing the amount we recycle, there are occasions when residents have planned or unexpected occasions when extra waste is produced, such as a house clearance. In these situations the additional waste can be taken to

a local recycling centre when booked in advance, while bulky and recyclable items can be taken there anyway. Alternatively Mid Devon can also provide a chargeable bulky waste collection service for larger items.

2.5.2 East Devon and Teignbridge District Councils operate a chargeable additional waste sack collection. They can supply 10 labelled waste sacks delivered to the property in advance of the need to use them.

2.5.3 Another Local Authority is offering to provide a large bin delivery and collection service for house or garage clear outs for £50-£60 depending on the size of the bin required.

2.5.4 A large bin delivery and collection service would be difficult to offer in Mid Devon due to the current collection rounds. Mid Devon could supply bin bags (10) at a suggested cost of £40-£55.

2.6 Charging new builds the cost of containers for waste and recycling

2.6.1 Local Authorities are able to charge for the cost of receptacles to protect their services. One such Local Authority (Teignbridge District Council) charges a one off fee for a full set of containers to be delivered to newly built properties, which have not previously been occupied, at a current cost of £96.00. The charge can be levied on the developer of the property.

2.6.2 These charges offset the cost of the service. The bin charging policies have been introduced to encourage residents to take responsibility for the bins provided and to reduce demand for replacement bins. The charges cover the actual cost of the bins and delivery.

2.7 Composting groups in Mid Devon

2.7.1 Mid Devon supports home composting as it diverts garden waste from incineration, or being collected by the Waste and Recycling Team, which involves transportation to the disposal site.

2.7.2 Mid Devon also supports community composting, and through Recycle Devon is able to offer advice and support in composting and setting up community projects. One such project is the Uffculme Compost Magic not for profit group run by a voluntary management committee and monitored by DCC and the EA, which has been running for a number of years.

2.7.3 Like the garden waste collected by Mid Devon the garden waste collected by composting groups are recorded as tonnages for data recorded by Waste Data Flow and then used as a recycling measure.

3.0 Conclusion

- 3.1 The report contains findings from analysis within the service and that on a local and national level. It provides suggestions to increase recycling and looks at ways to reuse. Ultimately, as an authority Mid Devon looks to promote the Waste Hierarchy and strongly encourage residents to review what they then do themselves with regards to waste at home around reduce and then reuse before recycling.
- 3.2 There may be other measures and initiatives that Members wish to discuss that can be included and reported on.
- 3.3 Any measures that do proceed will require a full cost analysis and benefits report before bringing these back to approve potential future trials or implementation.

Financial Implications

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

There are none as a result of this report but would need to be included if trials or further analysis is required.

Legal Implications

Under Section 46 of the Environmental Protection Act Waste Collection Authorities may by means of notice specify how householders present their waste for collection. There will legal requirements to adhere to legislation around Simpler Recycling once it has been given parliamentary approval.

Risk Assessment

In the event that any future changes are trialled (or mandated by government) a register of risks would need to be compiled in advance of those proposed service changes. There are potential risks, including impacts on; carbon emissions, the carbon footprint, operational costs and other resources required (from containers to personnel).

Impact on Climate Change

An increase in recycling would further enable the Council to reduce its carbon footprint and hit its carbon net zero commitment. Recycling is one of the most 'mainstream' concepts of addressing overarching sustainability goals, therefore it is vital to make sure that the council is maximising the effectiveness of both its scheme design, but also its operational implementation.

Equalities Impact Assessment

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

Relationship to Corporate Plan

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

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 12 June 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 12 June 2024

Chief Officer: Stephen Walford

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

Date: 13 June 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 03 June 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Darren Beer, Operations Manager – Street Scene and Open Spaces

Email: dbeer@middevon.gov.uk

Telephone: 01884 255255

Background papers:

2.1.1 [Podback](#)

2.1.3 [Podback FAQs - Exeter City Council](#)

- 2.3.1 [Nappies - Recycle Devon](#)
- 2.3.2 [NappiCycle – Nappy Recycling & Sustainability Solutions](#)
- 2.3.3 [7 March 2024 - New kerbside nappy and hygiene product recycling scheme being investigated for East Devon - East Devon](#)
- 2.4.3 [Household collections — Flexible Plastic Fund](#)

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Report for: Service Delivery & Continuous Improvement PDG

Date of Meeting:	24 June 2024
Subject:	Public Spaces Protection Order – Dog Control
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Environment and Services
Responsible Officer:	Luke Howard, Environment and Enforcement Manager Matthew Page, Head of People, Performance and Waste
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1 – Plan of Recreation Ground, Cheriton Fitzpaine Appendix 2 – Plan of Recreation Ground, Wood Lane, Morchard Bishop Appendix 3 – Plan of Play Area, Recreation Ground, Oakford Appendix 4 – Plan of Hardcourt, Playing Field, Play Area and BMX track – Amory Park, Tiverton

Section 1 – Summary and Recommendation(s)

To extend the period that the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 is in force for and to vary it as set out in this report.

Recommendation(s):

That the Service Delivery and Continuous Improvement PDG, recommend to the Cabinet the report and that the Cabinet make the following resolutions:

- 1. On being satisfied that the statutory grounds for extending and varying the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (“the Dog Control PSPO ”) are met, as detailed in the Report, to allow Officers to commence statutory consultation for the following:**

- a) **To extend the period the Dog Control PSPO is in force by a further period of three years**
- b) **To vary the Dog Control PSPO by:**
 - **Designating the Playing Area known as Jacks Acre in Cheriton Fitzpaine (as shown on the plan at Appendix 1) as an area where dogs are not allowed;**
 - **Designating the Playing Field at the top of Wood Lane Morchard Bishop as an area where dogs must be on a lead (as shown on the plan at Appendix 2);**
 - **Removing from the Dog Control PSPO the existing plan of the Recreation Ground at Oakford as an area where dogs are not allowed and replacing it with a plan of a new Play Area at the said Recreation Ground to be subject to the prohibition of no dogs allowed (a plan of the new Play Area is shown at Appendix 3); and**
 - **Removing from the Dog Control PSPO the existing plan of the Play Area Amory Park Tiverton as an area where dogs are not allowed and replacing it with a plan of a new Play Area at the said Amory Park to be subject to the prohibition of no dogs allowed (a plan of the new Play Area is shown at Appendix 4).**
2. **Delegated Authority granted to the Director of Legal, HR & Governance (Monitoring Officer) to draft the Orders extending and varying the Dog Control PSPO to go out to consultation.**
3. **In the event that there are no material objections to the extension and variation as determined by the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for the Environment, to grant delegated authority to the Director of Legal, HR & Governance (Monitoring Officer) to make the Orders extending and varying the Dog Control PSPO as recommended in the Report.**
4. **In the event that the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for the Environment, determine that objections by the owners of any land which is subject to the Dog Control PSPO should be up held, to then grant delegated authority to the Director of Legal, HR & Governance (Monitoring Officer) to vary the Dog Control PSPO by removing any land for which an objection(s) has been upheld.**

Section 2 – Report

1.0 Introduction

- 1.1 The Council’s Dog Control PSPO was made on 07 October 2021. It will expire on the 06 October 2024 unless it is extended.
- 1.2 The Dog Control PSPO is an example of a Public Spaces Protection Order (PSPOs). It is a measure to tackle anti-social behaviour, introduced by the Anti-social Behaviour, Crime and Policing Act 2014 (“2014 Act”)
- 1.3 PSPOs require or prohibit certain activities from taking place in certain places (restricted areas) in order to prevent or reduce any detrimental effect caused by those activities to local people (section 59(4)) of the 2014 Act).
- 1.4 Failure to comply with a PSPO prohibition or requirement is an offence and a person (without reasonable excuse) will be liable on summary conviction to a fine currently set at up to £1,000.
- 1.5 A constable or a person authorised by the Council may decide in the case of a PSPO breach, that a fixed penalty notice is more appropriate than prosecution. In this case, once the penalty has been paid, any liability for conviction will be discharged.
- 1.6 The Dog Control PSPO can only be extended if the Council is satisfied on reasonable grounds that doing so is necessary to prevent:
 - a) An occurrence or recurrence of the activities identified in the Dog Control PSPO; or
 - b) An increase in the frequency or seriousness of the activities identified in the Dog Control PSPO, after the Dog Control PSPO would have expired.
- 1.7 The Dog Control PSPO can be extended for up to a further three years at a time, and can be extended more than once.
- 1.8 On the 21 March 2024, Cheriton Fitzpaine Parish Council responded to an informal consultation about the Dog Control PSPO. They requested that the Dog Control PSPO be amended to ensure no dog was allowed at Jacks Acre Playing Field. A copy of the plan of Jacks Acre Cheriton Fitzpaine is at Appendix 1.
- 1.9 On the 18 April 2024, Morchard Bishop Parish Council and the Morchard Bishop Playing Fields Association responded to the same informal consultation. They requested the Playing Fields at the top of Woods Lane Morchard Bishop be included in the Dog Control PSPO as an area where a dog must be kept on a lead. They reported they have a problem with dog owners letting their dogs run free and then not picking up their dog faeces. They commented that it is unpleasant for both adult and junior footballers. A

copy of the Plan of the Playing Field at the top of Woods Lane Morchard Bishop is at Appendix 2.

- 1.10 Oakford Parish Council requests that the Dog Control PSPO relating to the “Recreation Ground – Oakford” (aka “Community Area”) is amended to reflect the fact that the Children’s Play Area within the Recreation Ground has been fenced off. They would like the Dog Control PSPO’s ban on dogs to apply only to the fenced off Children’s Play Area, and the rest of the Recreation Ground should be available for owners to allow their dogs to run free. An updated plan of the area and photographs of the fenced off Children’s Play Area are attached for clarity. A plan of the Play Area is at Appendix 3.
- 1.11 Under the 2014 Act, the Dog Control PSPO may be varied by applying to a new area of public space to which it previously did not apply (only if certain conditions are met as regards activities in that new area).
- 1.12 The first condition is that:
- a) Activities carried on in the new area have had a detrimental effect on the quality of life of those in the locality; or
 - b) Is likely that activities will be carried on in the new area and that they will have such an effect.
- 1.13 The second condition is that the effect, or likely effect, of the activities:
- a) Is, or is likely to be, of a persistent or continuing nature;
 - b) Is, or is likely to be, such as to make the activities unreasonable; and
 - c) Justifies the restrictions imposed by the notice.

2.0 The Dog Control PSPO

- 2.1 The Dog Control PSPO has the following prohibitions and requirements, breaches of which are deemed a criminal offence:
- 1. Prohibition of dog fouling
 - 2. A requirement of dogs to be on a lead:
 - a) In cemeteries or churchyards;
 - b) In certain parks; or
 - c) When requested by an authorised officer or police constable
 - 3. An exclusion of dogs from enclosed play areas.
 - 4. A limit on the number of dogs walked at a time by one person.

2.2 Prohibiting dog fouling

2.3 The Dog Control PSPO prohibits dog fouling in all areas within the district of Mid Devon defined as “Public Spaces”.

2.4 The term “Public Spaces” is defined in the Dog Control PSPO to mean land within the district of Mid Devon, which is open to the air including covered land which is open on at least one side and to which the public are entitled and permitted to have access, with or without payment, with the exception of Forestry Commission Land.

2.5 The Dog Control PSPO requires that, in any Public Space, if a dog defecates at any time the person in charge of the dog must remove the faeces from the land forthwith.

2.6 The Dog Control PSPO requires that a person in charge of a dog must have the appropriate means to pick up the faeces and must produce this if required to do so either by an authorised officer or a police constable.

2.7 Dog on Leads

2.8 The Dog Control PSPO requires that dogs must be on leads in the public cemeteries and churchyards, which are listed in the Dog Control PSPO. The public cemeteries and churchyards are:

All Saints Church Cemetery, Culmstock
Cemetery, Black Dog
Burial Ground, Cheriton Fitzpaine
St Matthew’s Church, Cheriton Fitzpaine
Methodist Cemetery, Coplestone
St John the Baptist Church, Cove, Tiverton
Cemetery, Crediton
Cemetery, Cullompton
Cemetery, Culmstock
Cemetery, Halberton
Cemetery, Hemyock
St Andrew’s Church Cemetery, Colebrooke
St Andrew’s Church Cemetery, Cullompton
St George’s Church, Tiverton
St Mary’s Church Cemetery, Hemyock
St Mary’s Church Cemetery, Uffculme
St Mary’s Church, Willand
Cemetery, Tiverton
Cemetery, Uffculme
Cemetery, Wembworthy
Cemetery, Willand

2.9 The Dog Control PSPO requires that dogs must be on leads in the public parks which are listed in the Dog control PSPO. These are:

Skate Park, Lords Meadow, Crediton
Newcombes Meadow, Crediton
Skate Park, Meadow Lane, Cullompton
Ploudal Road Play Area, Cullompton
Logan Way, Hemyock
Amory Park, Tiverton
Skate park, Bolham Road, Tiverton
Marley Close, Tiverton
People's Park, Tiverton
Priory Road, Tiverton
Westexe Recreation Ground, Tiverton
Play Area, Westleigh
Recreation Ground (Jubilee Field), Gables Road, Willand
Victoria Close, Willand
Recreation Ground Longmead, Hemyock
Open Space Millhayes, Hemyock

- 2.10 The Dog Control PSPO requires that dogs must be on leads if requested by an authorised officer or a police constable where reasonably necessary, to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or bird on the land.

2.11 Excluding Dogs from enclosed play areas

The Dog Control PSPO excludes dogs from enclosed play areas, which are listed in The Dog Control PSPO; these are:

Recreation Ground, Morebath Road, Bampton
Play Area, Station Road, Bampton
Play Area, Godfrey Gardens, Bow
Play Area, Iter Park, Bow
Play Area, St Martins Close, Bow
Play Area, Village Hall, Bow
Play Area, Barnes Close, Bradninch
Play Area, Townlands, Bradninch
Play Area, Bray Close, Burlescombe
Play Area, Chawleigh
Recreation Ground, Chawleigh
Play Area, Glebelands, Cheriton Bishop
Play Area, Landboat View, Cheriton Fitzpaine
Play Area, Coleford
Play Area, Fernworthy Park, Coplestone
Play Area, Sunnymead, Coplestone
Play Area, Barnfield, Crediton
Play Area, Beacon Park, Crediton
Play Area, Beech Park, Crediton
Play Area, Cromwells Meadow, Crediton
Play Area, Fulda Crescent, Crediton
Play Area, Kirton Drive, Crediton
Play Area, Lords Meadow, Crediton

Play Area, Monks Close, Crediton
Play Area, Newcombes Meadow, Crediton
Play Area, Queen Elizabeth Drive, Crediton
Play Area, Spinning Path Gardens, Crediton
Play Area, Tuckers Meadow, Crediton
Play Area, Walnut Drive, Crediton
Play Area, Ash Drive, Cullompton
Play Area, Bockland Close, Cullompton
Play Area, Bullfinch Close, Cullompton
Play Area, Chaffinch Drive, Cullompton
Play Area, Conifer Close, Cullompton
Play Area, Crossparks, Cullompton
Play Area, Dove Close, Cullompton
Play Area, Hanover Gardens, Cullompton
Play Area, Haymans Close, Cullompton
Play Area, Haymans Green, Cullompton
Play Area, Headweir Road, Cullompton
Play Area, Knightswood, Cullompton
Play Area, Linden Road, Cullompton
Play Area, Linear Park, Cullompton
Play Area, Rivermead, Cullompton
Play Area, Saxon Close, Cullompton
Play Area, Siskin Chase, Cullompton
Play Area, Spindlebury, Cullompton
Play Area, Starlings Roost, Cullompton
Play Area, Stoneyford, Cullompton
Play Area, Tufty Park, Cullompton
Play Area, Water Meadow, Cullompton
Play Area, Windsor Close, Cullompton
Play Area, Hunter's Hill, Culmstock
Play Area, Lower Town Halberton
Play Area, Hollingarth Way, Hemyock
Play Area, Logan Way, Hemyock
Play Area, Longmead, Hemyock
Play Area, Millhayes, Hemyock
Play Area, Holcombe Rogus
Play Area, Church Close, Lapford
Play Area, Greenaway, Morchard Bishop
Play Area, Wood Lane, Morchard Bishop
Recreation Ground, Oakford
Play Area, Puddington
Play Area, Cornlands, Sampford Peverell
Play Area, Mill Lane, Sandford
Play Area, Newbuildings Sandford
Play Area, Town Barton, Sandford
Recreation Ground, School Close, Shobrooke
Play Area, Silvertown
Skate park, Silvertown
Play Area, Ellerhayes, Silvertown
Play Area, Amory Park, Tiverton

Play Area, Ashley Rise, Tiverton
Play Area, Banskia Close, Tiverton
Play Area, Coles Mead, Tiverton
Play Area, Everett Place, Tiverton
Play Area, Grand Western Canal, Canal Hill, Tiverton
Play Area, Hawthorne Road, Tiverton
Play Area, Orchard Leigh, Tiverton
Play Area, Palmerston Park, Tiverton
Play Area, Popham Close, Tiverton
Play Area, Spencer Drive, Tiverton
Play Area, Starkey Close, Tiverton
Play Area, Trickey Close, Tiverton
Play Area, Waylands Road, Tiverton
Play Area, Westexe Recreation Ground, Tiverton
Play Area, Wilcombe, Tiverton
Play Area, Culm Valley Way, Uffculme
Play Area, Recreation Ground, Highland Terrace, Uffculme
Play Area, Pathfields, Uffculme
Play Area, Pippins Field, Uffculme
Play Area, Wembworthy
Play Area, Buttercup Road, Willand
Play Area, Chestnut Drive, Willand
Play Area, Gables Lea, Willand
Play Area, Harpitt Close, Willand
Play Area, Mallow Court, Willand
Play Area, South View, Willand
Play Area, The Orchards, Willand
Play Area, Worcester Crescent, Willand
Play Area, Kentisbeare

2.12 Limit on the number of dogs

2.13 The Dog Control PSPO limits the number of dogs a person can be in control of in a Public Space to 6 dogs.

2.14 Exemptions

2.15 Offences will not be committed if:

- a) A person has a reasonable excuse
- b) A person has permission from the owner of the land
- c) A person is exempt under Clause 10 of the Dog Control PSPO. Clause 10 covers those needing assistance dogs, or with some form of disability, which might prevent them from complying with the Dog Control PSPO. There are also exemptions for certain working dogs i.e. those involved in law enforcement, military duties, statutory emergency services and search/rescue and those using a working dog for agricultural activities or exempt hunting as set out in Schedule 1 of the Hunting Act 2004.

3.0 Reasons for recommendations

- 3.1 Dog fouling remains a significant concern for the Council. Despite considerable efforts to promote responsible dog ownership there remains a minority of dog owners who do not clean up after their dogs or keep them under control. Dog fouling is unpleasant and a risk to human health.
- 3.2 Responsible dog ownership enforcement via a PSPO will aid the reduction of risk to the general public of diseases such as toxocariasis from dog faeces; reduction in potential animal attacks; and safeguarding the public and wildlife via the 'dogs on a lead' enforcement.
- 3.3 Any requirements or prohibitions that are to be imposed must be both reasonable to impose and aimed at preventing or reducing the risk of the detrimental effect from continuing, occurring or recurring in the future.
- 3.4 The decision to extend the Dog Control PSPO is discretionary, but the consequence of not having a PSPO may lead to irresponsible dog owners allowing their dogs to run out of control and not picking up after them. This is likely to have an effect on the quality of life of others using the public spaces.
- 3.5 One of the advantages to having the Dog Control PSPO in place is that if there is an offence of failing to comply with a requirement or prohibition then the offender may be given a Fixed Penalty Notice (FPN); if the FPN is not paid then the offender may be prosecuted.
- 3.6 This can be contrasted with the alternative of using a Community Protection Notice ("CPN"). The purpose of a CPN, which was introduced under the 2014 Act is similar to a PSPO, which is to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life. The use of a CPN can be considered problematic in the context of dog control.
- 3.7 Prior to the issue of a CPN a written warning must be issued to the individual concerned that if they do not stop the anti-social behaviour i.e. their dog fouling, they could be issued with a CPN. Only if the dog fouling happens again on a separate occasion can a CPN be issued. If the dog fouling then happens again on another separate occasion, in breach of the CPN, an offence is committed and a FPN can be issued. It is submitted that the public would be concerned if a FPN could only be issued on the third occasion of the dog fouling.
- 3.8 Similar issues apply in using the Dogs Act 1871 in relation to dangerous dogs. Civil proceedings that a dog is dangerous, and not kept under proper control can be brought at a Magistrates' Court and this can be done by the police, local authorities, or individual members of the public. If the Magistrates are satisfied that the complaint is justified, they can make any order they feel appropriate to require the owner to ensure that the dog is kept under proper control or, in extreme cases, destroyed. This type of

action is usually only appropriate for serious cases, and is time consuming involving court hearings, which can take considerable time to arrange.

- 3.9 There are other criminal offences that can be prosecuted under the Town Police Clauses Act 1847 and the Dangerous Dogs Act 1991 (as amended) in relation to dogs that are deemed out of control and dangerous. Such prosecutions would be time consuming and expensive.
- 3.10 A review of Devon district council websites, as well as the Plymouth City unitary council, reveal widespread adoption of the control of dogs by PSPOs.
- 3.11 In response to public consultation, which took place when the Council was first considering introducing the Dog Control PSPO, the Council reduced the proposed number of areas subject to the 'Dogs on Leads' requirement. This reduction in areas, subject to the dogs on leads requirement, has resulted in more localities being available in the District for dogs to be exercised freely off their leads.
- 3.12 Examples of where dogs can run freely are :
- Beacon Park, Crediton
 - Bluebell Avenue, Tiverton
 - Cottey Brook, Tiverton
 - Crow Bridge, Cullompton
 - Glebelands Road, Tiverton
 - The land at Moorhayes adjacent to Lea Road, Tiverton
 - Mountbatten Road, Tiverton
 - People's Park, Crediton
 - Railway Walk, Tiverton
 - River Exe Recreation Ground, Tiverton
 - The Oval, Tiverton
 - Knighthayes, Tiverton
 - CCA Fields, Cullompton
 - Oakford Recreation Ground
- 3.13 It was previously recognised that under the Animal Welfare Act 2006, dog owners are required to provide for the welfare needs of their dogs and that, in most cases, this will include off-lead exercise.
- 3.14 As summarised, the above Dog Control PSPO limits the number of dogs a person can be in control of in a Public Space to 6 dogs.
- 3.15 A previous draft PSPO, which was consulted on prior to the introduction of the Dog Control PSPO provided that only 4 dogs could be walked by any one person at a time. The Dog Control PSPO that was made allows for 6 dogs to be walked at any one time by one person. This revised figure took into account the feedback given by Members at both the Environment PDG and Cabinet meetings when considering introducing the Dog Control PSPO,

and also some of the responses to the public consultation, that professional dog walkers could be unduly prejudiced by the lower number.

- 3.16 DEFRA has stated in its official guidance (“Dealing with irresponsible dog ownership Practitioner’s manual”) that “when setting the maximum number of dogs able to be walked by one person, the most important factor for authorities to consider is the maximum number of dogs which a person can control; expert advice is that this should not exceed six”.
- 3.17 As summarised above the Dog Control PSPO protects enclosed play areas by prohibiting dogs. Officers consider that this approach is justified as children are more susceptible to diseases from exposure to dog faeces and urine. Similarly it is felt that young children are more at risk of injury from dogs. This is because young children will naturally be excited whilst playing which may provoke a reaction from dogs in the area. The consequences of a dog attack on a young child is likely to be more severe than on an adult.
- 3.18 Both Jacks Acre playing field and the playing field at Wood Lane are predominantly used for different types of sport and recreation. Local teams have reported issues in relation to dogs running freely and fouling on the pitch with irresponsible owners not clearing the mess up. This has created issues for both sport matches and training. It is therefore requested by Cheriton Bishop Parish Council that dogs are not permitted on Jacks Acre playing field to prevent this issue from occurring. Morchard Bishop Parish Council have requested that dogs be kept on a lead to prevent the issues highlighted for the playing field at Wood Lane.
- 3.19 Oakford Parish have added fencing to enclose the play area situated on the recreation ground. Due to this, the Parish have requested dogs to be excluded from the play area and have the current dogs on leads (as currently recorded) rescinded to allow dogs to access the recreation ground without restriction.
- 3.20 Amory Park play area was relocated in 2023, this requires the order to be amended to reflect this. This requires the implementation of dogs to be on leads on the remaining area of the park, due to the multi-use by different football clubs, children and BMX users.

4.0 Consultation and publicity

4.1 The Council before extending, and/ or varying the Dog Control PSPO must observe certain "necessary" consultation and publicity requirements.

4.2 Consultation

4.3 The Council is obliged to consult with the local Chief Officer of Police; the Police and Crime Commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives.

4.4 Community representatives' are defined broadly in the 2014 Act as 'any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area'. This gives the Council the freedom to determine who best to contact given local circumstances and the scope of the proposals.

4.5 It is proposed to consult with:

All Parish & Town Councils in Mid Devon
MDDC Councillors
Chief Constable of Devon Cornwall Police
Police & Crime Commissioner
The Kennel Club

4.6 Publicity and publication

4.7 The Council must publish the text of the proposed order varying the Dog Control PSPO, and for the proposed extension of the Dog Control PSPO, the Council must publicise the proposal.

5.0 Other Legal Considerations

5.1 In deciding whether to extend and or vary the Dog Control PSPO, the 2014 Act says the Council must have particular regard to the rights of freedom of expression, and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

5.2 The need to "have particular regard" to Articles 10 and 11 suggests that Parliament in passing the Act has sought to give these rights an elevated status in relation to deciding whether to make a PSPO.

5.3 Article 10: freedom of expression reads as follows:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

5.4. Article 11: freedom of assembly and association reads as follows:

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

5.5 Although PSPOs are a robust remedy because they affect the behaviour of every person within a specified area rather than being targeted at individuals, Officers consider that the Dog Control PSPO does not unnecessarily interfere with lawful and legitimate activity.

5.6 It is submitted that in extending and varying the Dog Control PSPO the Council will have found the right balance in the need to tackle anti-social behaviour associated with dogs, against the desire and entitlement of the public to use a public space.

6.0 Conclusion

6.1 Officers believe that there are reasonable grounds to suggest that incidents relating to dogs are of such a nature that they have had, and are likely to have, a detrimental effect on the quality of life of the public whilst enjoying the open spaces, parks and play areas in the District.

6.2 Unfortunately, even though the majority of people do not create the issues identified, the continuing nature of the irresponsible behaviour by a minority of dog owners, and the adverse impact they have on the public justify the imposing of restrictions as proposed in the new draft PSPO.

Financial Implications

Whilst a consequence of enforcement may be an increase in Fixed Penalty Notices (FPN), income generation is not a reason for introducing a new PSPO.

Legal Implications

The Dog Control PSPO is designed to curb anti-social behaviour arising from irresponsible control of dogs and dog fouling. The Dog Control PSPO will expire on the 7 October 2024 unless it is extended beforehand.

Risk Assessment

The Council is at risk of not being able to enforce dog control infringements which could result in reputational damage for not taking appropriate action against offenders. The Council will also be at risk of not meeting statutory duties such as under Section 89 of the Environment Protection Act 1990 to ensure that land is clear of litter, which includes dog waste.

Impact on Climate Change

A PSPO requires or prohibits certain activities from taking place in certain places (restricted areas) in order to prevent or reduce any detrimental effect caused by those activities to local surroundings and people. Further, reduced levels of dog related anti-social behaviour improve the desirability of our open spaces.

Equalities Impact Assessment

An updated Equality Impact Assessment will be undertaken after the consultation proposed in the Report and prior to any decision whether to make the PSPO.

Relationship to Corporate Plan

The Street Scene Enforcement Service is a frontline service, which works throughout the District ensuring cleanliness and attractiveness of our public realm through both education and enforcement.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 13 June 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 13 June 2024

Chief Officer: Stephen Walford

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

Date: 13 June 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 05 June 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Luke Howard, Environment and Enforcement Manager

Email: lhoward@middevon.gov.uk

Telephone: 01884 255255

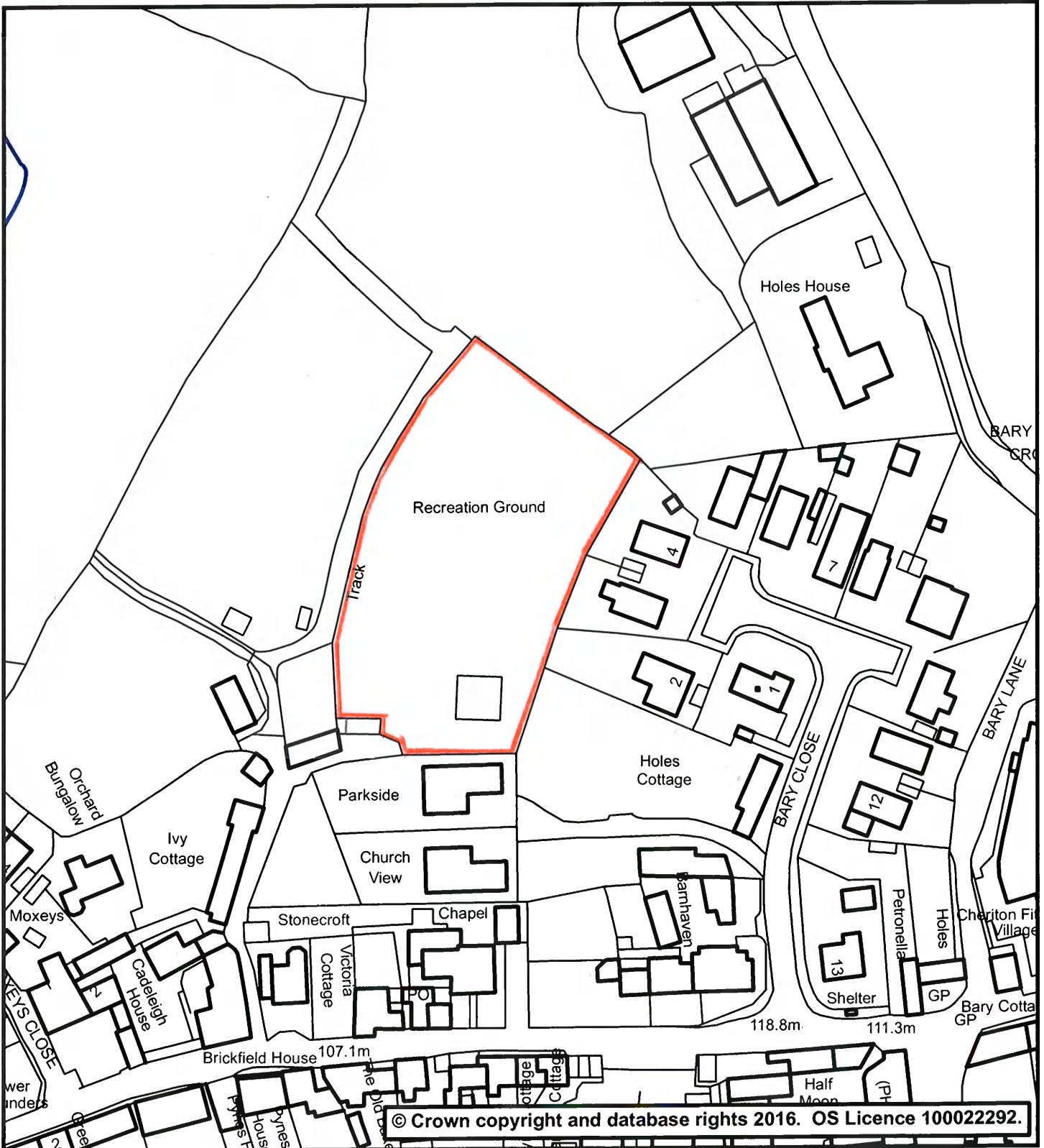
Background papers: None

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Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



Recreation Ground - Cheiton Fitzpaine

Scale: 1:1,250

Date: 30/05/2024

Drg. No: Not Set

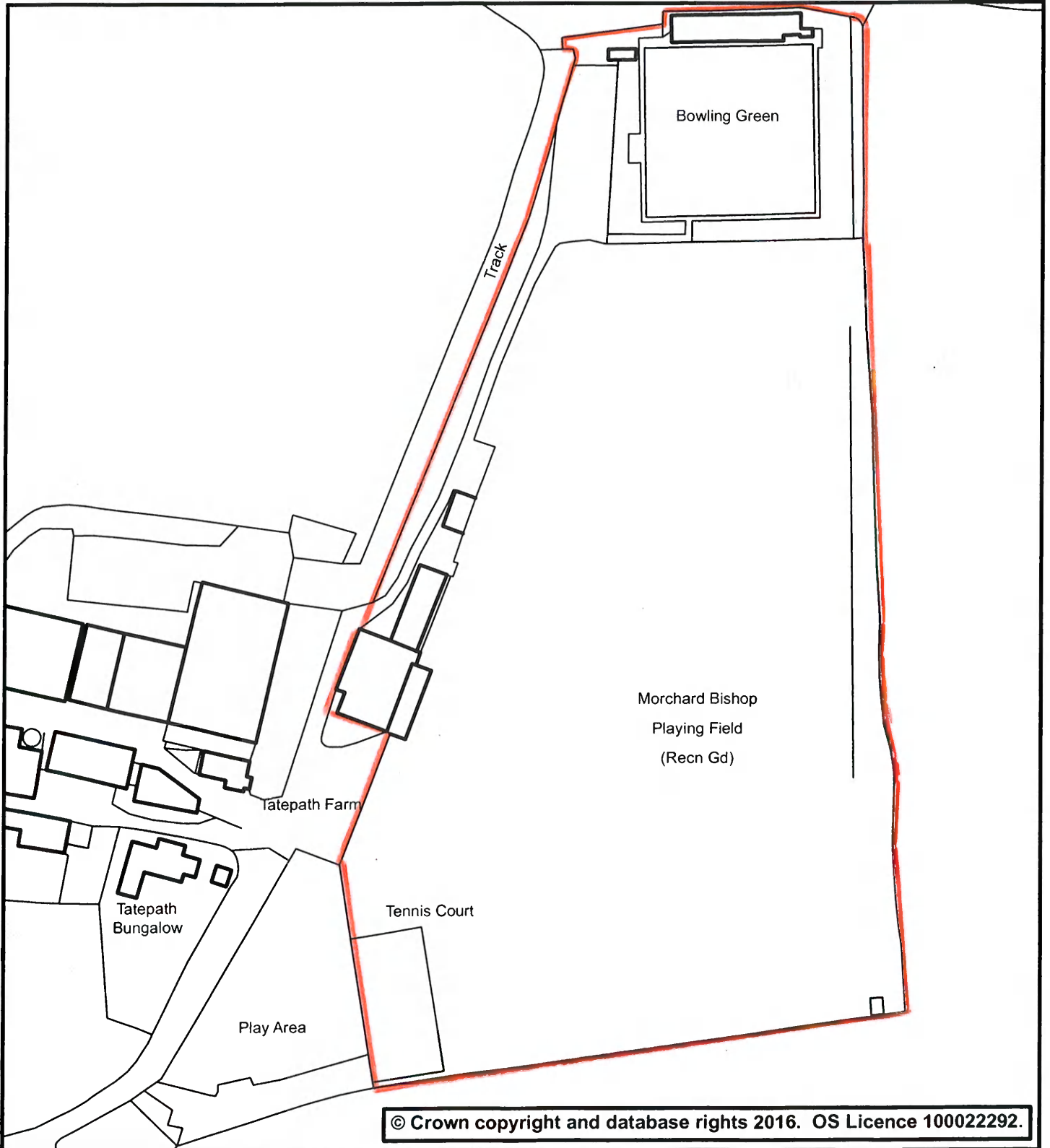
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Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



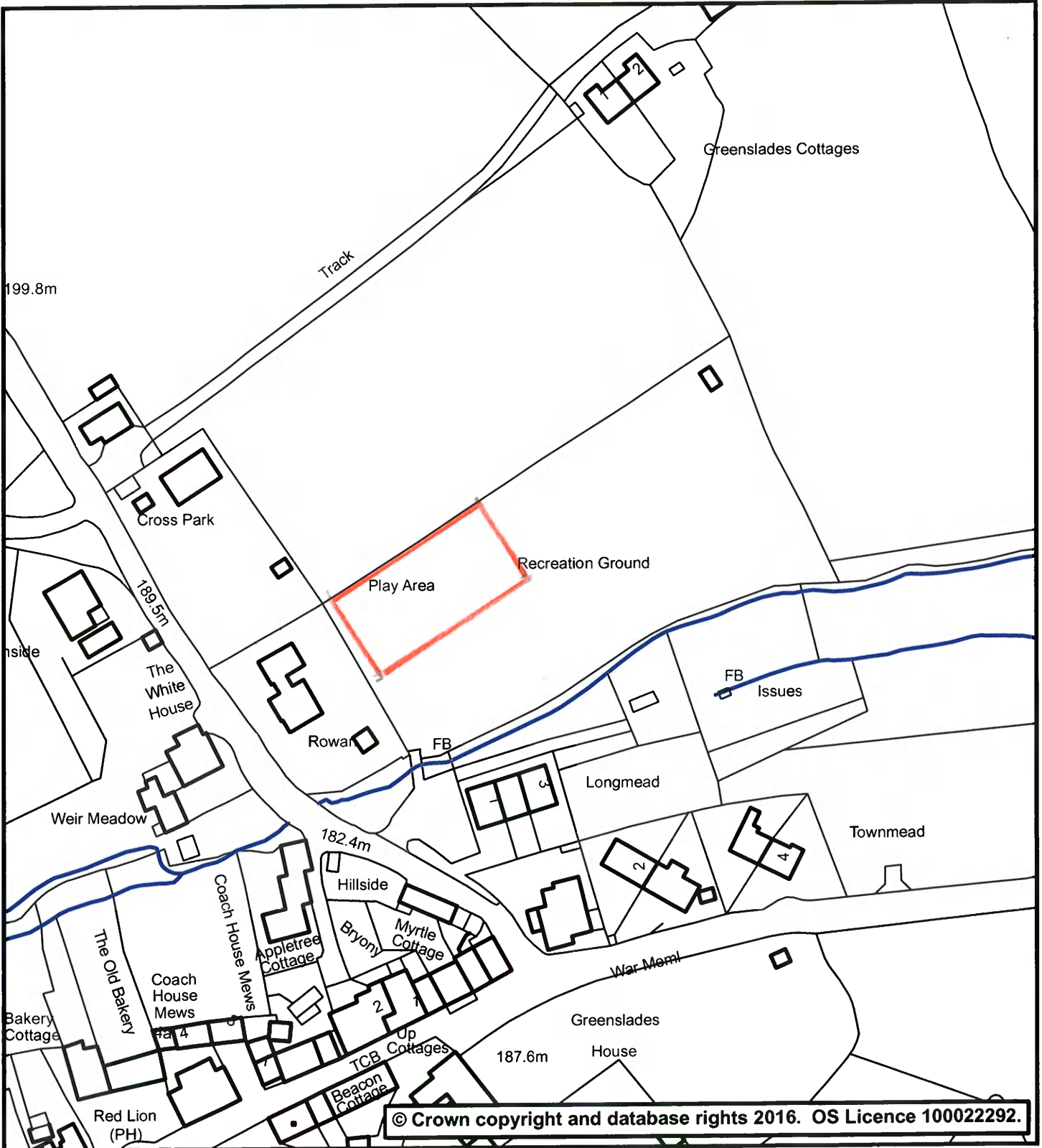
Recreation Ground - Wood Lane Morchard Bishop	
Scale: 1:1,250	Date: 30/04/2024
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Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



Play Area - Recreation Ground Oakford

Scale: 1:1,250

Date: 30/05/2024

Drg. No: Not Set

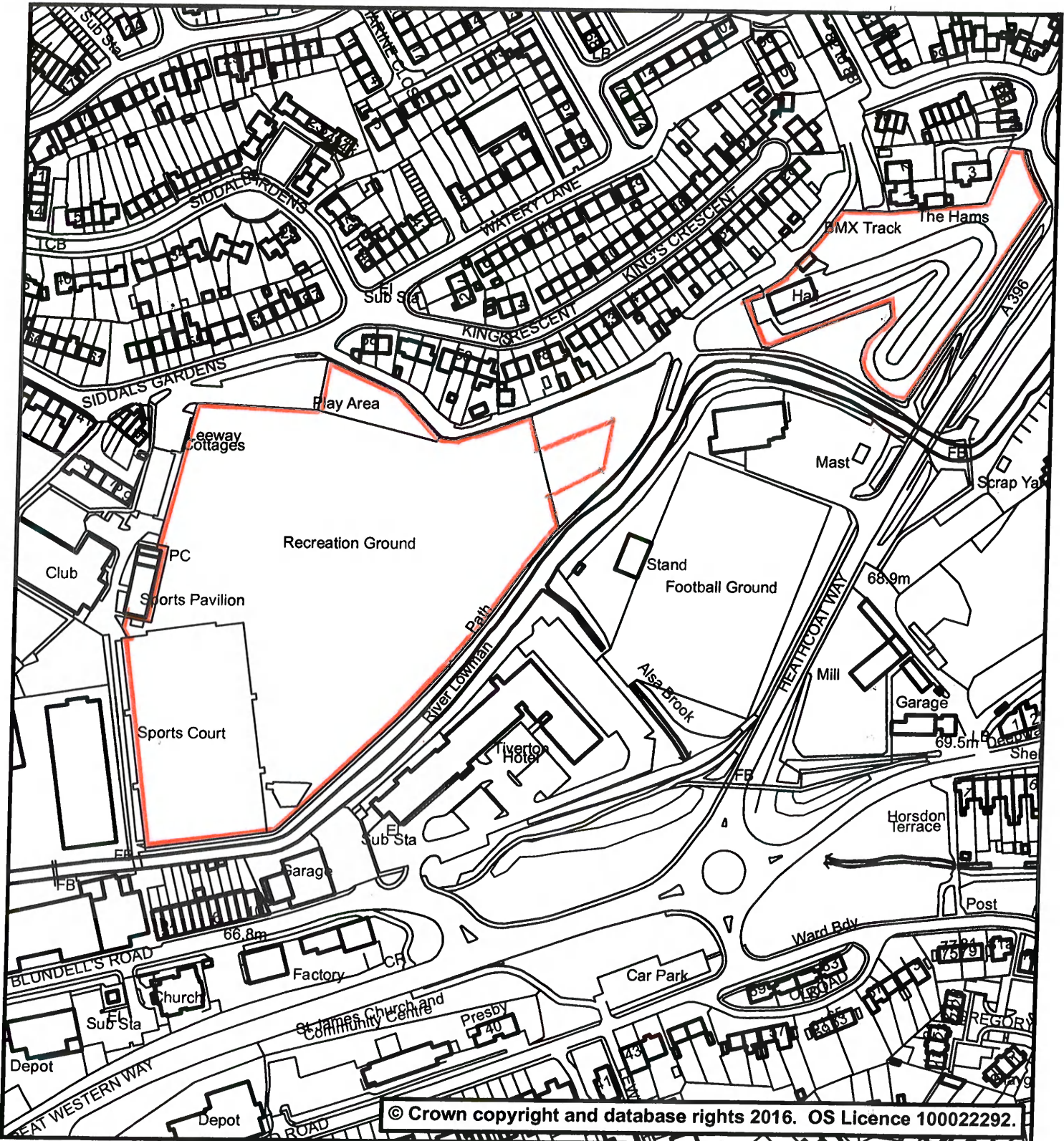
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Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



Hardcourt, Playing Field, Play Area and BMX Track - Amory Park Tiverton	
Scale: 1:2,500	Date: 05/12/2023
Drg. No: Not Set	Page 67 Name: sdenham

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Report for: Service Delivery & Continuous Improvement PDG

Date of Meeting:	24 June 2024
Subject:	Formal Review of Bin-It 123
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvement
Responsible Officer:	Darren Beer, Operations Manager – Street Scene and Open Spaces Matthew Page, Head of People, Performance and Waste
Exempt:	N/A
Wards Affected:	All – District Wide
Enclosures:	None

Section 1 – Summary and Recommendation(s)

This report outlines:

- The effectiveness and progress of the Council’s waste and recycling scheme, known as the Bin-It 123 scheme, as implemented on 10 October 2022.
- The key practical steps taken by the Waste and Recycling service to date regarding implementation, the identifying of the new schemes key achievements and the proposal of next steps to further maximise the effectiveness of the scheme and further build its credibility and success.
- The steps the service have taken to raise public awareness in the District around the need to use appropriate containers and caddies for recycling.

Recommendation(s):

1. **To review the contents of this report**

Section 2 – Report

1.0 Introduction

- 1.1 A review of the current waste and recycling scheme was presented to the Environment PDG in August 2023 and a further update in November 2023 on the performance of Bin-It 123.
- 1.2 This report outlines what the service is doing around education and enforcement to reduce residual waste while increasing recycling. It outlines a way forward in terms of raising further awareness of good recycling practice to maximise the reduction in our carbon footprint, including the waste hierarchy around reduce, reuse and then recycle.

The Waste Hierarchy diagrams



- 1.3 The Government released its intentions with regards the Collection and Packaging Reforms (CPR), around Simpler Recycling on 09 May 2024. These reforms also includes Extended Producer Responsibility (EPR) and the Deposit Return Scheme (DRS).
- 1.4 At the time of publishing this report, the Government announced the broad future direction of travel regarding Waste and Recycling services with legislation that was due to come before parliament in the following areas (but passage of the legislation has been paused due to announced General Election):
- By 31 March 2025, businesses (excluding micro-firms) must recycle metal, glass, plastic, paper, card, and food waste
 - By 31 March 2026, local authorities must collect these six waste streams (excluding plastic film) from households, with weekly food waste collection
 - By 31 March 2027, micro-firms must recycle all except garden waste, and plastic film collection will extend to all households and premises.
 - By 31 March 2027, local authorities must collect plastic films and flexibles

- 1.5 MDDC are already delivering in areas such as weekly food recycling and regular garden waste collections along with collecting the core recycling materials; paper, card, glass, plastic, steel and aluminium. The Council already exceed these minimums including collecting and recycling textiles, batteries and small electricals.
- 1.6 The current Government produced draft statutory guidance on the minimum frequency (two weekly) of residual waste collections, which authorities are required to have due regard for (and a good reason for any variation). This position (and what it means) is currently being reviewed by Mid Devon and other local authorities who operate three or four weekly collection schemes with regards to obtaining further clarity from the newly elected administration post the 4 July General Election.
- 1.7 It was announced on 25 April 2024 that DRS will be delayed nationally and now rolled out across the UK in October 2027. This means further uncertainty to the medium term direction for Mid Devon and, as with the above guidance, further clarity will be sought after the 4 July General Election.
- 1.8 There are still some considerable challenges and issues associated with persistent non-recyclers in the District. Some households are still putting recycling out for collection in black bins and seagull sacks instead of using the appropriate recycling containers, which in turn slows down rounds and limits our recycling collection rate. This was noted by Town and Parish representatives who recently toured our Carlu Waste and Recycling depot in Willand to learn more about our Waste and Recycling pathway.
- 1.9 A series of measures have been taken by Officers to raise public awareness to the future tightening of restrictions regarding side waste and the need to use the appropriate containers and caddies for recycling.

2.0 Key steps taken regarding Bin-It 123

- 2.1 The Bin-It 123 three weekly collection scheme was introduced in Mid Devon in October 2022 following a trial in both urban and rural areas in July 2021.
- 2.2 Bin-It 123 scheme aims to increase recycling and reduce residual waste collected. Both of these are critical to reducing the District's carbon footprint and help it meet its carbon net zero commitment. Mid Devon is ranked each year nationally in terms of its recycling and waste performance.
- 2.3 The Council currently receives financial remuneration from selling the recyclate, recycling credits and the Devon County Council (DCC) Shared Savings Scheme which rewards councils for decreasing the residual waste

collected and therefore disposed by DCC. This reduces the overall cost of the service provided to the District.

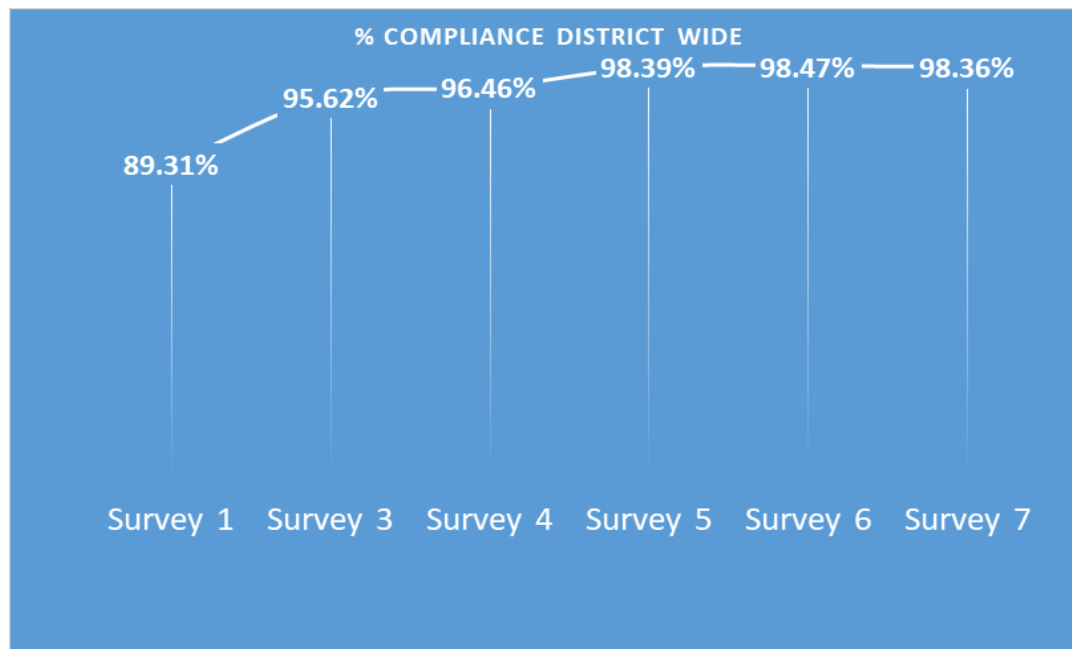
- 2.4 A lengthy transition period of 16 months was observed following the implementation of Bin-It 123 in October 2022 to help residents to become familiar and accustomed to the new arrangements. This allowed education and awareness raising of best practice, as well as the delivery of new black bins/seagull sacks and recycling containers to residents.
- 2.5 The campaign included posting videos online regarding how to recycle more and help comply with the scheme, radio adverts as well as regular briefings and updates provided to members through the previous Environment PDG and Cabinet.
- 2.6 The collection of additional side waste (black bag waste), as well as materials not placed in either the black residual bin/seagull sacks or the recycling containers was stopped on 26 February 2024. The amount of side waste left out in each part of the District and by whom has been recorded by the crews when completing their rounds.
- 2.7 The Council has invested in Recycling Advisers to give practical advice and guidance to residents through house visits and telephone calls. This assistance has been well received and has helped to decrease side waste disposals and raise compliance with the Bin-It 123 scheme.
- 2.8 A discussion group was facilitated as part of the State of the District debate held in March 2024 about how to further increase our recycling rate. This stimulated a healthy debate and request from Town and Parish representatives to learn more about our Waste and Recycling pathway and to be given data to better understand the performance of their own area.
- 2.9 As a result of this request, town and parish representatives were invited to attend a tour of the Carlu Depot, Waste and Recycling Service on 02 and 16 May 2024. Both tours were well attended and stimulated productive debate on how better compliance could be encouraged amongst residents with more waste put into recycling containers and less into residual bins and sacks.

3.0 Results of the Bin-It 123 scheme and what it has achieved

- 3.1 The recycling rate for Mid Devon District Council has risen by nearly 5% since the Bin-It 123 scheme was introduced to 53.4% to 57.9%. Residual tonnage in the District has also reduced by approximately 250 tonnes per month.
- 3.2 Mid Devon was ranked in the top 10% for the 2022-23 financial year (up 5% since 2021-22) and we aspire to go even higher when the official 2023-24 rankings are published in February 2025.

- 3.3 The Council received formal recognition from the Office for Local Government for being one of the most improved councils in the country for our recycling and residual waste performance. We were asked to present to other peer group councils in the country on how we had achieved our success and the lessons we had learned from the experience.
- 3.4 The Council has received increasing financial recognition from the Shared Savings agreement for delivering lower residual collection rates and better recycling levels. This year we are currently forecast to be awarded £520K, an improvement of over £100K on our projected income target. This additional reward can be reinvested into our key public facing services.
- 3.5 The Council has reduced the amount of additional side waste left out from residents across the District from 4,079 before December 2023 to just 279 occurrences per collection cycle in April 2024.

Compliance Graph – November 2023 to present



4.0 Next steps and how we can improve

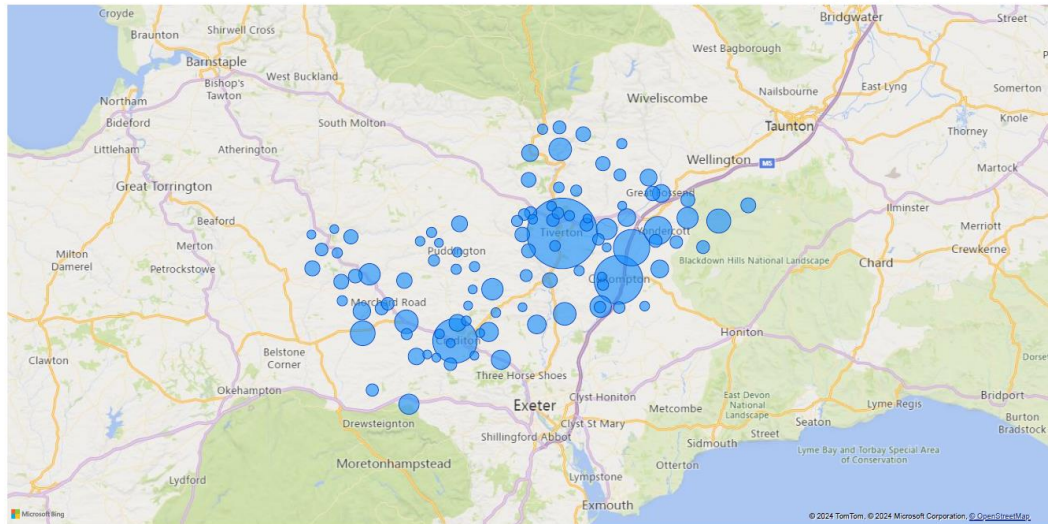
- 4.1 Following the State of the District debate, Town and Parish Councillors were invited to attend two tours of our Waste and Recycling depot at Carlu to learn more about our collection pathway. Both tours received very good feedback and an awareness of the large amount of recycling that is still being placed in residual black bags rather than recycling containers.
- 4.2 In addition, Town and Parish Councils have received comprehensive data on the levels of side waste put out by their own areas of the District and how these have improved since stopping side waste collections in February 2024.

The maps below shows the differences in locations and numbers of those putting out side waste on survey one and survey six.

Side Waste Incidents (Baseline Survey 2023)

Number of Incidents

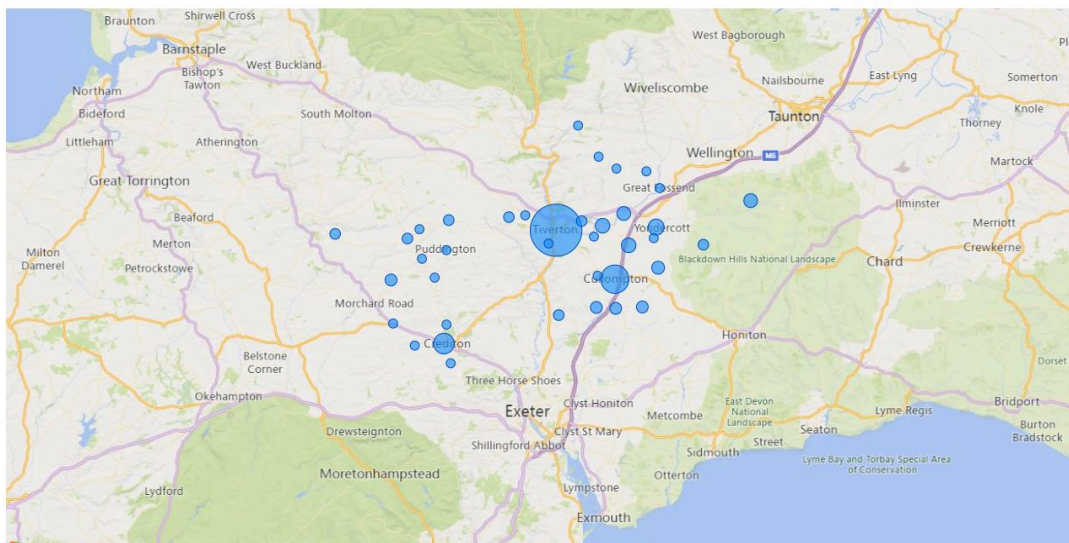
4043



Side Waste Incidents (Survey Six April 2024)

Number of incidents

279



- 4.3 Both of the above issues (the opportunity to increase recycling and the side waste performance) have been promoted through recent press releases and online social media postings. This has included a virtual tour of the Waste and Recycling depot.
- 4.4 The Environment Enforcement team are working with our Waste Crews to identify residual waste that is put out for collection more than three days either side of the wards collection date. Where this takes place a littering enforcement notice has started to be given to the relevant households.

- 4.5 The Recycling Advisers are continuing to visit residents to assist with practical guidance and advice. The District Officers are also continuing to investigate issues of potential environment enforcement including fly tipping and littering.
- 4.6 The Waste Management Team and District Officers are taking steps to proactively monitor and review waste disposal in current problem hotspots. We encourage Town, Parish and District representatives to continue to make us aware of where and when these problems occur.
- 4.7 At the time of publishing this paper two drop in surgeries have been arranged and publicised for Town, Parish and District representatives to speak with the Waste Management Team and discuss challenges and issues that are arising from the scheme. These are taking place at our Carlu Waste and Recycling depot on the afternoons of Wednesday 19 and 26 June at 3.00pm.

5.0 Looking Ahead

- 5.1 The Council will work with other authorities who carry out three or four weekly bin collection schemes to obtain further clarity on the Simpler Recycling statutory guidance once Parliament reconvenes after the July 4 General Election.
- 5.2 The Waste and Recycling service will continue to monitor issues around side waste and work with Town and Parish representatives, together with our District members, to address these challenges and consider appropriate solutions.
- 5.3 The number one upcoming challenge for the District is to now build on the implementation of Bin It 123 to further reduce our residual and increase our recycling. This can be achieved by residents placing as much waste as possible in containers and food caddies rather than black bins and sacks.

Financial Implications

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

Legal Implications

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

There will be legal requirements to adhere to legislation around Simpler Recycling once it has been given parliamentary approval.

Risk Assessment

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

Impact on Climate Change

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

Equalities Impact Assessment

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

Relationship to Corporate Plan

This report identifies with the ‘Environment’ priority area of the Corporate Plan for 2020-2024 *‘increase recycling rates and reduce the amount of residual waste generated’*. Supporting and enabling customers to recycle and reduce residual waste contributes to Mid Devon District Councils’ commitment to the Devon Climate Emergency. The Corporate Plan is currently under review.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 13 June 2024

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 13 June 2024

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 13 June 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 03 June 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Darren Beer, Operations Manager – Street Scene and Open Spaces
Email: dbeer@middevon.gov.uk
Telephone: 01884 255255

Background papers:

None

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Report for: Service Delivery & Continuous Improvement PDG

Date of Meeting:	24 June 2024
Subject:	Annual Environmental Enforcement Report
Cabinet Member:	Councillor Josh Wright
Responsible Officer:	Luke Howard, Environment and Enforcement Manager Matthew Page Head of People, Performance and Waste
Exempt:	N/A
Wards Affected:	All – District Wide
Enclosures:	None

Section 1 – Summary and Recommendation(s)

The aim of this report is to provide an overview and review of the Environment and Enforcement service for the 2023/24 financial year and the improvements that have been made during this period.

Recommendation(s):

- 1. To review the contents of the report**

Section 2 – Report

1.0 Introduction

- 1.1 During the 2023/24 financial year, the service has continued to build on changes introduced in the previous year. This has included regular evening patrols to assist with night time economy, increased presence in car parks, daily attendance of all chargeable car parks and 24hr response fault resolution on machines.
- 1.2 The service implemented tariff changes during June 2023 and these have offset the increased operational costs of running the service. Following debate

around these changes, a parking consultation group has been formed to explore and consult on future changes made to parking services and tariffs set. The parking consultation group has been widely praised by those involved for bridging the gap between the Council and the local communities we serve. Representatives from Town Councils, business groups, Chambers of Commerce, elected Members and officers attend the group. In March 2024, the group put forward their first set of proposals to the Economy PDG and then Cabinet for approval. These included increasing the tariff banding for long stay car parks to allow a greater range of choice for users. This implementation will take place alongside inflationary increase in June 2024.

- 1.3 The service is now operating with a full electric fleet, thus reducing our climate impact. On this theme, new public electric vehicle charging points have begun to be installed in central car parks throughout the district with tranche one of this phase expected to be completed in late May 2024 with tranche two expected for completion later in the year. Tranche one will deliver six charging units divided between the car parks William Street, Tiverton; Market Street, Crediton; and Forge Way, Cullompton.

2.0 Penalty Charge Notices

- 2.1 The service continues to deliver an enforcement approach aiming to provide a transparent, fair and easy to use service. This is represented in the statistics for appeals, acceptances and rejections with the service attending two Traffic Penalty Tribunals over the year.

2.2 Annual Penalty Charge Notice Issuance Data

<u>Year</u>	<u>PCN issuance</u>
2017/18	1,452
2018/19	2,260
2019/20	2,124
2020/21	897
2021/22	1,745
2022/23	2,540
2023/24	2,734

2.3 PCN Appeals 2023/24

PCN Appeals	Challenges	Accepted	Rejected
2023/24	459	304	155

2.4 Penalty Charge Notice Issuance by month for 2023/24

Month	PCNs
April 2023	206
May 2023	229
June 2023	247
July 2023	265
August 2023	243
September 2023	220
October 2023	280
November 2023	218
December 2023	191
January 2024	234
February 2024	205
March 2024	195

3.0 Pay and Display/Car Parking Service

3.1 The parking service has seen a strong uptake in users over the financial year, this increase is particularly prominent in short stay car parking use. Long stay car parks have seen a decrease in use that has been evident through budget monitoring over the financial year. However, proposals from the car parking consultation group look to remedy this over the coming year with greater tariff options for users. There has been a significant shift in users opting to pay via our Ringo cashless payment option, suggesting trends for easier cashless payment options are increasing.

3.2 Service income and expenditure

Year	Expenditure	Income Type	Income	Variance
2016/17	579,763.36		- 843,875.82	- 264,112.46
		Pay & Display	- 684,982.60	
		Permits	- 78,443.16	
		PCN	- 43,635.00	
		Other	- 36,815.06	
2017/18	651,828.97		- 796,489.91	- 144,660.94
		Pay & Display	- 643,972.01	
		Permits	- 69,108.89	
		PCN	- 47,731.00	
		Other	- 35,678.01	
2018/19	639,831.29		- 760,062.26	- 120,230.97
		Pay & Display	- 636,219.84	
		Permits	- 57,480.28	
		PCN	- 44,338.00	
		Other	- 22,024.14	
2019/20	708,218.42		- 797,055.23	- 88,836.81
		Pay & Display	- 648,134.10	
		Permits	- 90,775.03	
		PCN	- 46,397.70	
		Other	- 11,748.40	
2020/21	690,204.33		- 382,173.84	308,030.49
		Pay & Display	- 271,958.28	
		Permits	- 72,057.36	
		PCN	- 30,522.24	
		Other	- 7,635.96	
2021/22	781,191.37		- 737,621.61	43,569.76
		Pay & Display	- 583,634.89	
		Permits	- 96,411.33	
		PCN	- 49,939.43	
		Other	- 7,635.96	
2022/23	801,068.98		- 844,541.55	- 43,472.57
		Pay & Display	- 659,695.28	
		Permits	- 113,839.47	
		PCN	- 62,450.83	
		Other	- 8,555.97	
2023/24	843,252.92		- 999,519.46	- 156,266.54
		Pay & Display	- 774,565.06	
		Permits	- 149,524.52	
		PCN	- 67,626.92	
		Other	- 7,802.96	

4.0 Environmental Enforcement

- 4.1 The service has steadily built on progress made in 2022/23. Better knowledge, training and experience has enabled the service to explore efficient working practices and manage cases in an expedient manner. Working alongside colleagues in waste and recycling, the service has assisted in the delivery of Bin-It 123 and the subsequent cessation of side waste collections.
- 4.2 Fly tipping continues to affect the District. However, incidents of fly tipping have dropped steadily throughout 2023/24. This can be accredited to the active work undertaken by the service to pursue fly tippers and ensure those responsible are held accountable for their actions. Statistics suggest that changes to refuse collections have had no impact on reported incidents of fly

tipping, and contrary to expectations, reports of fly tipping have actually fallen against the same time periods for last year.

4.3 Environment Enforcement Statistics

	2021/22	2022/23	2023/24	Improvement
Patrols Conducted	67	224	271	47
FPN's Issued	0	28	54	26
Dog Fouling/ PSPO	0	8	5	-3
Littering*	0	12	31	19
Fly Tipping	0	8	10	2
ABV	0	9	8	-2

4.4 Fly Tipping

Fly tip reports	April	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Totals
2022/23	47	51	33	42	43	49	44	34	48	63	71	80	605
2023/24	55	34	27	33	31	34	35	52	28	34	42	58	463
Diff	8	-17	-6	-9	-12	-15	-9	18	-20	-29	-29	-22	142

4.5 Abandoned vehicles

Abandoned Vehicles Total Reported	2023/24
Abandoned vehicle reports	460
Not Abandoned/ Gone	357
Action Required	103
Moved by owner after notice	88
Removed by MDDC	15
Fixed Penalty Notices issued	8
Action not Taken	0

5.0 Staffing

5.1 The service is currently operating with five District Officers, this is due to the impending retirement in June 2024 of one of our longest serving officers in the role, which will reduce the team back to four. The additional officer has been put in place to allow for a smooth transition and for suitable training and knowledge base to be achieved. During 2023/24, the service has absorbed some challenges with staffing. However, core service functions continued without issue and the service was able to maintain a consistent approach to demands without any significant drop in service standards.

Financial Implications

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

Legal Implications

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

Risk Assessment

Risk assessments in relation to the role of District Officer in place. No further risk assessment required.

Impact on Climate Change

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

Equalities Impact Assessment

There are no equality issues identified in this report.

Relationship to Corporate Plan

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

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 13 June 2024

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 13 June 2024

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 13 June 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 03/06/2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Luke Howard- Environment and Enforcement Manager
Email: lhoward@middevon.gov.uk
Telephone: 01884 255 255

Background papers: None

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Report for: Service Delivery & Continuous Improvement PDG

Date of Meeting:	24 June 2024
Subject:	Extending the Fleet Contract with Specialist Fleet Services
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Environment and Services
Responsible Officer:	Darren Beer, Operations Manager – Street Scene and Open Spaces Matthew Page, Head of People, Performance and Waste
Exempt:	Appendixes A-D These are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All
Enclosures:	Appendix A: Contract Extension Summary Appendix B: Lease vs Purchase Capital Costs Appendix C: Internal Borrowing vs SFS Lease Comparison Appendix D: PWLB vs SFS Lease Comparison

Section 1 – Summary and Recommendation(s)

The Service Delivery and Continuous Improvement PDG are asked to consider the report and recommend to Cabinet to approve the decision to extend its current contract regarding its fleet provision with SFS (Specialist Fleet Services Limited), which will future proof and further cement the successful partnership. An effective fleet will help deliver quality, efficient and sustainable services to the residents of Mid Devon. It will help the Council continue to transition towards net zero, supporting Mid Devon to use low and zero emission vehicles. If approved, the contract would terminate in June 2033 and will continue to be reviewed regularly.

Recommendation that Cabinet be asked:

- 1. To approve the decision to extend the contract with SFS (Specialist Fleet Services Limited) for a further seven year period to cover 2026-2033 at the earliest possible opportunity.**
- 2. To include lease borrowing in the Capital Programme.**
- 3. To authorise the negotiation of the removal of the indexation rate from the master contract for all new vehicles as soon as possible and replace it with a fixed rate for the term of the individual contract.**

Section 2 – Report

1.0 Introduction – the request to extend the SFS Contract

- 1.1 This report requests for members to give permission for a potential extension to the existing fleet contract with SFS. It includes both the vehicles for the General Fund and the Housing Revenue Account (HRA). The report also considers the performance of the contract and areas where operational efficiencies could be achieved and further improved.
- 1.2 The specification for the original contract was published in 2018 with six suppliers submitting a completed questionnaire. Of these six suppliers only two submitted formal tenders. The Council awarded the fleet supply and maintenance contract to SFS on 03 June 2019 for an initial seven year term to 02 June 2026 with an option to extend for a further seven years as a secondary term. **Appendix A** contains the contract hire information from the original schedule and includes financial information for the primary, transitional period and secondary term to compare.
- 1.3 The indicative pricing given is correct at the time the information was provided in May 2024 and the new approach, if approved, would be implemented as of the 01 April 2025. It will give the Council the ability to more accurately budget based upon knowing what the future costs will be.

2.0 The Reasons to Extend the Contract with SFS

- 2.1 There are a number of reasons why the Council wishes to extend its contract with SFS. SFS are a wholly owned subsidiary of Paragon Bank PLC with 30 years' experience of fleet and workshop. This gives the Council greater stability and confidence regarding the service provision we are receiving. SFS currently work with 30 different local authorities across the UK including Exeter, Teignbridge (over 20 years) and North Devon (since 2021), and so are familiar with our local area.

- 2.2 SFS are able to offer the wide range of operational vehicles that the Council requires where many of their competitors are limited in the types of vehicles they are able to supply. SFS have significant buying power with manufacturers and influence over the supply chain which results in improved operational performance for the Council and the services we deliver.
- 2.3 This also helps the Council when in an emergency situation such as the COVID-19 pandemic. For example, SFS were able to use their purchasing leverage and position in the market to ensure the Council received the vehicles at the time we required in a competitive market (and where other industry orders for vehicles were being cancelled). It also helps the Council achieve better value for money in terms of us being able to obtain what we need at the time we need it.
- 2.4 The Council requires a particular range of regular and specialist fleet to deliver its services to the public (e.g. road sweeper, recycling and waste vehicles as well as Grounds Maintenance tractors). So having one provider who can deliver this particular range of vehicles helps the Council achieve better efficiencies but also get the knowledge and advice we require to continue our transition to an electric based fleet.
- 2.5 The Council requires specialist provision and SFS are in a position to deliver all of our requirements (rather than the Council requiring or having multiple different contracts). In addition, SFS have a significant local presence which benefits the Council. In recent years they have expanded their support network in the South West and this has in turn further improved the level of service required by the Council.
- 2.6 The Council has a statutory duty to provide a range of services that require access to a variety of different vehicles. Through their experience SFS are proficient in ensuring the fleet is roadworthy and the Council have sufficient availability of vehicles to deliver the service. The effective operations of these statutory functions depend on having reliable vehicles that are readily available and operate safely. This is crucial.

2.7 **Summary of considerations**

	Pros	Cons
Extend with SFS	<ul style="list-style-type: none"> • Expertise in managing fleets • Buying power and influence over supply chain • Dedicated workshops and back-up options • Fleet management software and administration • Contract is performing well • Other local authorities moving to SFS and staying with them 	<ul style="list-style-type: none"> • Risk of complacency with contract extended to 2033

	<ul style="list-style-type: none"> • SFS own the risk – inflation and supply chain 	
Manage own fleet	<ul style="list-style-type: none"> • Not tied to lease contract terms for replacements • Able to use a range of local repairs workshops (subject to procurement process) 	<ul style="list-style-type: none"> • Limited discounts through frameworks • Maintenance contract with primary and secondary support through procurement • The Council owns all the risk – inflation and supply chain
Use of alternative supplier	<ul style="list-style-type: none"> • Able to compare performance to SFS • Expertise in managing fleets • Fleet management software and administration 	<ul style="list-style-type: none"> • Limited alternative suppliers in the region • A new contract to establish and embed

3.0 Span of the Existing SFS Contract

3.1 The Council currently operates 104 vehicles and has an additional 4 spare vehicles for use when a vehicle is unavailable due to routine maintenance, breakdown or damage. SFS is responsible for sourcing additional spare vehicles to cover the managed fleet as required. There are currently 41 vehicles on lease contracts with SFS and 43 further vehicles due to move onto lease contracts by the end of 2025-26.

3.2 Summary of vehicles by size and service area:

	Plant	Under 3.5 Tonne	Under 12 Tonnes	Over 12 Tonnes
Housing	1	34	8	0
Waste, Recycling and Trade Waste	4	2	3	18
Grounds Maintenance	5	1	6	0
Street Cleansing	0	1	6	1
Property Services	0	7	0	0
Others	0	7	0	0

3.3 The lease contract term for each vehicle ranges from five to ten years depending on the vehicle size and fuel type.

3.4 The maintenance programme for all leased vehicles runs until 2026. The maintenance contracts are aligned to the master contract and can only be extended by exercising the option to move into the secondary term. There are no options available with SFS for maintenance outside the master contract term. Therefore, there is a current disconnect between the vehicle lease length and the length of the associated maintenance plan (which the proposed contract extension will resolve).

4.0 Performance of the SFS Contract

- 4.1 The contract specifies response times and vehicle availability rates, which is closely monitored by the Fleet Manager and the SFS Contract Manager. SFS understand our needs and are currently in negotiations to provide an in-house workshop facility in close proximity to the Mid Devon depots and the operation of the services. A well-managed fleet naturally underpins a continually improving service to the residents of Mid Devon.
- 4.2 Overall performance and ongoing operational concerns are discussed at quarterly management meetings with the Operation Managers (services that run fleet vehicles), Waste and Transport Manager, Fleet Manager and Council Accountant. These are complimented by fortnightly operational meetings with the Fleet manager and Waste and Transport Manager which discuss day to day issues including repairs, breakdowns and other concerns.
- 4.3 SFS provides in house maintenance provision for the smaller vehicles along with sub-contractors for the larger fleet vehicles.
- 4.4 Communication between the Council and SFS is much improved and at a good standard with all parties having worked hard to resolve early concerns. This has led to improvements regarding SFS proactively responding to queries and issues which in turn has led to better provision of services. The Fleet Manager is a regular visible presence at all Council sites to ensure Council procedures are followed to reduce legal risks and damage costs.
- 4.5 Further work is being carried out to ensure best practice is implemented regarding use of our fleet. This will include the development of a new Transport Policy by the Fleet Manager, which will work with relevant Operational Service Leads and the Climate Change Specialist to ensure operational and strategic objectives of the Council are addressed.

5.0 Legal Considerations

- 5.1 Procurement law prohibits “substantial” modifications to contracts following their award. Modifications will generally be deemed substantial if they:
- a) render a contract materially different in character from the one initially concluded;
 - b) introduce conditions that would have allowed or attracted additional bidders to the procurement exercise;
 - c) change the economic balance of the contract in favour of the contractor in a manner that was not provided for in the initial contract;
 - d) extend the scope of the contract considerably; or
 - e) involve the replacement of the original contractor.
- 5.2 There are some “safe harbour” provisions in procurement law, which specify conditions that, if met, would mean a modification would not be deemed substantive and would therefore, not be permissible. If a “substantial” modification is made to a public contract during its term, it is considered a new

contract, which should be subject to a fresh procurement. Making a “substantial” change is tantamount to making a direct award in breach of the procurement rules, and runs the risk of by an aggrieved party challenging the decision to modify the contract and the court making an ineffectiveness order.

6.0 **Lease vs Purchase**

- 6.1 The Council ordered a range of new vehicles for lease during 2022; the capital costs provided by SFS for these vehicles have been compared with the purchase costs provided by the manufacturer taking advantage of the framework discount they offer. The results are in **Appendix B**.
- 6.2 SFS have the buying power to purchase vehicles at lower costs than the Council. The average saving on the electric vehicles are £1,285 per vehicle; the Council has 54 vehicles of this type/ size. The average saving on diesel vehicles is £3,078.
- 6.3 **Appendix C** compares the SFS lease contract cost with the Council’s internal borrowing rate (2023). Internal borrowing spreads the interest over the life of the loan. These figures show that overall, there are savings to be made across the fleet with the SFS lease contract. Please note that diesel vehicles are shown to be slightly more cost effective using internal borrowing but these are due to be phased out with electric or ZEV vehicles.
- 6.4 **Appendix D** compares the SFS lease contract cost with the PWLB (Public Works Loan Board) borrowing rate (2023). PWLB borrowing is an annuity loan. The interest payable on this type of loan reduces each year achieving greater saving in the final years of the loan. This is similar to 4.3, and considers the whole fleet. Mid Devon are unable to procure the larger fleet vehicles at preferential rates.
- 6.5 Purchasing electric vehicles over eight years would save an average of £260 per vehicle per annum. However, purchasing vehicles would require procurement of a new maintenance contract; this would require multiple providers to ensure effective and reliable service delivery. The Council would need to purchase a Fleet Management software system at a cost of approx. £12k-£14k per annum and resource for employee time to maintain the fleet records. SFS currently provide the Fleet Management software and maintain the fleet records. Designated Council employees have access to the database.
- 6.6 A move away from leasing vehicles would require the Council to resource additional spare vehicles to provide resilience to cover servicing or breakdowns. The Council would become liable for the maintenance of the spare recycling vehicles currently held.
- 6.7 The transition back to a fully owned fleet would take more than four years to complete. Managing leased and owned vehicles with primary and secondary maintenance contracts would increase the complexity of fleet management.

- 6.8 The leasing company takes on the risk of the residual value of the vehicles at the end of the term. Purchasing vehicles requires the Council to retain the residual value risk.
- 6.9 SFS and manufacturers recommend leasing vehicles for up to seven years. If vehicles are expected to have a longer lifespan then a purchasing model is more cost effective.
- 7.0 **Annual Indexation Applied to Contract Rates**
- 7.1 The current contract has enabled the Council to budget for the lease and planned maintenance costs until June 2026 by applying the agreed maximum indexation rate of 3% per year.
- 7.2 The current contract provides for an annual increase on all pricing, which occurs on the 1st April and is capped at 3%. At the point of transition from the primary to the secondary term (should the Council opt to extend), SFS will take a view as to where inflation will sit during the secondary term, recognising that pricing will increase each year but will remain capped at 3%.
- 7.3 Subject to procurement regulations the inflationary mechanism currently specified could be adjusted in one of two ways:
- a) Abolish the inflationary increases and move to a fixed rate-pricing model. The cost of the vehicle would remain the same throughout the term of the lease agreement. SFS assumes all inflationary risk and will price with inflation built in; or
 - b) Remove the inflationary cap. The inflationary risk sits entirely with the Council. This does not provide financial certainty for the future and the Council carries the risk of fluctuations in the consumer price index (CPI).

Due to the above, we recommend option A as the best solution to reduce financial risk for the Council.

- 7.4 Financial risk and uncertainty does not allow the Council to plan for future liabilities in the short or medium term.
- 7.5 Removing annual indexation will spread the cost of the contract evenly over the term of the individual vehicle contract with negligible overall financial pressure. SFS are open to reviewing the existing lease contracts with a view to moving these onto fixed pricing.
- 7.6 Savings of between 1.5% and 1.9% could be achieved by paying annually in advance for the contract.
- 7.7 This negotiated amendment to the contract extension would not breach any procurement regulations, as it would have a negligible impact on the value of the contract.

8.0 **Contract Secondary Term**

- 8.1 The contract states that all maintenance on Council owned or leased vehicles will cease 02 June 2026. Therefore, the Council will be liable for any maintenance costs on leased vehicles until their respective lease end dates if the contract is not extended. This comes at a time where these costs will be significantly higher due to the age of the vehicles. The Council currently has 32 vehicles that will remain on lease beyond the contract end date, 22 of these vehicles have a lease end date in 2030.
- 8.2 In the event that the Council chooses to exercise the contract extension, SFS will recalculate the contract maintenance rates on leased vehicles in June 2026 to reflect the level of support that the vehicles require to complete their anticipated lifespan. The latter years of a vehicle's operation require more maintenance and therefore costs.
- 8.3 Early agreement to the secondary term will smooth the impact of higher maintenance costs for all new leased vehicles with the maintenance being spread over all lease years rather than only the period until June 2026.
- 8.4 Contracted maintenance will subsequently cease in June 2033 and therefore, consideration should be given to new lease terms towards the end of the contract to minimise the number of vehicles that will be on lease with no maintenance contract in place. There should also be a mid-secondary term review of the fleet contract to help inform future decision making.
- 8.5 SFS are able to negotiate extended warranties with manufacturers, which are able to be taken into consideration within the contract hire pricing. Extended warranties will only be obtained by SFS to cover vehicles up to the maintenance contract termination date. An early decision to extend the contract will allow more vehicles to have extended warranties for maintenance reducing the overall cost to the Council.

9.0 **Contract Termination**

- 9.1 The contract will terminate with SFS in either June 2026 or June 2033. The Council will have vehicles on lease that extend beyond the termination date.
- 9.2 The Council will be required to procure a new contract that may or may not result in SFS continuing its service. Planning for a contract handover and working with different suppliers will take careful management.
- 9.3 A managed handover at the termination date is essential for service continuity. The Fleet Manager will engage with all stakeholders to ensure good communication throughout the process.

10.0 **Summary**

- 10.1 The fleet contract is past the mid-term point of the primary contract period. Good contract management requires the Council to review the contract

performance and assess whether the contract is delivering against the aims set out at the procurement stage.

- 10.2 The contract in its current form carries the financial risk of future spikes in cost due to:
- a) CPI increases
 - b) A revaluation of all maintenance terms in June 2026
 - c) At the end of 2023, 54 vehicles were on lease terms extending beyond June 2026
- 10.3 An addendum will be sought to the current contract to remove the annual indexation and adopt a fixed rate model reducing the financial risk associated with CPI increases and giving financial certainty to both parties. Furthermore, the maximum lease term for any vehicle should not exceed seven years; this will reduce the financial impact of higher maintenance charges on older vehicles. The potential higher interest charges will be offset by higher residual values.
- 10.4 An early decision to exercise the additional seven year option will reduce the financial impact of a spike in maintenance charges in June 2026. All future individual agreement terms should be carefully considered as the contract expiry date approaches to further mitigate the risk.
- 10.5 In summary, the contract is performing well and SFS are delivering the standard of service set out in the contract. The Council is in a good position to effectively manage the contract and ensure that continual improvement is delivered along with service efficiencies to provide value for money, which will meet all stakeholders' expectations.

Financial Implications

The current contract provides for lease and maintenance contracts until June 2026, thereafter lease only for the remainder of the individual vehicle contract term. This exposes the authority to an increased financial risk in terms of the significantly increased costs associated with maintaining an aging fleet.

Legal Implications

The Council is in a legal contract with SFS until 02 June 2026 for the supply and maintenance of the whole fleet. Any termination of the contract before that date requires 6 months' notice. The Council's legal team reviewed the contract terms and conditions prior to signing the contract. The procurement process ensured compliance with the Procurement Regulations. There is an option available to extend the contract by a further seven years.

Risk Assessment

This report is a risk assessment of the contract and the associated financial risk.

Impact on Climate Change

All new vehicles must be Zero Emissions Vehicles (ZEV) or Ultra Low Emissions Vehicles (ULEV) if the C is to meet its climate emergency obligations by 2030, with the understanding that there may be constraints on viable solutions due to cost, infrastructure and vehicle capability.

Equalities Impact Assessment

There are no equality issues identified in this report.

Relationship to Corporate Plan

To ensure compliance with procurement regulations and to deliver our Corporate Plan priorities within existing financial resources.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 14 June 2024

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 14 June 2024

Chief Officer: Stephen Walford

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

Date: 14 June 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 05 June 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Darren Beer, Operations Manager – Street Scene and Open Spaces

Email: dbeer@middevon.gov.uk

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

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WORK PROGRAMME
SERVICE DELIVERY & CONTINUOUS IMPROVEMENT PDG 2024/2025



Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
23rd September 2024				
23.09.24	Draft Budget for 2025/2026 (1)			
23.09.24	Performance Dashboard Q1			
2nd December 2024				
2.12.24	Draft Budget for 2025/2026 (2)			
2.12.24 08.01.25	National Assistance Burial Procedure To receive and approve the updated National Assistance Burial Procedure.		Deputy Chief Executive (S151) Steve Densham	
2.12.24	Performance Dashboard Q2			
10th March 2025				
10.03.25	Chairman's Annual Report for 2024/2025			
10.03.25	Performance Dashboard Q3			

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