

Service Delivery & Continuous Improvement Policy Development Group

Monday, 15 September 2025 at 5.30 pm
Phoenix Chambers, Phoenix House, Tiverton

Next meeting
Monday, 24 November 2025 at 5.30 pm

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

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

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Meeting ID: 345 067 487 926

Passcode: pp9dp2Rq

Membership

Cllr J Buczkowski (Chair)
Cllr M D Binks
Cllr M Farrell
Cllr B Fish
Cllr C Harrower
Cllr M Jenkins
Cllr L Knight
Cllr Stratton
Cllr J Poynton

AGENDA

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

- 1 **Apologies and Substitute Members**
To receive any apologies for absence and notice of appointment of substitutes.
- 2 **Public Question Time**
To receive any questions from members of the public and replies thereto.
- 3 **Declaration of Interests under the Code of Conduct**
To record any interests on agenda matters.
- 4 **Minutes** (*Pages 7 - 16*)
To consider whether to approve the minutes as a correct record of the meeting held on 23rd June 2025.
- 5 **Chair's Announcements**
To receive any announcements that the Chair may wish to make.
- 6 **Digital Transformation Update**
To receive a verbal update from the Head of Digital Transformation and Customer Engagement on several projects falling under the umbrella of Digital Transformation.
- 7 **Performance Dashboard Q1** (*Pages 17 - 18*)
To receive performance information from the Corporate Performance & Improvement manager for Quarter 1 (2025/2026).
- 8 **Medium Term Financial Plan** (*Pages 19 - 40*)
To receive a report from the Deputy Chief Executive (S151) presenting to Member's the updated Medium Term Financial Plan (MTFP) which covers the period 2026/27 to 2028/29 and to discuss initial options for cost pressures/savings or income related to the services covered by this Policy Development Group (PDG).
- 9 **Play Area Risk Assessment and Safety Inspection Review** (*Pages 41 - 52*)
To receive a report from the Head of Finance, Property and Climate Resilience reviewing the Council's management of play area risk assessment and safety inspections.
- 10 **Memorial Seat and Tree Policy** (*Pages 53 - 62*)
To receive a report from the Head of Finance, Property and Climate Resilience proposing a new policy for Memorial Seats and Trees on Council property.

- 11 **Bin-It 123 - the future and the potential to add additional recycling streams** *(Pages 63 - 72)*
To receive a report and a presentation from the Operations Manager for Street Scene & Open Spaces and the Head of People, Performance & Waste reviewing the progress made to date by Bin-It 123 and considers the key elements of the next strategic phase that are necessary to maximise recycling rates as well as increase resident engagement and support.
- 12 **Quarter 1 Environment & Enforcement Performance Report** *(Pages 73 - 76)*
To receive a report from the Head of People, Performance & Waste and the Environment & Enforcement Manager providing a quarterly update on key environment enforcement performance data including fly tipping, littering, PSPO and the issuing of FPNs. It also gives a brief summary of Car Parking performance and the issuing of PCNs.
- 13 **Public Spaces Protection Order - Alcohol Prohibition, Crediton Town** *(Pages 77 - 90)*
To receive a report from the Environment & Enforcement Manager and the Head of People, Governance & Waste proposing that the Policy Development Group recommend to Cabinet that it considers issuing a Public Spaces Protection Order under the powers given to the Council by the Anti-Social Behaviour, Crime and Policing Act 2014 to tackle anti-social behaviour associated with public consumption of alcohol in Crediton Town Centre.
- 14 **Public Spaces Protection Order - Dog Control** *(Pages 91 - 102)*
To receive a report from the Environment & Enforcement Manager and the Head of People, Governance & Waste proposing that the Policy Development Group consider recommending to Cabinet that it authorises commencement of statutory procedures (including consultation) to vary by order the Mid Devon (Public Spaces Protection) (Dog Control) Order 2024 and to delegate authority to decide whether to make the order of variation after consultation has taken place.
- 15 **Identification of items for the next meeting**
Members are asked to note that the following items are already identified in the work programme for the next meeting:
- Performance Dashboard for Q2
 - Draft budget (round 2)
 - Leisure Service update
 - Leisure Service Pricing Strategy

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

Guidance notes for meetings of Mid Devon District Council

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

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

1. Inspection of Papers

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

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

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

2. Members' Code of Conduct requirements

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

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

3. Minutes of the Meeting

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

4. Public Question Time

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

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

5. Meeting Etiquette for participants

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

For those joining the meeting virtually:

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

6. Exclusion of Press & Public

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

7. Recording of meetings

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

8. Fire Drill Procedure

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

9. WIFI

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

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MINUTES of a MEETING of the SERVICE DELIVERY & CONTINUOUS IMPROVEMENT POLICY DEVELOPMENT GROUP held on 23 June 2025 at 5.30 pm

Present

Councillors

J Buczkowski (Chair)
M D Binks, M Farrell, B Fish, C Harrower
(Vice-Chair), Stratton and J Poynton

Apologies

Councillors

M Jenkins and L Knight

Also Present

Councillors

F J Colthorpe, G Czapiewski, G Duchesne, J Wright and
B Holdman

Also Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Matthew Page (Head of People, Performance & Waste), Paul Deal (Head of Finance, Property & Climate Resilience), Andy Mackie (Leisure Services Manager), Darren Beer (Operations Manager for Street Scene), Luke Howard (Environment and Enforcement Manager) and Sarah Lees (Democratic Services Officer)

Councillors

Online

E Buczkowski and M Fletcher

Officers Online

Dean Emery (Head of Revenues, Benefits & Leisure)

1 ELECTION OF CHAIR FOR 2025/2026

RESOLVED that Cllr J Buczkowski be elected Chair of the Service Delivery & Continuous Improvement Policy Development Group for the municipal year 2025/2026.

2 ELECTION OF VICE CHAIR FOR 2025/2026

RESOLVED that Cllr C Harrower be elected Vice Chair of the Service Delivery & Continuous Improvement Policy Development Group for the municipal year 2025/2026.

3 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr M Jenkins.

4 **PUBLIC QUESTION TIME**

There were no public questions.

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

No interests were declared under this item.

6 **MINUTES**

The minutes of the previous meeting held on 10th March 2025 were approved as a correct record and **SIGNED** by the Chair.

7 **CHAIR'S ANNOUNCEMENTS**

The Chair had no announcements to make.

8 **START TIME OF MEETINGS**

It was **AGREED** that the start time of meetings for the remainder of the municipal year continue to be at 5.30pm on Monday evenings.

9 **PERFORMANCE DASHBOARD Q4 (00:08:00)**

The group were presented with, and **NOTED**, two slides * showing performance information in the Service Delivery & Continuous Improvement area.

The dashboards aimed to give an 'at a glance' understanding of how services were performing in terms of performance measures, finance and risk. Any measures that were also part of the Corporate Plan were listed in yellow text.

The indicators were presented with current performance, the annual target and a RAG (red/amber/green) rating to indicate whether or not the Council was on track to meet its target. Overall performance was presented in a pie chart which combined the RAG ratings for both the performance and the finance measures.

The following red and amber ratings were highlighted:

- Household waste collected was showing as amber, with the service reporting 300.3 kilogrammes of residual waste collected per household, just 300 grams over target. The performance represented a decrease from the amount of waste collected in 2024, which was almost 308 kilogrammes per household.
- Household recycling rate was showing as amber which was just behind target.
- It was noted that Mid Devon District Council was one of the highest performing authorities when it came to recycling.
- Missed bin collections were showing as amber, narrowly missing a very stretching target of nought.

- The public survey engagement rate was showing as red. This survey was now being run against a small number of new processes on the Customer Relationship Management system and only since August 2024. Performance continued to increase with each quarter towards target.
- 'Households on chargeable garden waste' was showing as amber. It was usual to see a seasonal trend in this performance indicator. So whilst performance was behind target, the number of subscribers may trend upwards in the summer months.
- Agency spend was showing as red. Additional agency staff had been required to ensure the smooth operation of the waste service, but these costs were more than offset by savings in salaries. Spend was lower than in previous years.
- The two finance indicators that related capital projects were both showing as red. The under spend reflected the slippage in 12 of 19 projects, particularly in Leisure and Waste. Within Leisure, there were delays in infrastructure projects due to sequencing of projects and the need to tender works. Within Waste, the delay was due to the long awaited clarification of the change in Environment Agency permit regulations.
- Showing as green was the financial out turn position which was under budget. This related to a number of factors, but notably additional income from Active Mid Devon, increased memberships and also increased recycling collected. There had also been cost savings through staffing and lower maintenance costs.

Discussion took place regarding:

- The reduction in staff turnover figures which may, in part, be due to the benefits of working for this authority which had good terms and conditions.
- Increased benefits of recycling including the positive effect upon income.
- Slippage of capital projects in the area of Leisure. It was explained that this was due to having to time projects so that they did not lead to a loss of income, for example, changing room improvements needed to be timed so that they did not coincide with the school holidays. It was further explained that every authority had capital slippage. Timetables were always estimated in advance and there could often be issues with contractors and tendering processes.
- The survey engagement target being very optimistic. Targets should be challenging but also achievable.

Note: * Slide previously circulated.

10 LEISURE SERVICE UPDATE (00:22:00)

A verbal update on the Leisure Service was provided by the Operations Manager for Leisure. This included the following information:

- The Leisure Service was proud to have finished the financial year ahead of target not only financially but in participation numbers as it placed a lot of focus on getting the community active.

- July would see the first of three wellbeing walks being trialled in Crediton, Cullompton and Tiverton, with a view to giving potential volunteers confidence to lead walks themselves.
- Two junior park runs had been approved and funding was currently being sought.
- The service was currently out to tender for the access controls which formed an essential part of the digital transformation project. These would help the service manage entry, making the leisure centres more secure and provide better data around participation numbers.
- The opening hours at Active Tiverton had been extended freeing up space in the afternoon to offer more family swimming time.
- A student campaign was running currently and 57 had been sold in June so far.
- The summer campaign would be live soon which offered families the chance to use the facilities for 6 weeks of the summer holidays for just £60, it was a really popular offer last year and had been built upon again this year.
- The carers initiative had been launched on the 1st May, offering unpaid carers under the age of 18, free access to leisure facilities, and adult carers discounted use. The Leisure Centres were now officially registered as 'carer friendly'.
- The launch of the new App had already seen 3570 downloads and additions to the app were being worked on which would further enhance the experience and customer journey. The app would really be at its most beneficial when the access controls were in place, making entry into the centres quick and seamless.
- A recent latent demand report which provided far more information than the service had previously had, this enabled it to identify visually where members were coming from, what quartile of the index of multiple deprivation they were in and therefore helped to ensure services were affordable and accessible to those areas. A leisure database report titled 'the state of the industry' showed the market penetration national average for local authority leisure providers was 4.8%, Mid Devon's leisure service was above this with an average of 7.12% penetration rate.
- The Pool changing rooms project at both pools was now complete and the service had had very positive feedback on it. Customers had commented on what an excellent investment this was, making swimmers feel safer as they walk around.

Consideration was given to:

- Some concern with access issues and users having to queue to sign in. It was hoped the increased use of the digital membership card would ease this situation and reduce the burden on the front of house staff as well as the users. This was an improving situation.
- The pleasing work being undertaken with regard to the carer's initiative. Connections were being made with local groups which would help to promote the offer.
- It was hoped that the summer campaign for families would lead to people signing up longer term having developed a 'habit' or 'routine' in the summer months.

11 WASTE AND RECYCLING OPTIONS (00:34:00)

The Group had before it a report * from the Operations Manager for Street Scene and Open Spaces and the Head of People, Performance and Waste detailing the results of a three month trial collecting unusable metal pots and pans in an area of the District.

The following was highlighted within the report:

- A trial was conducted between the 28th February 2025 and the 23rd May 2025 to assess both the feasibility of collecting pots and pans made of aluminium stainless steel and their subsequent collection rates from households as part of the Council's routine recycling collections.
- Two separate trials were conducted, one in an urban area in Willand involving 453 properties and one in a rural area, Uffculme, involving 346 properties.
- The results of the trial confirmed that collecting pots and pans via household recycling routes was operationally feasible, however, engagement had been limited.
- The trial was useful to understand potential participation rates across the district. It showed that residents initially used the service actively, primarily to dispose of old items. However, usage dropped significantly after the first few collections. This suggested that long term use may be lower than initial uptake, making it difficult to predict future usage levels across the district. This though, did highlight the importance of communication and how the Council needed to regularly remind residents of its services and how residents could use and access those services.
- The street scene service could collect residents, pots and pans as additional collection services if required with very limited or minimal extra associated cost to the Council and increased recycling should still lead to enhance income through the new EPR (Extended Producer Responsibility) scheme.
- In conclusion, the trials gave a useful operational insight and demonstrated that there was not a consistent demand pattern for the collection of pots and pans across the district. Therefore, it was envisaged that rolling out this provision across the district should be delivered within current capacity, however, future additional collection materials will need to be appraised both on the understanding that adding pots and pans into recycling activity will place a slight additional pressure on the operation.

Discussion took place regarding:

- A trial regarding the collection of nappies would be considered in the future.
- The importance of regularly reminding residents what they could and could not recycle.
- The impact on the recycling centres.

RECOMMENDED to the Cabinet that:

- Permanent collections of unusable metal pots and pans are introduced across the District from a specific date supported by an effective communications plan and resident correspondence.

(Proposed by Cllr B Fish and seconded by Cllr C Harrower)

Reason for the decision

This report identified with the Service Delivery and Continuous Improvement section of the Corporate Plan for 2024-2028, and in particular 5.2 – *We will increase our recycling services, enabling our communities to achieve even higher levels of recycling.* Supporting and enabling customers to recycle and reduce residual waste contributed to Mid Devon District Councils' commitment to the Devon Climate Emergency.

Note: * Report previously circulated.

12 UPDATE ON BIN-IT 123 (00:44:00)

The Group received a verbal update on Bin-It 123 from the Head of People, Performance and Waste and the Operations Manager for Street Scene and Open Spaces.

This included the following information:

- Performance statistics gave a lot of cause for celebration. The Council had come 12th and 9th out of 197 district councils respectively for its recycling and residual tonnage that put us in the top 6% of all councils for its recycling rate and top 5% for the least residual tonnage placed out for collection per household. In addition the Waste Service was shortlisted for the LGC Environmental Award and although it didn't win it was a great achievement to get shortlisted and more importantly testament to the excellent service that it provided day in and day out to residents. Congratulations were due to all operatives and to the wider street scene team.
- The challenge was now to move from a message of compliance to greater recycling and there was a number of ways that the service was looking at how to do this particularly around engaging with residents to further increase their recycling and reduce residual tonnage.
- One of the ways Bin-It 123 had worked was by the capturing of hearts and minds and motivating the community to do it. Involvement with town and parish representatives has been key. Site tours, including the infamous opening of the black bag to show food and plastic and all sorts of other things including paper cupboard that should be in the proper recycling container, radio adverts and a lot of other different work as well had been undertaken.
- An open workshop was held a several weeks ago to talk about future appetite and direction. There were some really good ideas from Members including stickering of recycling containers. The service needed to look at how it enhanced its permanent education resource using a team of recycling advisers. A reassessment of enforcement would be undertaken to potentially bring in more stringent practise utilising new strategies, for example, CCTV.
- The service needed to ensure it was effectively positioned to take the above challenges forward. There were a number of external challenges on the service at the moment including Environment Agency regulations which basically stipulate what the service needed to store waste and recycling in cab technology, new EPR funding arrangements, managing collection of plastics and other materials from March 2027 and all of this work was underway.

- The communication strategy was really important including messages to emphasise to the district not only the importance of recycling but also the individual responsibility and contribution to this environment mission so that every household had an opportunity to contribute to reducing its carbon footprint.
- The more that was recycled, the more income that the Council received and therefore this not only made the running of the service cheaper, but also allowed it to invest more money into other areas and other services which was vital.
- Local Government Reorganisation provided an excellent opportunity for the Council to speak to its neighbouring authorities about their own collection practise and the education enforcement and resident engagement strategies that they use and which Mid Devon may want to look at and utilise.

Consideration was given to:

- The importance of keeping an open mind with regard to how the service could be run in the future having assessed how it was run by other neighbouring local authorities, for example in East Devon and other models used in Wales. Financial pressures needed to be borne in mind as well as having an understanding of the different 'types' of geographical area's.
- The need for greater recycling and an aspiration to do away with the black bin altogether at some stage in the future.

The Chair requested that the Group's thanks and congratulations be forwarded to the entire Street Scene Team for their impressive achievements and continued hard work.

13 **ENVIRONMENT AND ENFORCEMENT END OF YEAR REPORT (01:01:00)**

The Group had before it, and **NOTED**, a report * from the Head of People, Performance and Waste and the Environment and Enforcement Manager providing an overview of the Environment and Enforcement service performance over the financial year 2024/2025.

The following was highlighted in the report:

- The service was moving in a positive direction and performance statistics were showing good results.
- Significant time was spent talking to residents trying to resolve issues.
- The team had recently met and discussed ideas for the future. There had been positive engagement from the whole team and many ideas and suggestions generated for the service moving forwards.

Discussion took place with regard to:

- Only 14 Fixed Penalty Notices had been issued which seemed quite low. Fly tippers were often quite 'savvy' and left little evidence behind.
- The service had adopted some different measures as to how it dealt with fly tipping now. Some smaller cases were dealt with through littering legislation freeing up time to deal with the bigger cases.

- It was confirmed that all reported instances of fly tipping were triaged by the team.
- The Council incurred a 2.4% banking fee for using Ringo. Most customers were moving to a digital form of payment now.
- The advice was that any householders using or employing a company or individual to dispose of house clearance materials should check that the people/person involved were properly certificated.
- Legislation was currently passing through Government to streamline existing powers.

Note: * Report previously circulated.

14 WASTE DEPOT REMODELLING PRESENTATION

The Head of Finance, Property & Climate Resilience provided the Group with a high level briefing on the Waste Depot Remodelling.

This included the following information:

- The Environment Agency had announced changes to regulations on 18 December 2024:
 - Consolidating 24 standard rules permits into 8 new standard rules permits.
 - Coming into force on 19 June 2026.
- The new permit which affected MDDC was 4. SR2022 No 4: Non-hazardous waste recycling with asbestos, hazardous batteries, cable, and WEEE (Waste Electrical and Electric Equipment recycling) storage. Currently the dry recycling side was covered by several waste exemptions, and only the waste transfer station (black bags, food waste and green garden waste) required an environmental waste permit. There was an operational requirement to increase the storage capacity. Regarding new initiatives, MDDC was financially recognised for its recycling performance.
- Minimum work required would include:
 - Providing covered storage for recycle bales.
 - Ensuring the fire detection system (thermal imaging etc), fire suppressant (sprinkler system etc) and water containment / management (bundling / drainage) was adequate.
 - Raising wall heights for the current bays in the Transfer Station.
 - Creating a sample testing area.
 - Whilst undertaking this work a number of other works could be completed to improve the efficiency of the site and enable it to be fit for purpose for the medium term.
- Other works to be undertaken:
 - Given the scale of the requirements, plus ensuring future proofing, the site had been expanded – a new unit on the business park had been secured, enabling:
 - The car park had to be moved into the new unit.

- Moved the offices into the old car park and welfare block to the current weighbridge location, to make space for extension and expansion of storage capacity.
 - Move the Grounds Maintenance area into the old car park to enable the replacement and relocation of the weighbridge and fuelling station.
 - Relocate the washdown area.
 - Relocate the bin storage area, potentially releasing a small unit currently being used and saving money.
 - Altering the traffic route / control system accordingly and overnight storage of vehicles.
 - Separately to this project, a new baler was being acquired.
- A number of photographs and maps were shown to the Group illustrating the proposals.
 - A table showing the timeline was also shown with an estimated operational date of June 2026.
 - A list of costs were shown with the estimated total being in the region of £1,550k - £1,750k.
 - Details regarding the Project Team and frequency of meetings were also relayed to the Group.

Discussion took place regarding:

- The need to future proof proposals for a 15 year period at least.
- Having spoken to other Waste Managers elsewhere in the region, officers were confident there would be need for a depot in this area of Devon following Local Government Reorganisation.
- The confidence of the public needed to be maintained.
- There was minimal cost difference in providing new office facilities as opposed to a 'retrofit'.

The information was **NOTED**.

15 **WORKSHOP FEEDBACK / WORK PROGRAMME IDEAS FOR 2025/2026**

The Group had before it a draft work programme for 2025/2026 * and were invited to consider what they would like to add to this for the next 12 months. The Group were reminded of the workshop they had had on 14th May 2025. The notes from this workshop had been circulated prior to the meeting. The Group were assisted in their deliberations by the officers present and discussion that had already taken place during the meeting.

It was **AGREED** to add the following to the work programme:

- A Waste and Recycling paper considering a town and parish council 'league table' for recycling, what was next for Bin-It 123 and a recycling communication strategy.

- A better understanding of 'latent demand' in the leisure area and a recirculation of the Social Value Report.
- A 'deep dive' into the customer satisfaction surveys and the use of Members as Digital Advocates.
- In the Bereavement Services and Parks & Open Spaces – a better understanding of the different roles across the different layers of local government, who has responsibility for what and what could be done to smarten up the street scene.

Note: * Draft work programme previously circulated.

16 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

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

(The meeting ended at 7.15 pm)

CHAIR

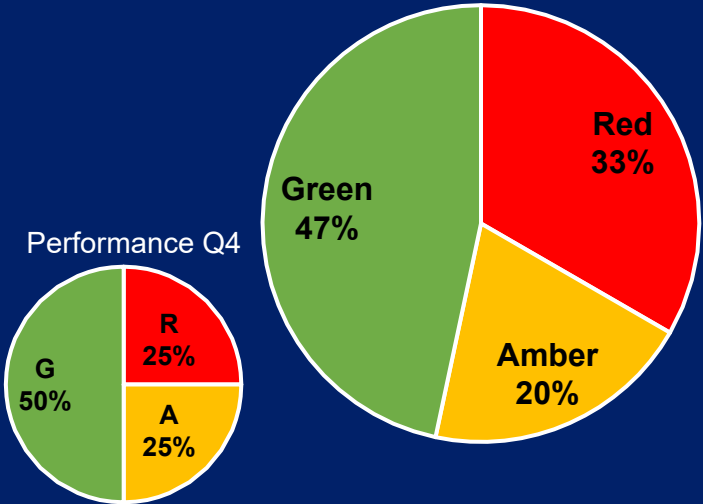
Service Delivery and Continuous Improvement PDG Performance Dashboard – Quarter 1 2025/26

Performance Measures	Performance	Annual Target	RAG
Household waste collected per household (YTD)	75.4 Kg	290 Kg	A
Household recycling rate (Average YTD)	58.5 %	59 %	A
All council complaints resolved within timescales (Average YTD)	94.6 %	85 %	G
Staff turnover (YTD)	5.1 %	16 %	R
Missed Bin Collections - All (YTD)	0.02 %	0.03 %	G
Leisure cost per visit (Annual)	N/A	£1.12	
National non-domestic rates collection rate (YTD)	31.27 %	98 %	G
Council Tax collection rate (YTD)	28.51 %	97.5 %	G
Public survey engagement rate (YTD)	7.5 %	15.0 %	R
Households on chargeable garden waste (Current)	12,188	12,200	A
Response to FOI/ EIR requests within 20 working days (YTD)	98.7%	97%	G

Finance Measures	Performance	Annual Target	RAG
SD&CI PDG Projected Outturn	£4,481k	£4,813k	G
Income received from recycled material (YTD – April and May)	(£119k)	(£637k)	G
Agency Spend 'v' Budget (SD&CI; YTD)	£59k	£64k	R
SD&CI PDG – Projected Capital Outturn	£4,298k	£6,301k	R
SD&CI PDG – Capital Slippage % of projects (Current)	20%	0%	R

Corporate Risk	Risk Rating (Trajectory)
None related to PDG	

Overall Performance Q1



In Focus

Poolside upgrades: We have completed major poolside upgrades at Active Crediton and Active Tiverton. These improvements include refurbished changing facilities, poolside areas and essential structural repairs, and took place between March and June 2025. They form a key part of our ongoing investment in high-quality, accessible leisure facilities for the local community. The newly refurbished areas offer a modern, fresh, and comfortable environment for users of all ages. Designed with accessibility, inclusivity, and sustainability in mind, the upgrades are receiving positive feedback from customers.

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Report for: SD & CI Policy Development Group

Date of Meeting:	15 September 2025
Subject:	Medium Term Financial Plan
Cabinet Member:	Cllr John Downes – Cabinet Member for Governance, Finance and Risk
Responsible Officer:	Andrew Jarrett – Deputy Chief Executive (S151)
Exempt:	N/a
Wards Affected:	All
Enclosures:	Appendix 1 – GF MTFP Summary Position Appendix 2 – Emerging GF Budget Pressures Appendix 3 – PES PDG GF Savings Options Appendix 4 – All Savings Options

Section 1 – Summary and Recommendation(s)

To present to Member's the updated Medium Term Financial Plan (MTFP) which covers the period 2026/27 to 2028/29 and to discuss initial options for cost pressures/savings or income related to the services covered by this Policy Development Group (PDG).

Recommendation(s):

That Members of the Policy Development Group:

- 1. Note the updated MTFP position for both the General Fund and Housing Revenue Account covering the years 2026/27 to 2028/29;**
- 2. Consider and recommend to Cabinet the Budget Proposals as set out in Appendices 2 and 3, and where further savings should be sought and to what level.**

Section 2 – Report

1.0 Executive Summary

- 1.1 This report briefly summarises the information included within the September 2025 Cabinet Report, outlining the financial uncertainty faced by the council for the period 2026/27 to 2028/29. Specifically, it focuses on aspects relevant to this Policy Development Group (PDG).
- 1.2 The 5-year timeframe usually covered by the MTFP is not applicable due the Government's previous announcement of Local Government Reorganisation (LGR) for authorities within Devon. The current expected date for commencement of the new entity, in whatever form, is April 2028. However, to show a meaningful MTFP period, we have continued financial estimations through to 2028/29.
- 1.3 2026/27 is an exceptional year in terms of funding for the sector. The Government have announced that practically all the various funding mechanisms within the sector will alter. This leads to an unprecedented level of uncertainty and makes it practically impossible to explain let alone forecast and plan for.
- 1.4 It is understood that the Council has been targeted as part of a minority group of around 50 authorities that will be one of the biggest losers based on their initial draft calculations on funding – which would see us targeted for between a 5-7% real terms cut in 2026/27 as opposed to the 0% cash floor applied to the remaining c300 authorities. The funding baseline to which this cut will apply is not clear, but if this is applied the funding shortfall will be in the region of £2m - £3m.
- 1.5 However, there are other new sources of funding expected outside of the settlement that will reduce the impact. The Extended Producer Responsibility (EPR) Grant was introduced late in the budget process for 2025/26. Government have indicated that similar levels of funding should be available in future years, albeit that as producers reduce the volume of packaging, the grant received will fall. Similarly, we assume that all authorities will receive a share of the Weekly Food Collection Grant funding in the future. Currently the Government is not providing any indicative figures and timing of such announcements is likely to be at the same time as the funding settlement.
- 1.6 The above paragraphs demonstrate the high degree of uncertainty that remains on what level of funding might be received from 2026/27 onwards. There is ongoing modelling by the Ministry of Housing, Communities and Local Government (MHCLG) on the new funding formulae and only in late November / early December are we expecting full clarity of our individual position.

2.0 Introduction and purpose of the Medium Term Financial Plan

- 2.1 The main purpose of the MTFP is to show how the Council will strategically manage its finances in order to support the delivery of the priorities detailed in the Corporate Plan 2024 – 2028 and future years beyond that plan.
- 2.2 The MTFP helps strategically plan the budget setting process, but of equal importance, gives Management and Members an overview of future budget gaps so strategic decisions can be made over levels of future spending, Council Tax levels, policies for fees and charges, asset investment or disposal, etc.

3.0 Framework for the Medium Term Financial Plan

- 3.1 The starting base for the MTFP is the 2024/25 approved budget, which is then adjusted for any supplementary estimates approved by the Council or any significant budget variances identified in the monthly budget monitoring report to the Cabinet.
- 3.2 This base then has to be adjusted for unavoidable costs, such as, pay increases, inflation, service pressures associated with new legislation, a growing residential or business property base or improving performance, etc. The MTFP will also consider forecasts for investment receipts and income from fees and charges.
- 3.3 Finally the MTFP considers and makes assumptions regarding future levels of funding, in particular Council Tax including the potential growth in tax base, Business Rates again including any movement in the baseline as well as changes in the reliefs, multipliers and overall retention levels. Forecasts are also made for the likely level of future Central Government funding based on a range of assumptions. As a consequence, **Appendix 1** illustrates possible risks within the plan and the potential financial sensitivity to changes in the assumptions.

4.0 The Underlying Principles – still applicable?

- 4.1 The Council previously adopted the following underlying principles as a base assumption during the life of the MTFP:
 - 4.1.1 Principle 1 – General Fund Reserves
 - Each year the Council will target a balanced revenue budget without the use of General Fund reserve balances. The level of predicted deficits over the period of this plan may ultimately require the application of reserves to a degree to achieve the mandatory balance. However, this option is not

reflected in the numbers presented and must only be considered as a last resort;

- The Council faces considerable financial risks that can have a potentially significant and immediate impact on its finances. The MTFP will attempt to ensure that the General Fund Reserve balance does not fall below the current minimum agreed level (£2m).

Whilst every effort will be made to identify efficiency savings, given the scale of the likely funding reductions it is unlikely that a sufficient level can be identified to fully balance the 2026/27 budget without significant implications on service provision. Also, there is an extremely limited time frame available between finalisation of the funding settlement and setting the budget for 2026/27. Therefore, as a result of this combination of issues, it is highly likely that some level of draw from reserves will be required, and a full review of Earmarked Reserves will be necessary to see what can be realigned, and whether a minimum balance of £2m in General Reserves can be maintained.

4.1.2 Principle 2 – Optimise Income Generation

- Council Tax funds the largest share of the Council's budget. Annual increases will be kept within Government set guidelines. In reality this now gives the Council very little scope to significantly increase Council Tax income as the recent nationally prescribed referendum rate has been limited to a maximum of 2% or £5. This plan assumes that this rate will remain unaltered throughout the five year cycle;

It should be noted that Government expect all councils to maximise the increase in Council Tax in line with the referendum limits. Furthermore, the Government continue to raise additional flexibilities within the Council Tax scheme as possible options to mitigate the impact of the substantial funding reductions.

- The Council will continue to look at opportunities to generate additional sustainable income. This could be through reviews of existing Fees and Charges or through new charges for discretionary services. Such charges should be set at levels that are appropriate and proportionate to the costs of the service they are delivering and the market within which they operate. The Council will continue to explore new commercial opportunities (as a 'business as usual' model is clearly no longer deliverable).

In reality, the current fees are at the higher end of the scale locally, meaning that only inflationary increases are likely to be tolerated by the local marketplace.

4.1.3 Principle 3 – Allocation of Revenue Resources

- Resources will be directed to high priority and statutory services and hence away from low priority services, which will likely result in less investment in discretionary areas. With the exception of spend to save projects on lower priority services that can either cut future costs or increase revenue to enable cross subsidisation of higher priority services;
- It will seek to deliver further efficiency in its service delivery models and secure procurement savings in its new contractual arrangements which will then be factored into future spending plans. Note that opportunities to improve efficiency reduce over time and now only deliver benefits at the margins. Similarly, effective procurement does not always deliver savings as it is dependent upon market conditions at that time.

Following the LGR announcement, opportunities for new service delivery models are not deliverable in the timeframe. Similarly, financial gains from longer term contracts will be limited by the reduced timeframe.

4.1.4 Principle 4 – Allocation of Capital Resources

- The Council will continue to prioritise schemes, for instance to generate income, to meet corporate objectives and to enhance its asset base;
- The Council will continue to ensure it provides Value for Money through the efficient and effective use of its assets. The Council will look to dispose of surplus assets in order to maximise capital receipts and reduce ongoing revenue maintenance costs associated with holding the asset. Careful consideration will also need to be used to ensure the maximum market value is achieved when disposing of assets;
- Prudential borrowing will only be made during the life of the MTFP after the production of a fully costed business case that demonstrates how the investment meets the Council's policy objectives, has exhausted all other external funding routes and delivers measurable improvement within a reasonable payback period;
- The Council will keep its internal borrowing under review and when appropriate will consider the potential to fix rates in the medium to long term to manage the risk and potential financial impact of interest rate increases. Consideration will also be given to whether the most appropriate funding mechanism is to fully utilise cash balances and undertake short-term borrowing to meet cash flow requirements. The Council continues to consult specialist advice to keep this under review.

With LGR on the horizon, the planning of debt finances leads to ongoing commitments for the new entity. At present there is a case to undertake cheaper short term financing solutions, leaving the new entity free to re-finance as it deems appropriate in due course.

4.2 These are all underpinned by a culture of Budget Ownership across all services.

5.0 Summary of the likely changes to Local Government Funding relevant to the General Fund

5.1 There are significant and wide ranging changes likely for all local authority funding streams. The main areas of change are:

5.2 Core Government Funding

The formulae used to distribute the funding for the last 20+ years is being replaced through a review called the “Fair Funding Review 2.0” (first announced in 2016). The formulae will be simplified and the underlying base data updated, leading to very different outcomes for individual authorities. Furthermore, political decisions to prioritise certain indicators, such as deprivation over sparsity give rise to significant swings in funding from one geographical area to another – something known as resource equalisation.

5.3 Business Rates

The biggest impact for the Council will be the changes announced for Business Rates. Again, many of these changes are the first since the current scheme’s introduction in 2013/14. In summary, the main changes are:

- The revaluation of the local business properties by the Valuation Office – leading to changes in the charge placed on local businesses;
- The introduction of 5 new multipliers (replacing 2 currently);
- The removal / reduction in the application of reliefs, such as that awarded to Retail, Hospitality and Leisure, as the new multipliers will now incorporate that adjustment;
- The reset of the funding baseline from that used within the current funding settlement, which was based upon 2010/11 and 2011/12. This is designed “to move business rates income retained by local authorities to the places which need it most”.

None of these values will be known until the autumn, with the levels of the multipliers and reliefs expected in the Chancellor’s Autumn Budget, the date for which is yet to be announced.

The clear outcomes of these changes are:

1. Places more responsibility on local authorities to administer the more complex scheme and increases their risk of non-collection;
2. Shifts funding from those that have most increased the business rates baseline – whether through council led initiatives, or simply through movements in valuations.

5.4 Council Tax

Perhaps the area with the least change, which remains unchanged from its introduction in 1993. There is no change to the scheme itself, or the prescribed level of the referendum limit. However, the change here is in how councils can chase and enforce outstanding debt. Government proposals include extending the timeframe before a council can enforce, and softens its enforcement capability. The outcome of this is likely to be that less council tax will ultimately be collected, reducing the Council's funding. Also changes to payment periods will have treasury cash flow implications.

5.5 Extended Producer Responsibility (EPR)

The EPR Grant was introduced late in the budget process for 2025/26. The indicative allocation of £927k was fully earmarked in the budget to set it aside to contribute to the remodelling works planned at the waste depot. Subsequently this indicative allocation has increased to £1,438k reflecting the increase in recycling rates secured after the successful implementation of Bin-It 123. Government have indicated that similar levels of funding should be available in future years, albeit that as producers reduce the volume of packaging, the grant received will fall. Therefore a prudent assumption of £1,000k is included within the MTFP.

5.6 Food Waste

Similarly, there is potential funding available to help meet the cost of weekly food collection from 2026/27. It is considered "potential" as this funding has been targeted to those authorities that have not yet moved to weekly collection. We consider this grossly unfair as our local tax payers have funded this move and therefore we assume that all authorities will be treated fairly and all receive a share of this funding in the future, hence the inclusion of £250k per annum in the MTFP.

5.7 Wider reforms are also being considered. It still remains unclear how some of the incentive funding schemes such as New Homes Bonus and Business Rates will be refocused and how some of the new proposed changes will be offset by New Burdens funding. It is further assumed that the number of separate grants available (largely through competitive bidding processes) will reduce.

5.8 It is expected (and hoped) that over and above all of these changes will be a scheme of transitional support. Currently the Government have indicated that the movement from the current formulae will be implemented across the 3-years of the settlement ($\frac{1}{3}, \frac{2}{3}, \frac{3}{3}$). In addition, the cash impact of the change will

also be “smoothed” across the 3 years (100%, 0%, 0%) – meaning there will likely be a “big bang” in 2026/27, and then funding will be frozen for the following 2 years. It is not clear if full transition to the new funding mechanisms will occur within the 3-year settlement.

- 5.9 With any significant changes to funding streams, there would normally be a level of transitional support to smooth the impact over time. Should the Council be one of those c50 authorities targeted for the largest cuts in funding this will be especially relevant, particularly in respect to business rates where we have seen significant growth in our funding.

6.0 Summary of the Medium Term Financial Plan

- 6.1 As outlined above, the MTFP takes into consideration the current financial position against the 2025/26 base budget. The Qtr. 1 forecast indicated an overspend of £232k on the General Fund, indicating that although services generally are managing their budgets well, they are feeling pressure.
- 6.2 This is added to the assumed inflationary pressure, currently forecast to be c£600k plus relatively minor movements in Non-Service budgets.
- 6.3 As there is not clarity on the potential funding, three potential scenarios have been modelled based upon mooted outcomes from the Fair Funding Review 2.0, to give a guide to the potential scale of the funding shortfall.
- 6.4 This indicates the overall forecast shortfall for 2026/27 ranges between c£900k to c£3,300k, as shown in **Appendix 1** and summarised in the table below:

Table 1 – MTFP 2026/27 General Fund Assumptions Summary

		Assumption 1a	Assumption 1b	Assumption 1c
2025/26		2026/27	2026/27	2026/27
£000		£000	£000	£000
15,071	Expenditure	15,602	15,602	15,602
(15,071)	Funding	(14,683)	(14,756)	(12,252)
0	Annual Shortfall	919	846	3,350

Note, if the shortfall is not mitigated by ongoing savings, the shortfall remains in future years; in essence the problem has only been bumped into the future.

- 6.5 This is clearly a challenge built upon a number of assumptions, caveats, decisions based upon external advice and the most up to date information available at this time. Clearly, any major variations in these assumptions would require a fundamental review of the Council’s MTFP and would be reported back to Cabinet and the wider Membership as soon as practical, coupled with proposed courses of action that could be implemented.

- 6.6 The Council has a legal requirement to set a balance budget and needs to ensure its overall costs are affordable i.e. they can be funded through income and planned short-term use of reserves. Members therefore need to take the necessary decisions and actions to manage net spending within affordable limits.

7.0 Approach to closing the Budget Gap

- 7.1 Many of the issues, assumptions and sensitivity of items included within the MTFP are complex, often inter-related and will undoubtedly be subject to variation and ultimately fundamental review depending on the levels of future funding reductions. However, strategic decisions have been ongoing to reduce the current and future operational costs.

- 7.2 In order to reduce the forecast deficit the Council will strive to constantly manage its costs and revenues by:

- Ensure fees/charges are revisited regularly and that the Council are charging appropriately for all items possible;
- A continued reduction of discretionary service and employee costs (via vacancy management) – which may incur short term upfront costs;
- Investigation of spend to save projects;
- Maximise procurement efficiencies;
- Examine different ways of delivering services to reduce costs;
- Continued benchmarking and learning from best practice;
- Consideration of growing the residential and commercial property base to align delivery with Government funding priorities.

Some of the savings strategy shown above are now less likely to be pursued due to the current and ongoing focus on LGR.

- 7.3 Part of that saving could come from increasing income from Service Fees and Charges. Following a full review last year, many services now have delegated authority to increase fees in line with inflation. The working assumption is that this will be done.

- 7.4 During the summer, Leadership Team and services have been reviewing a range of budget options that could be considered in order to help mitigate that remaining budget shortfall across this MTFP, with a particular focus on 2026/27. In putting forward the options, officers have applied a risk level to them based upon Red, Amber, Green as follows:

Red – indicates the saving could be taken, but there are higher risks/implications associated with it and therefore officers would not recommend it;

Amber – indicates the saving could be taken, but there are risks and implications associated that members need to be aware of / accept;

Green – indicates a saving that is recommended by officers.

- 7.5 **Appendix 2** provides a list of the budget pressures emerging. These are not currently included within the MTFP forecast. Clearly officers will look to mitigate these as far as possible, but inevitably the majority of these will need to be included within the 2026/27 Budget, adding further pressure to identify deliverable savings.
- 7.6 **Appendix 3** provides a list of the potential savings that have been identified relating to this PDG. Members are asked to consider these and recommend to cabinet those they believe should be progressed. A full list of all savings identified is also included with Appendix 4 for context.
- 7.6.1 There are a number of savings proposals that have options depending on the scale of the change agreed. These options are largely mutually exclusive, i.e. is it one or the other, not both. Therefore the appendix assumes Option 1 (generally green) will be considered and options 2 (and 3 where relevant) are included separately should members wish to agree to stretch the proposal.
- 7.6.2 Potential savings could be made in certain areas linked to de-scoping or downsizing activity, should turnover allow for a natural wastage approach in these identified areas. Organisation-wide turnover should allow for a realisation of some of these savings over the coming months and years. However, they are categorised as amber/red to denote that these are not immediately realisable (amber) or would not be recommended due to the severe negative impact on service delivery (red). This aligns with the early steer from the administration around prioritising and protecting service delivery to customers alongside a desire to ensure no redundancies are required given the opportunities to manage workforce resource effectively through targeted vacancy and turnover management. The combined value of such options indicates the level of Vacancy Target that could be included within the budget.
- 7.7 Given the scale of the forecast shortfall, all possible options to increase income or reduce costs must be considered. Members will appreciate that all budget options will require political support and therefore if some suggestions are deemed to be unacceptable then other savings will need to be proposed. Members should indicate where these alternatives should be sought.

8.0 Balances and Reserves

- 8.1 The Council should look to match on-going spending plans to available in-year resources. Any use of reserves to support ongoing expenditure only delays the requirement for the identification and implementation of a sustainable saving.
- 8.2 Therefore this plan does not include any utilisation of these reserves. However, with the scale of the deficit, it is conceivable that some utilisation may be necessary. If so, this would normally be on the basis that the reserve is

replenished by the end of the MTFP period. Due to LGR, this is not likely to be possible and therefore will remain below the recommended level for the remainder of the Council's existence.

- 8.3 The overall level of balances transferring to the new entity will be reduced and would therefore clearly have financial consequences for the inheriting organisation.

9.0 Conclusion

- 9.1 The MTFP will continue to be updated to ensure it is a live document. It is subject to amendment and review by Leadership Team and Members and will provide a clear guide prior to commencing the annual budget setting process in future years.
- 9.2 2026/27 onwards is the most uncertain time from a government funding perspective coupled with the implementation and delivery of LGR is resulting in the most challenging budget planning process. These facts will result in many councils, including our own, having to rely on the temporary use of reserves until some urgently needed government clarity is forthcoming.
- 9.3 Any finalised clarity regarding our government funding will not be provided until late November / early December which will result in urgent update papers from the S151 Officer indicating our final position for 2026/27 and the subsequent two financial years.

Financial Implications

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

Legal Implications

None directly arising from this report, although there is a legal obligation to balance the budget. There are legal implications arising from any future consequential decisions to change service provision, but these would be assessed at the time.

Risk Assessment

The MTFP makes a number of financial assumptions based on a sensible/prudent approach, taking account of the most up to date professional advice that is available. However, many of these assumptions are open to challenge.

Impact on Climate Change

The allocation of resources will impact upon the Council's ability to implement/fund new activities linked to climate change, as the MTFP sets the broad budgetary framework for the Council over the coming years. However, some provision has already been included in the base budget and further evaluation/consideration will be made as the draft budget passes through the PDGs over the next few months. Significant investment is currently forecast within the Capital Programme, however this will be dependent upon full options appraisals and levels of Grant funding available.

Equalities Impact Assessment

No implications arising from this report.

Relationship to Corporate Plan

The Medium Term Financial Plan (MTFP) sets out the financial resources available to deliver the Council's ongoing Corporate Plan priorities.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 22 August 2025

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 22 August 2025

Chief Officer: Andrew Jarrett

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

Date: 2 September 2025

Performance and risk: Dr Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 22 August 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Andrew Jarrett – Deputy Chief Executive (S151)

Email: ajarrett@middevon.gov.uk

Telephone: 01884 234242

Background papers:

- 2025/26 Budget
- 2025/26 Qtr. 1 Budget Monitor
- 2025 MTFP (September Cabinet)

Appendix 1

The Table below gives an overall summary of the Council's General Fund MTFP position (which includes a wide range of assumptions).

MTFP General Fund Summary – assumed worst position

2025/26 £'000		Notes	2026/27 £'000	2027/28 £'000	2028/29 £'000
16,284	Net Direct Cost of Services	1, 2	16,973	17,692	18,441
(2,050)	Net recharge to HRA		(2,112)	(2,175)	(2,240)
857	Provision for Repayment of Borrowing	3	1,021	1,249	1,294
15,091	Net Service Costs		15,882	16,766	17,495
(481)	Net Interest Costs/(Receipts)	4	(280)	(100)	(50)
462	Net Transfers to/(from) Earmarked Reserves	5	0	0	0
15,071	Total Budget Requirement		15,602	16,666	17,445
	Funded By:				
(5,079)	Retained Business Rates		0	0	0
(7,472)	Council Tax		0	0	0
(140)	Revenue Support Grant		0	0	0
(35)	Domestic Abuse Safe Accommodation Grant		0	0	0
(57)	Recovery Grant		0	0	0
(27)	Employer National Insurance Contributions Grant		0	0	0
(740)	Funding Floor		0	0	0
(498)	New Homes Bonus		0	0	0
0	New Core Funding Assumption	6	(11,002)	(10,702)	(10,402)
(927)	Extended Producer Responsibility Grant	1, 7	(1,000)	(1,000)	(1,000)
0	New Weekly Food Waste Collection Grant 5	8	(250)	(250)	(250)
(15,071)	Total Funding		(12,252)	(11,952)	(11,652)
0	Annual Gap – Increase/(Decrease) In-year		3,350	4,714	5,793
0	Cumulative Gap		3,350	7,764	13,257

The above figures are based on business as usual with no remedial management intervention. So is very much the most prudent worst case scenario, prior to any offsetting action.

Notes:

1. The Extended Producer Responsibility (EPR) Grant is currently assumed to be a direct grant. For illustration purposes, this has been stripped out of the Direct Service cost and shown separately under funding.
2. This includes the assumed inflationary pressure.
3. The Provision for repayment of borrowing incorporates the financial implications of the current Capital Programme.
4. The reduction in Net Interest Costs/(Receipts) reflects a prudent assumption of the interest earned on balances held. The annual falls as balances held are reducing to fund the capital programme, plus interest rates are falling.
5. Net Transfers to/(from) Earmarked Reserves reflects assumed contributions to, or drawdowns from reserves. At the outset, it is prudent that the working assumption is that reserves are not required.
6. For illustration purposes, all core funding has been included within a single line – see Table 1c within the covering report. In reality, Council Tax will reflect our locally calculated figure, not that assumed by Government. It is assumed that this will also be relevant for Business Rates. A prudent assumption

of a reduction in core funding of £300k occurs in years 2027/28 and 2028/29 – although this could be protected by transitional grant.

7. The new Extended Producer Responsibility Grant sits outside of the Settlement. The indicative allocation for 2025/26 was £927k, however recently the Government have increased this to £1,438k. A prudent assumption of £1,000k has been made for future years. Note, as producers decrease the volume of packaging, the value of this grant will also fall.
8. This is a broad assumption that MDDC will qualify for this grant funding, and a high level assumption of the funding we might receive. Note the costs of delivering weekly food collect far exceed this assumed level of funding.

Service	Cabinet / Policy Development Group	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	2026/27			2027/28			2028/29		
					Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)
Finance Leasing costs	Cabinet	Paul Deal	CR210?	Likely increase in financing lease charges due to increase in numbers of vehicles leased	£50								
Property	Cabinet	Paul Deal	PS950	Option 1 Increase budget within Climate Change - originally planned for consultancy, funding bid completion, grant schemes or increased officer time			£100						
Finance	Cabinet	Paul Deal	FP100	Revise Budget to reflect employee joining the pension scheme	£11								
Finance	Cabinet	Paul Deal	IE290	Reduced investment returns as rates and cash balances reduce	£300			£100					
Property	Economy & Assets	Paul Deal	PS810	Increase budget for contract cleaning in line with current costs	£10								
Property	Economy & Assets	Paul Deal	PS991	Amend Lease income to reflect current tenant leases	£20								
Property	Economy & Assets	Paul Deal	PS991	Amend Cemetery income to reflect current levels	£10								
Property	Economy & Assets	Paul Deal	PS810	Amend Lease income to reflect current tenant leases	£15								
Property	Economy & Assets	Paul Deal	PS880	Amend Bus Station income to reflect current income levels	£10								
Property	Economy & Assets	Paul Deal	OS460	Failure to achieve full assumed financial contribution or transfer of assets is secured with some of all of the major town and parish councils		£50							
Public Health & Licensing	Community, People & Equalities / Homes	Simon Newcombe	PH733 / PH740	Additional staffing required within Public Health & Licensing (x2 FTE's) to deal with minimum statutory service levels	£91								
GF Housing Options	Homes	Simon Newcombe	PH320	Anticipated reduction in HPG income received in 2026/27 due to a change to formula calculation - Not expected to be known until Dec 25/Jan 26	£25								
People Services	Cabinet	James Hamblin	HR100	Payroll & HR System Ongoing annual costs	£11								
Development Management	Planning, Environment & Sustainability	John Hammond	PR200	Reduced S106 Monitoring fees - Budget currently at £51k	£25								
Development Management	Planning, Environment & Sustainability	John Hammond	PR225	Waiting on Govt decision on J28. assume 50% of costs	£40								
Forward Planning	Planning, Environment & Sustainability	Tristan Peat	PR600	Additional agency costs if unable to recruit to perm posts	£70								
Forward Planning	Planning, Environment & Sustainability	Tristan Peat	PR200	Increased planning appeals due to local plan		£100							
Communications	Cabinet	Lisa Lewis	CS200	Increase hours previously agreed	£10								
Revenues and Benefits	Cabinet	Fiona Keyes	RB100	Granicus additional software	£14								
Revenues and Benefits	Cabinet	Fiona Keyes	RB100	Council Tax disregard. S13A and Ukraine	£80								
Revenues and Benefits	Cabinet	Fiona Keyes	RB200	Band G business rates specialist Possible use of EMR (EQ787) to offset	£48								
Revenues and Benefits	Cabinet	Fiona Keyes	RB100 / 200 / 300	MOU change required for NEC to go on the Cloud (encryption)	£10								
Revenues and Benefits	Cabinet	Fiona Keyes	Collection Fund	Possible reduction in Council Tax collection due to softening of enforcement / increase in staffing required to drive up collection rate	??								
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	DCC Shared Savings funding (Budget for 2025-26 £450k) - Shared Savings cease to be paid after 2025/26.	£450								
Street Scene - Recycling	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS725	Dry recycling material income (2025-26 £636.5k). Actual for 2024-25 £600k - Very volatile in terms of income per tonne. Assumed possible 10% reduction in income			£60						
Street Scene - Recycling	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS725	Recycling Credit funding (Budget 2025-26 £566k) - For 2026-27 this has been reduced by £1 per tonne from £72.72 to £71.83 inline with pEPR, therefore a reduction £7k projected. Actual 2024-25 £474k.	£7								
Street Scene	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	Street Scene Services 3404/3405	Option 3: Projection on fuel spending. Budgeted 2025-26 £471.5k @ £1.25 per litre, currently £1.08 per litre. Projection of pressure is budgeted at £1.35. Prices can fluctuate dependent on external factors. (This only includes Street Scene services)		£38							
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Impact of the Emission Trading Scheme - 11500 tonnes of waste 2024-25 at current government estimate of £49 per tonne.									£500
					£1,307	£188	£160	£100	£0	£0	£0	£0	£500

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2025/26 - 2027/28 Headline Savings Options

Savings including Option 1

					2026/27			2027/28			2028/29		
Leisure Income	Service Delivery & Continuous Improvement	Andy Mackie	RS140	Tennis courts conversion to include Padel courts increase income circa £50k		(£50)							
Leisure Income	Service Delivery & Continuous Improvement	Andy Mackie	RS150	Tennis court upgrade and convert 1-2 for padel, increase income circa £10k		(£10)							
Leisure income	Service Delivery & Continuous Improvement	Andy Mackie	RS140	Pool inflatable fun sessions circa £10k uplift in income pa	(£10)								
Leisure income	Service Delivery & Continuous Improvement	Andy Mackie	RS140	Stock resale potential	(£5)								
Leisure Income	Service Delivery & Continuous Improvement	Andy Mackie	RS140	New Softplay and Café income with upfront investment required (potential of £60k - £100k)						(£60)			
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 1: Projection on Garden Waste income from residents (Budget 2025-26 £850k) - Currently customers are charged £72/£61, 12150 subscribed and has plateaued in 2024-25. Freeze prices	£0								
Street Scene - Trade Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS710	Option 1: Projection on Trade Waste income from customers (Budget for 2025-26 £1056k). Increase of 3%	(£32)								
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 1: Projection in Bulky Waste income from residents (Budget for 2025-26 £58.5k) - Adding 3% for each additional item	(£2)								
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/540	Option 1: Projection on Parking Income from customers (Budget for 2025-26 £855k) - Increase in 5% advised	(£44)								
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/541	Option 1: Projection on Parking Permits from customers (Budget 2025-26 £219k) Actual for 2024-25 £30k under budget. Increases of 5%	(£11)								
Street Scene - Recycling	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS725	pEPR funding (Provisional 2025-26 £1380k. Guaranteed £927k) - Projection dependant on recycling figures at 85%, 95% and 105%. This will be impacted in 2027-28 when DRS is introduced along with soft plastic recycling. £200k reflects a potential increase in grant over and above current assumption.		(£200)							
Street Scene	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	Street Scene Services 3404/3405	Option 1: Projection on fuel spending. Budgeted 2025-26 £471.5k @ £1.25 per litre, currently £1.08 per litre. Prices can fluctuate dependent on external factors. (This only includes Street Scene services)	£0								
					(£441)	(£885)	(£340)	(£31)	£0	(£60)	(£11)	£0	£0

Options 2 and 3 - to stretch Option 1 further.

Service	Cabinet / Policy Development Group	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)
Property	Planning, Environment & Sustainability	Paul Deal	PS950	Option 2 Reduce budget within Climate Change - originally planned for consultancy, funding bid completion, grant schemes or increased officer time. Note Option 1 is a proposal to further increase this budget.			(£100)						
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 2: Projection on Garden Waste income from residents (Budget 2025-26 £850k) - Currently customers are charged £72/£61, 12150 subscribed and has plateaued in 2024-25, Increase of 3% (£2)		(£25)							
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 3: Projection on Garden Waste income from residents (Budget 2025-26 £850k) - Currently customers are charged £72/£61, 12150 subscribed and has plateaued in 2024-25. Increase of 5% (£3.50)			(£43)						
Street Scene - Trade Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS710	Option 2: Projection on Trade Waste income from customers (Budget for 2025-26 £1056k). Increase of 5%		(£54)							
Street Scene - Trade Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS710	Option 3: Projection on Trade Waste income from customers (Budget for 2025-26 £1056k). Increase of 8%			(£84)						
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 2: Projection in Bulky Waste income from residents (Budget for 2025-26 £58.5k) - Adding 5% for each additional item		(£3)							
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 3: Projection in Bulky Waste income from residents (Budget for 2025-26 £58.5k) - Adding 8% for each additional item.			(£5)						
Street Scene	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	Street Scene Services 3404/3405	Option 2: Projection on fuel spending. Budgeted 2025-26 £471.5k @ £1.25 per litre, currently £1.08 per litre. Projection of saving if reduced to £1.15. Prices can fluctuate dependent on external factors. (This only includes Street Scene services)		(£38)							
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/540	Option 2: Projection on Parking Income from customers (Budget for 2025-26 £855k) - Increase in 8%		(£69)							
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/540	Option 3: Projection on Parking Income from customers (Budget for 2025-26 £855k) - Increase in 10%			(£86)						
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/541	Option 2: Projection on Parking Permits from customers (Budget 2025-26 £219k) Actual for 2024-25 £30k under budget. Increases of 8%		(£18)							
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/541	Option 3: Projection on Parking Permits from customers (Budget 2025-26 £219k) Actual for 2024-25 £30k under budget. Increases of 10%			(£22)						

£0	(£387)	(£611)	£0	(£22)	(£33)	£0	(£2)	(£3)
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Amalgomated Staffing Savings

Service	Cabinet / Policy Development Group	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)
All Services	Cabinet	Stephen Walford	All	Within the base budget there is already £282k Vacancy Target included. This assumption assumes we can increase Vacancy Savings Target from amolgamation of specific service proposals impacting upon staffing levels. Option 1 - 10% of Green / Amber / Red of the total service proposals affecting staffing levels. Option 2 - 20% of Green / Amber / Red of the total service proposals affecting staffing levels. Option 3 - 30% of Green / Amber / Red of the total service proposals affecting staffing levels.	(£51)	(£441)	(£413)	£0	(£48)	(£63)	£0	£0	(£10)

(£51)	(£441)	(£413)	£0	(£48)	(£63)	£0	£0	(£10)
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2025/26 - 2027/28 Headline Savings Options

Savings including Option 1

Service	Cabinet / Policy Development Group	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	2026/27			2027/28			2028/29		
					Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)
All Services	Cabinet	Paul Deal	Account codes 2301 / 2304	Saving estimation on Utilities spend		(£100)							
All Services	Cabinet	Paul Deal	Account codes 2501	Saving estimation on Business Rates on MDDC Property - subject to revaluation and changes to overall scheme			(£50)						
All Services	Cabinet	Paul Deal	All	Potential to free up minor Earmarked Reserves through reprioritisation of funds		(£100)							
All Services	Cabinet	Paul Deal	All	Potential further increase in Council Tax income above current assumptions (e.g. a combination of further increase Band D charge, additional growth in Taxbase and improvement in collection rate)		(£150)							
All Services	Cabinet	Paul Deal	All	Likely reduction in capital financing charge due to level of slippage in 2024/25 Capital Programme	(£50)								
Property	Economy & Assets	Paul Deal	RS140 / RS150	Inclusion of new income budget for Renewable Heat Initiative (RHI) following end of previous contract	(£30)								
Property	Economy & Assets	Paul Deal	PS810	Lease more space commercially within Phoenix House (include recharges). Clarity required on requirements for PH, flexibility in changing accommodation, hybrid working etc			(£50)						
Property	Community, People & Equalities	Paul Deal	PS200	CCTV Saving achieved through contract extension - subject to continued agreement with Town Council		(£10)							
Property	Economy & Assets	Paul Deal	PS992	Refresh out of date leases - dependent upon market conditions at the time, income might reduce, might push some tenants out			(£10)						
Property	Economy & Assets	Paul Deal	PS160	Potential reduction in maintenance spend - high risk as dependent upon condition survey results and requirements			(£100)						
GF Housing Options	Homes	Simon Newcombe	PH320	Reduction in TA hotel and B&B budget costs due to uplift in GF owned accommodation	(£25)								
Licensing	Community, People & Equalities	Simon Newcombe	PH740	Uplift in licensing fee income for 2026/27	(£10)								
GF Housing Options	Homes	Simon Newcombe	PH320	Further reduction in TA hotel and B&B costs due to better 16-18yr homelessness support (potential Young Devon contract)	(£10)								
GF Housing Options	Homes	Simon Newcombe	PH320	Increase in licence fee income from TA rents - reflects 2024/25 outturn and trend	(£30)								
GF Housing Options & Public Health	Community, People & Equalities / Homes	Simon Newcombe	CR380 / PH320 / PH733	Contribution from the Homes for Ukraine pot towards staffing costs within Public Health & GF Housing	(£60)								
People's Services	Cabinet	James Hamblin	HR100	Mgt of Staff Survey in-house instead of outsourced (alternate years)				(£10)					
Development Management	Planning, Environment & Sustainability	John Hammond	PR200 7254	Planning Performance Agreements - increase income from £20,000 - £40,000 for 2025/26. Note the use of PPA's should reflect the service looking to acquire additional capacity resource to deal with increased demands. As such, an increase in PPA income should also reflect an increase in consultants commissioned to act on new applications. Note use of PPA likely to increase because of (i) HLS and (ii) Familiarity with process	(£20)			(£10)			(£10)		
Development Management	Planning, Environment & Sustainability	John Hammond	PR200 7201	Fees & Charges - Increase in national fees for particular application types. The target of £835,000 for 2024/25 was not achieved by reason of national trends resulting in the submission of fewer applications. MHCLG introduced new fees for a number of application types which result in high volume submissions, which, based upon the 2024/25 submissions would increase actual (rather than target) income by @ £100,000		(£50)							
Development Management	Planning, Environment & Sustainability	John Hammond	PR200 7201	7201 - Fees & Charges Likely increase if applications for housing. The target of £835,000 for 2024/25 was not achieved by reason of national trends resulting in the submission of fewer applications. As MDDC no longer has a sufficient housing supply it is likely that we will receive speculative applications for housing development until a new Local Plan is put in place. Combined with line 8 above fees should increase compared to recent levels.		(£50)							
Growth and Economic Development	Community, People & Equalities	Adrian Welsh	CD200 4701	Cease Community Development grants.			(£120)						
Growth and Economic Development	Economy & Assets	Adrian Welsh	PR400 4701	Cease Grants		(£30)							
Growth and Economic Development	Economy & Assets	Adrian Welsh	PR400 4442	Reduce Local projects initiatives by 50%		(£25)							
Forward Planning	Planning, Environment & Sustainability	Tristan Peat	PR600 4701	Grants £10k SLA with the Devon Community Housing Hub to undertake parish based housing needs surveys for planning purposes and to support Community Land Trusts wishing to bring forward local housing schemes. The Council is presently unable to undertake local housing needs surveys in house and is not aware of a suitable alternative provider. There may be potential to use funds from S106 agreements for the provision of affordable housing instead to pay for part / all of the SLA with the Devon Community Housing Hub subject to this being CIL regulation 122 compliant.			(£10)						
ICT	Cabinet	Brian Trebilcock	IT700-4106	Reduction in cost of Veeam Licences, as licenced differently RISK: * none	(£5)								

Service	Cabinet / Policy Development Group	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	2026/27			2027/28			2028/29		
ICT	Cabinet	Brian Trebilcock	IT400-4103	Reduce budget for Computer Hardware (Operational) RISK: * insufficient funds to replace computer equipment in-year. * Extending the use-life of End Users Devices * Possible security risk if firmware and software updates are not available		(£15)			£0			£0	
ICT	Cabinet	Brian Trebilcock	IT400-4110	Reduction in Budget for Equipment Maintenance RISK: * Unsupported hardware, increased risk of failure due to age, * Security, if patches and updates not available.		(£10)			£0			£0	
ICT	Cabinet	Brian Trebilcock	IT200-4103 (EMR755)	Reduce budget for Computer Hardware Currently £100k per year (£120k for 26-27) - reduce this request over next three years by £40K to £60 per year. RISK: * insufficient funds to replace computer equipment in-year. * Extending the use-life of End Users Devices - 4 years to 5 years * Possible security risk if firmware and software updates are not available		(£60)							
Revenues and Benefits	Cabinet	Fiona Keyes	RB100	Encouraging take-up of council tax e-billing to save on printing and postage costs Work in progress hard line approach required whilst it is the right thing to do members may not like it		(£25)							
Revenues and Benefits	Cabinet	Fiona Keyes	RB340	LHA assistance scheme. Budget not fully used since 2018	(£7)								
Leisure Income	Service Delivery & Continuous Improvement	Andy Mackie	RS140	Tennis courts conversion to include Padel courts increase income circa £50k		(£50)							
Leisure Income	Service Delivery & Continuous Improvement	Andy Mackie	RS150	Tennis court upgrade and convert 1-2 for padel, increase income circa £10k		(£10)							
Leisure income	Service Delivery & Continuous Improvement	Andy Mackie	RS140	Pool inflatable fun sessions circa £10k uplift in income pa	(£10)								
Leisure income	Service Delivery & Continuous Improvement	Andy Mackie	RS140	Stock resale potential	(£5)								
Leisure Income	Service Delivery & Continuous Improvement	Andy Mackie	RS140	New Softplay and Café income with upfront investment required (potential of £60k - £100k)						(£60)			
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 1: Projection on Garden Waste income from residents (Budget 2025-26 £850k) - Currently customers are charged £72/£61, 12150 subscribed and has plateaued in 2024-25. Freeze prices	£0								
Street Scene - Trade Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS710	Option 1: Projection on Trade Waste income from customers (Budget for 2025-26 £1056k). Increase of 3%	(£32)								
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 1: Projection on Bulky Waste income from residents (Budget for 2025-26 £58.5k) - Adding 3% for each additional item	(£2)								
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/540	Option 1: Projection on Parking Income from customers (Budget for 2025-26 £855k) - Increase in 5% advised	(£44)								
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/541	Option 1: Projection on Parking Permits from customers (Budget 2025-26 £219k) Actual for 2024-25 £30k under budget. Increases of 5%	(£11)								
Street Scene - Recycling	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS725	pEPR funding (Provisional 2025-26 £1380k. Guaranteed £927k) - Projection dependant on recycling figures at 85%, 95% and 105%. This will be impacted in 2027-28 when DRS is introduced along with soft plastic recycling. £200k reflects a potential increase in grant over and above current assumption.		(£200)							
Street Scene	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	Street Scene Services 3404/3405	Option 1: Projection on fuel spending. Budgeted 2025-26 £471.5k @ £1.25 per litre, currently £1.08 per litre. Prices can fluctuate dependent on external factors. (This only includes Street Scene services)	£0								
All Services	Cabinet	Stephen Walford	All	Within the base budget there is already £282k Vacancy Target included. This assumption assumes we can increase Vacancy Savings Target from amalgamation of specific service proposals impacting upon staffing levels. Option 1 - 10% of Green / Amber / Red of the total service proposals affecting staffing levels.	(£91)			(£11)			(£1)		

(£441)	(£885)	(£340)	(£31)	£0	(£60)	(£11)	£0	£0
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Options 2 and 3 - to stretch Option 1 further.

Service	Cabinet / Policy Development Group	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)
Property	Planning, Environment & Sustainability	Paul Deal	PS950	Option 2 Reduce budget within Climate Change - originally planned for consultancy, funding bid completion, grant schemes or increased officer time. Note Option 1 is a proposal to further increase this budget.			(£100)						
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 2: Projection on Garden Waste income from residents (Budget 2025-26 £850k) - Currently customers are charged £72/£61, 12150 subscribed and has plateaued in 2024-25, Increase of 3% (£2)		(£25)							
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 3: Projection on Garden Waste income from residents (Budget 2025-26 £850k) - Currently customers are charged £72/£61, 12150 subscribed and has plateaued in 2024-25. Increase of 5% (£3.50)			(£43)						
Street Scene - Trade Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS710	Option 2: Projection on Trade Waste income from customers (Budget for 2025-26 £1056k). Increase of 5%		(£54)							
Street Scene - Trade Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS710	Option 3: Projection on Trade Waste income from customers (Budget for 2025-26 £1056k). Increase of 8%			(£84)						
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 2: Projection in Bulky Waste income from residents (Budget for 2025-26 £58.5k) - Adding 5% for each additional item		(£3)							
Street Scene - Waste	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	WS700	Option 3: Projection in Bulky Waste income from residents (Budget for 2025-26 £58.5k) - Adding 8% for each additional item.			(£5)						
Street Scene	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	Street Scene Services 3404/3405	Option 2: Projection on fuel spending. Budgeted 2025-26 £471.5k @ £1.25 per litre, currently £1.08 per litre. Projection of saving if reduced to £1.15. Prices can fluctuate dependent on external factors. (This only includes Street Scene services)		(£38)							
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/540	Option 2: Projection on Parking Income from customers (Budget for 2025-26 £855k) - Increase in 8%		(£69)							
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/540	Option 3: Projection on Parking Income from customers (Budget for 2025-26 £855k) - Increase in 10%			(£86)						
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/541	Option 2: Projection on Parking Permits from customers (Budget 2025-26 £219k) Actual for 2024-25 £30k under budget. Increases of 8%		(£18)							
Street Scene - Car Parks	Service Delivery & Continuous Improvement	Darren Beer / Matthew Page	CP520/541	Option 3: Projection on Parking Permits from customers (Budget 2025-26 £219k) Actual for 2024-25 £30k under budget. Increases of 10%			(£22)						
All Services	Cabinet	Stephen Walford	All	Within the base budget there is already £282k Vacancy Target included. This assumption assumes we can increase Vacancy Savings Target from amalgamation of specific service proposals impacting upon staffing levels. Option 2 - 20% of Green / Amber / Red of the total service proposals affecting staffing levels.		(£181)			(£22)			(£2)	
All Services	Cabinet	Stephen Walford	All	Within the base budget there is already £282k Vacancy Target included. This assumption assumes we can increase Vacancy Savings Target from amalgamation of specific service proposals impacting upon staffing levels. Option 3 - 30% of Green / Amber / Red of the total service proposals affecting staffing levels.			(£272)			(£33)			(£3)

£0	(£387)	(£611)	£0	(£22)	(£33)	£0	(£2)	(£3)
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Amalgomated Staffing Savings

Service	Cabinet / Policy Development Group	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)
All Services	Cabinet	Stephen Walford	All	Within the base budget there is already £282k Vacancy Target included. This assumption assumes we can increase Vacancy Savings Target from amalgamation of specific service proposals impacting upon staffing levels. Option 1 - 10% of Green / Amber / Red of the total service proposals affecting staffing levels. Option 2 - 20% of Green / Amber / Red of the total service proposals affecting staffing levels. Option 3 - 30% of Green / Amber / Red of the total service proposals affecting staffing levels.	(£51)	(£441)	(£413)	£0	(£48)	(£63)	£0	£0	(£10)

(£51)	(£441)	(£413)	£0	(£48)	(£63)	£0	£0	(£10)
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Report for:	SERVICE DELIVERY & CONTINUOUS IMPROVEMENT POLICY DEVELOPMENT GROUP
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Date of Meeting:	15 September 2025
Subject:	Play Area Risk Assessment and Safety Inspection Review
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvement
Responsible Officer:	Paul Deal, Head of Finance Property and Climate Resilience
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1 – Risk Assessment Record (site specific) Appendix 2 – Risk Assessment (Parish order)

Section 1 – Summary and Recommendation(s)

To review the Councils management of play area risk assessment and safety inspections

Recommendation(s):

That members note, and recommend to Cabinet, the continued approach for the inspection and risk assessment of the council's play areas and that these are brought back for future review no later than 2028.

Section 2 – Report

1.0 Introduction/Background

- 1.1 The previous review of risk assessments and safety inspections of the Council's play areas was carried out in 2022.
- 1.2 The Council has 78 play areas (including skate parks and BMX track) in its direct control. The number of Play Area leased to Parish and Town Council is 20 with a further 1 currently pending. There are 3 closed sites with no equipment.

- 1.3 There shall also inevitably be a reduction in the number of (i) pieces of equipment within play areas and (ii) play areas to inspect over time. This is due to the managed decline of equipment and the lack of funding to replace it in some places resulting in closures in accordance with previously agreed Policy subject to review with Town and Parish Councils at the time. Un-equipped play areas shall still require inspections.
- 1.4 The Council has a legal responsibility for the safety of those using its playgrounds. Both criminal and civil aspects of the law are relevant.
- 1.5 Under sections 3 and 4 of the Health and safety at Work Act 1974 (“the Act”) there is a clear duty on playground providers to ensure – so far as reasonably practicable - the health and safety of those who use the facility. Further under the Occupiers’ Liability Acts 1957 and 1984 there is a duty to keep visitors (and trespassers) to Council premises reasonably safe from harm. Failure to comply with the duties under these Acts may result in legal enforcement action being taken. An improvement or prohibition notice could be served and/ or the appropriate enforcing authority could bring a prosecution.
- 1.6 Inspections are carried out by two qualified members of staff within Property Services. The FTE is 0.70 at a cost of £28,520 for inspection of equipment and supervision and £76,820 (25-26 budget) for essential operational maintenance and planned works (excluding Capital).
- 1.7 Income from parish councils for the provision of an inspection service is projected to be circa £11,000 in the current year. This sum may increase further as play areas are transferred or Parishes seek the inspection service

2.0 Inspection Regime

- 2.1 The publication “Best Play” states that play provision should aim to manage the balance between the need to offer risk and the need to keep children safe from harm.
- 2.2 There is a legal requirement to carry out risk assessments on all play areas, the Health and Safety Executive has endorsed the use of risk versus benefit assessments, for children’s play area provision.
- 2.3 Although the number of play areas that the Council are responsible for have reduced there is still a need to ensure that play areas that pose the highest potential risk receive the highest level of inspections. This has been determined by carrying out a play area risk assessment that awards scores to each site depending on the type of equipment installed and the inherent risk that it poses. The higher the score the more frequent the inspection regime, see Appendices 1 and 2.
- 2.4 Appendix 1 shows an example of an individual play area Risk Assessment Record and Appendix 2 list Play Area Risk Assessment in Parish order including risk scores and inspection frequencies.

- 2.5 Individual scores on the Risk Assessment Record are multiplied across the page and summed down the page.
- 2.6 Play area sites with a score less than 30 have Operational inspections monthly. Those with a score of 30 or greater have more frequent Routine inspection
- 2.7 Inspections are categorised as Routine, Operational and Annual, with a reduced schedule operating during the autumn and winter. Twice and three times weekly inspections are classed as Routine. Currently, each of our play areas receives a monthly and an annual inspection as a minimum. The higher scoring sites receive additional Routine inspections up to a maximum of three per week. Inspections are undertaken during the working week (Monday – Friday) - there are no weekend or bank holiday inspections.
- 2.8 Around 2,000 inspections are undertaken annually.
- 2.9 Inspections are classified as:
- a) Routine Inspection - this is a basic safety check and will identify hazards resulting from vandalism, anti-social behaviour, mis-use and wear and tear from normal use.
 - b) Operational Inspections - more detailed and include the condition of both static and moving parts, such as chains, seats and bearings.
 - c) Annual Inspection - this examines the integrity of the structures and takes an overview of the play area as a whole.
- 2.10 Inspection frequency is under constant review depending on condition of equipment, prevalence of anti-social behaviour and vandalism and the weather. Reduced inspection frequencies during autumn and winter are off-set with increased emphasis on land drainage and flood-defence assets.
- 2.11 All inspections are entered into a database and the results can be interrogated to ensure identified repairs are carried out. The service is looking to implement a cost effective means of directly entering inspection records into a database via handheld or portable devices at the earliest opportunity to further improve effectiveness and efficiency.
- 2.12 In addition to the in-house inspections as detailed above an Annual independent inspection is carried out by independent certified annual play area inspection company. This has most recently been the Royal Society of Prevention of Accidents (RoSPA) but other providers are available and service value will be tested.
- 2.13 Routine inspections (i.e. two or three times weekly) are carried out at the four larger park sites (Amory Park, Peoples Park and Westex Recreation Ground in Tiverton and Newcombes Meadow in Crediton), skate parks and the BMX track.

3.0 Safety Record

3.1 The Council is aware of three accidents in the review period. The most significant of these was a component failure on a newly installed piece of equipment and an installer/ manufacturer responsibility.

3.2 No claim has been received by the Council in the review period.

4.0 Recommendations

4.1 That the current play area risk assessment and inspection regime continues as it is for period of no longer than three years.

Financial Implications

The cost of the current inspection process is included within the base budget. The cost of litigation should the Council be found negligent or in breach of its statutory duties with regards to inspection and maintenance of its play areas could be substantial.

Legal Implications

The Council must have an inspection and maintenance regime for its play areas as stated within the Health and Safety at Work Act 1974.

Risk Assessment

There is a potential cost of litigation and loss of reputation should the Council be found negligent with regards to inspection and maintenance of its play areas in the event of injury or death of a child or any other person.

Impact on Climate Change

None

Equalities Impact Assessment

Regular inspection ensures the safe availability of play facilities for all elements of the community in the Councils play areas throughout the District.

Relationship to Corporate Plan

Ensures equipment in play areas and parks is fit for purpose to encourage active play and recreation for children and young people.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer:

Agreed by or on behalf of the Section 151

Date: 04/09/2025

Statutory Officer:

Agreed on behalf of the Monitoring Officer

Date: 04/09/2025

Chief Officer:

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

Date: 04/09/2025

Performance and risk:

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 04/09/2025

Cabinet member notified: (yes)

Section 4 - Contact Details and Background Papers

Contact: Steve Densham

Email: Sdensham@middevon.gov.uk

Telephone: 01884234921

Background papers:

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Criteria	
Likelihood of an accident	After considering the generic assessment of the equipment the figure is derived from a scale 1 – 3 1 = Possible 2 = Likely 3 = Very Possible
Number of items on site	This refers to fixed pieces of equipment and includes fencing and goal posts. For multi-play equipment the number is derived from the number of modules including link modules. For fencing the following is used 1 = not easily climbed 2 = can be climbed 3 = Easily climbed
Seriousness of injury	This refers to the type of ground below the equipment which could reduce the seriousness of the injury and is considered along with the generic assessment. 1 = Rubber 2 = Woodchip 3 = Other
Additional Weightings	Additional weightings cover hazards such as closeness of rivers, roads and railways and the presence of paddling pools, old equipment and the high incidence of vandalism. The number used is achieved by allocating two points per hazard.

Equipment Type	Likelihood of accident	Number of items	Seriousness of Injury	Additional Weighting	
Rotating					0
Rocking					0
Swinging					0
Balance	1	2	1	1	2
Slide					0
Hanging					0
Climbing					0
Crawling					0
Fencing	1	1	1	1	1
Multi Item	2	2	1	1	4
Other					0

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Appendix 2

Site	Town Village	Site	Status	Score	Summer	Winter
301	Bow	Godfrey Gardens	Owned	6	Monthly	Monthly
302	Bow	St. Martins Close	Owned	8	Monthly	Monthly
303	Bow	Village Hall	Village Hall	29	Monthly	Monthly
304	Bow	Iter Park	Owned	25	Monthly	Monthly
401	Bradninch	Townlands	Owned	20	Monthly	Monthly
402	Bradninch	Barnes Close	Owned	7	Monthly	Monthly
601	Burlescombe	Brays Close	Owned	20	Monthly	Monthly
602	Westleigh	Westleigh	Parish	30	Monthly	Monthly
1101	Cheriton Bishop	Glebelands	Lease-Out		Monthly	Monthly
1701	Coleford	Coleford	Parish	18	Monthly	Monthly
1801	Crediton	Greenway	Closed	5	Monthly	Monthly
1802	Crediton	Beech Park	Owned	14	Monthly	Monthly
1803	Crediton	Newcombes	Owned	50	Three times weekly	Twice Weekly
1804	Crediton	Barnfield	Owned	20	Monthly	Monthly
1805	Crediton	Tuckers Meadow	Owned	18	Monthly	Monthly
1806	Crediton	Lords Meadow	Owned	16	Monthly	Monthly
1807	Crediton	Walnut Drive	Owned	10	Monthly	Monthly
1808	Crediton	Spinningpath Gardens	Lease-Out		Monthly	Monthly
1809	Crediton	Queen Elizabeth Drive (1)	Owned	11	Monthly	Monthly
1810	Crediton	Beacon Park	Owned	13	Monthly	Monthly
1811	Crediton	Lords Meadow "In Line Skating"	Owned	38	Twice Weekly	Twice Weekly
1812	Crediton	Fulda Crescent	Lease-Out – No Equipment		Monthly	Monthly
1813	Crediton	Queen Elizabeth Drive (2)	Owned- no equipment	6	Monthly	Monthly
1814	Crediton	Monks Close	Owned	7	Monthly	Monthly
1815	Crediton	Cromwell's Meadow	Owned	7	Monthly	Monthly
1816	Crediton	Kirton Rise	Owned	30	Monthly	Monthly
1901	Copplestone	Sunnymead	Lease-Out		Twice Weekly	Twice Weekly
1902	Copplestone	Fernworthy Park	Lease-Out		Monthly	Monthly
2101	Cullompton	Knightswood	Owned	38	Twice Weekly	Twice Weekly
2102	Cullompton	Rivermead	Lease-Out		Monthly	Monthly
2103	Cullompton	Ash Drive	Owned	12	Monthly	Monthly
2104	Cullompton	Conifer Close	Owned	9	Monthly	Monthly
2105	Cullompton	Linden Road	Owned	17	Monthly	Monthly
2106	Cullompton	Headweir Road	Lease-Out		Monthly	Monthly
2107	Cullompton	Ploudal Road	Owned	14	Monthly	Monthly
2108	Cullompton	Stoneyford	Lease-Out		Monthly	Monthly
2109	Cullompton	Tufty Park	Lease-Out		Monthly	Monthly
2110	Cullompton	Bockland Close	Owned	15	Monthly	Monthly

Appendix 2

2111	Cullompton	Meadow Lane "In Line Skating"	Owned	36	Twice Weekly	Twice Weekly
2112	Cullompton	Clover Drive	Closed	5	Monthly	Monthly
2113	Cullompton	Spindlebury	Owned	13	Monthly	Monthly
2114	Cullompton	Siskin Chase	Owned	6	Monthly	Monthly
2115	Cullompton	Starlings Roost	Owned	14	Monthly	Monthly
2116	Cullompton	Water Meadow	Owned	10	Monthly	Monthly
2117	Cullompton	Hayman's Close	Owned	6	Monthly	Monthly
2118	Cullompton	Hayman's Green	Owned	9	Monthly	Monthly
2119	Cullompton	Chaffinch Drive	Owned	20	Monthly	Monthly
2120	Cullompton	Dove Close	Owned	7	Monthly	Monthly
2121	Cullompton	Crossparks	Owned	12	Monthly	Monthly
2122	Cullompton	Bullfinch	Owned	9	Monthly	Monthly
2123	Cullompton	Linear Park	Owned	14	Monthly	Monthly
2124	Cullompton	Saxon Way	Owned	12	Monthly	Monthly
2125	Cullompton	Windsor Close	Owned	5	Monthly	Monthly
2126	Cullompton	Hanover Gardens	Owned	8	Monthly	Monthly
2601	Hemyock	Hollingarth Way	Owned	5	Monthly	Monthly
2602	Hemyock	Logan Way	Owned	10	Monthly	Monthly
2603	Hemyock	Millhayes	Owned	7	Monthly	Monthly
2901	Holcombe Rogus	Holcombe Rogus	Parish		Monthly	Monthly
3301	Lapford	Church Close	Owned	3	Monthly	Monthly
3501	Morchard Bishop	Greenaway	Owned	8	Monthly	Monthly
4101	Puddington	Puddington	Parish		Monthly	Monthly
4201	Sampford Peverell	Cornlands	Owned	8	Monthly	Monthly
4301	New Buildings	New Buildings	Owned	8	Monthly	Monthly
4302	Sandford	Town Barton	Owned	6	Monthly	Monthly
4501	Ellerhayes	Ellerhayes	Owned	7	Monthly	Monthly
5201	Tiverton	Trickey Close	Owned	16	Monthly	Monthly
5202	Tiverton	Palmerston Park	Owned	14	Monthly	Monthly
5203	Tiverton	Amory Park	Owned	32	Twice Weekly	Twice Weekly
5204	Tiverton	Colesmead	Owned	6	Monthly	Monthly
5205	Tiverton	Cotteylands	Owned	27	Monthly	Monthly
5207	Tiverton	Peoples Park	Owned	73	Three times weekly	Twice Weekly
5208	Tiverton	Westexe Rec	Owned	41	Three times weekly	Twice Weekly
5209	Tiverton	Wilcombe	Owned	38	Twice Weekly	Twice Weekly
5210	Tiverton	Lowman Priory	Owned	15	Monthly	Monthly
5211	Tiverton	Marguerite Road	Owned	7	Monthly	Monthly
5212	Tiverton	Hawthorn Road	Owned	8	Monthly	Monthly
5213	Tiverton	Halsbury Road	Closed	7	Monthly	Monthly
5214	Tiverton	Ashley Rise	Owned	11	Monthly	Monthly
5215	Tiverton	Cudmore Park	Owned	17	Monthly	Monthly
5216	Tiverton	Starkey Close	Owned	13	Monthly	Monthly

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5217	Tiverton	Orchard Leigh	Owned	16	Monthly	Monthly
5218	Tiverton	Banksia Close	Owned	23	Monthly	Monthly
5220	Tiverton	Everett Place (1)	Owned	12	Monthly	Monthly
5221	Tiverton	Everett Place (2)	Owned	12	Monthly	Monthly
5222	Tiverton	Bolham Road Skate park	Owned	49	Three times weekly	Twice Weekly
5224	Tiverton	Waylands	Owned	15	Monthly	Monthly
5225	Tiverton	Spencer Drive	Owned	11	Monthly	Monthly
5226	Tiverton	Popham Close	Owned	3	Monthly	Monthly
5227	Tiverton	Marley Close	Owned	7	Monthly	Monthly
5228	Tiverton	Amory BMX	Owned	43	Three times weekly	Twice Weekly
5301	Uffculme	Pippins Field	Leased-Out		Monthly	Monthly
5302	Uffculme	Pathfields	Lease-Out		Monthly	Monthly
5303	Uffculme	Culm Valley Way	Leased-Out		Monthly	Monthly
5801	Wembworthy	Wembworthy	Closed		Monthly	Monthly
5901	Willand	South View	Lease-Out		Monthly	Monthly
5902	Willand	The Orchards	Lease-Out		Monthly	Monthly
5904	Willand	Harpitt Close	Owned	12	Monthly	Monthly
5905	Willand	Gables Lea	Lease-Out		Monthly	Monthly
5906	Willand	Chestnut Drive	Lease-Out		Monthly	Monthly
5907	Willand	Victoria Close	Owned	18	Monthly	Monthly
5908	Willand	Worcester Crescent	Lease-Out		Monthly	Monthly
5909	Willand	Mallow Court	Lease-Out		Monthly	Monthly
5910	Willand	Buttercup Road	Owned	15	Monthly	Monthly
6201	Yeoford	Yeo View	Parish		Monthly	Monthly

	Leased to Parish
	Lease to Parish
	Pending
	Lease to the
	Council ended

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Report for:	SERVICE DELIVERY & CONTINUOUS IMPROVEMENT POLICY DEVELOPMENT GROUP
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Date of Meeting:	15 September 2025
Subject:	Memorial Tree and Seat Policy
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvement
Responsible Officer:	Paul Deal, Head of Finance, Property and Climate Resilience
Exempt:	None
Wards Affected:	All
Enclosures:	Appendix 1 – Memorial Seat and Tree Policy

Section 1 – Summary and Recommendation(s)

To review a proposed Policy for Memorial Seats and Trees on Council property.

Recommendation(s):

That the Service Delivery and Continuous Improvement Policy Development Group recommends to Cabinet that Full Council adopt the Memorial Benches and Memorial Tree Policy.

Section 2 – Report

1.0 Introduction/Background

- 1.1 From time to time the Council receives requests to support the provision of memorial trees and seats on its land. There is currently no policy setting out how to deal with these enquires. The proposed policy, attached as Appendix 1, sets out what is generally currently followed on an ad hoc basis for the purpose of clarity, equity and transparency.

2.0 Rational

- 2.1 Consideration will be given to requests for a seat with plaque or a tree on Council land in memory of loved ones who have died and other special events. This policy sets out the basis for this and seeks to demonstrate an equitable and transparent process.

2.2 The Council's parks and open spaces are primarily places for recreation and not memorial gardens. However, they do though provide a place for reflection and remembrance and are part of supporting well-being through the provision of quality open spaces.

2.3 There will not always be an immediately available space for a seat or tree and for those requests that can't be accommodated immediately, there will be the option to be added to a waiting list that will be maintained by the Council.

3.0 **Trees**

3.1 Trees will only be provided where there is a need for a tree in-line with the Council's Tree Policy. That may be where there is space to accommodate a tree or further tree or where an existing tree has failed and needs to be replaced. There isn't infinite space for trees and any newly planted tree must enhance and not detract from the setting.

3.2 No plaques or other marker will be permitted to accompany a tree as these may be the subject of theft and/or vandalism. However, natural floral tributes may be placed up to 3-times annually (birthday, anniversary or religious event) with any wrapping removed and may remain in place for up to 1 week.

4.0 **Seats**

4.1 Seating can only be provided where there are sites available within the Council's parks and cemeteries and where a new seat is needed to replace either a missing seat or one which is in a poor state of repair. Seats are not always replaced like for like. They need to be in places where the Council determines they will be used and enjoyed.

4.2 Locations for seats

Tiverton

- People's Park
- Westexe Recreation Ground
- Cemetery

Crediton

- Newcombes Meadow
- Cemetery

Other Towns and Parishes

- There are no similar ornamental parks owned by the Council and the Cemeteries are operated by Town and Parish Council where they exist.

Other sites may be considered, for example play areas and other open-spaces.

4.3 Engraved stainless steel plaques with appropriate wording may be affixed to a bench. Again, natural floral tributes may be placed up to 3-times annually

(birthday, anniversary or religious event) with any wrapping removed and may remain in place for up to 1 week.

- 4.4 The principles of the seating policy are endorsed by the Tiverton People's Park Trustee Group.

5.0 **Costs**

- 5.1 The cost of any memorial seat or tree will be met by the requestor.
- 5.2 Costs are subject to annual review but will increase by at least the appropriate Consumer Prices Index.

Financial Implications

There may be some financial advantage to the Council as the donation of seats and trees should result in improvements to the Council's parks and open spaces.

Legal Implications

None.

Risk Assessment

No risks additional to normal operational risk to consider.

Impact on Climate Change

Minimal impact but planting additional trees will be beneficial.

Equalities Impact Assessment

The provision of seats where the Council may not otherwise provide them may ameliorate the experience of those users with reduced mobility and enable greater confidence to use parks and cemeteries for recreation and reflection. Seats will be compliant with Disability Discrimination legislation requirements.

Relationship to Corporate Plan

Supports the use of parks and cemeteries for well-being. Supports carbon reduction targets with tree planting where appropriate and re-use of materials.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 04/09/2025

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 04/09/2025

Chief Officer: Andrew Jarrett
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 04/09/2025

Performance and risk:
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 04/09/2025

Cabinet member notified: (yes)

Section 4 - Contact Details and Background Papers

Contact: Steve Densham
Email: Sdensham@middevon.gov.uk
Telephone: 01884234921

Background papers:



Memorial Seat and Tree Policy

September 2025

Policy No. PS001

Version Control Sheet

Title: **Memorial Seat and Tree Policy**

Purpose: **To detail the Memorial Seat and Tree Policy for Mid Devon District Council (Council) to standardise requests for memorial benches or trees on Council land.**

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

Date: **September 2025**

Version Number: **1.0**

Status: **Draft**

Review Frequency: **Every three years**

Next review date: **September 2028**

Consultation **This document was sent out for consultation to the following:**
People's Park Trust

Document History

This document requires/obtained the following approvals.

Title	Date	Version Approved
People's Park Trust	April 2025	Draft
Service Delivery & Continuous Improvement PDG	September 2025	Draft
Cabinet	November 2025	Draft
Full Council	December 2025	Draft

Related Policies:

N/a

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1 Introduction

Consideration will be given to requests for a seat with (or without) a plaque or a tree on Council land in memory of loved ones passed away and other special events. The subsequent provision of a seat or tree is to be fully funded by the applicant.

There will not always be an immediately available space for a seat or tree and hose requests that can't be accommodated immediately, there will be the option to be added to be added to a waiting list that will be maintained by the Council.

Ownership of any approved seat or tree will remain with the Council with no obligation to replace trees that either fail after completion of aftercare periods or are vandalised after an initial 6-month period. Similarly, the Council will have no obligation to replace benches after an initial 10-year timeframe or if they are vandalised after an initial 6-month period.

Changes to policy and guidance will occur infrequently, as such this policy should be reviewed every three years.

2 Purpose

This policy formalises the previous ad hoc approach applied for purposes of clarity, equity and transparency.

3 Scope

This policy covers mainly ornamental parks and cemeteries owned by the Council. Primarily this includes:

Tiverton

- People's Park
- Westex Recreation Ground
- Cemetery

Crediton

- Newcombes Meadow
- Cemetery

Other sites, for example play areas and other open-spaces, may be considered.

4 Responsibilities

This policy will be managed, promoted, and regulated through the Council's Property Services Team, who will undertake the following:

Trees

- Trees will be selected taking into account the applicant's wishes where appropriate to do so, but the key concern will be to choose a tree which aligns with and complements the existing trees within the relevant location, i.e. right tree, right place. The Council's specialist staff will have authority to decide on this matter and their decision will be final with explanation given to the applicant.
- The tree will be purchased and planted by the Council to ensure the right genus and quality in accordance with industry standards and good practice. The

applicant (and family members) may be present for the purchase and/or planting, if they request to.

- The Council will provide aftercare including watering for a an initial 6-month period after planting and for the two summer seasons after planting where necessary and replace in the next planting season any tree that has failed for whatever reason. The Council will have no obligation to replace trees that fail after completion of aftercare periods or are vandalised after the initial 6-month period.

The following restrictions apply:

- No plaques or other marker will be permitted to accompany any tree as these may be the subject of theft and/or vandalism.
- Natural floral tributes may be placed up to 3-times annually (birthday, anniversary or religious event) with any wrapping removed and may remain in place for up to 1 week.

Seats

- Where there is a need for a seat to replace either a missing seat or one which is in a poor state of repair, upon request the Council's specialist staff will provide a seat manufactured in recycled plastic to align with the style of others within the relevant location.
- An engraved stainless steel plaque with appropriate wording may be affixed to the bench.
- A seat is offered for a period of 10-years. Should a seat or plaque become damaged or unsafe through general wear and tear during the 10-year period, the Council will arrange for repair or replacement, as appropriate. The Council cannot guarantee the long-term safety or security of the bench and, in the event that the seat or plaque is stolen or damaged through vandalism, the Council shall not be responsible for providing a replacement.

The following restrictions apply:

- Natural floral tributes may be placed up to 3-times annually (birthday, anniversary or religious event) with any wrapping removed and may remain in place for up to 1 week.

Applicant's Details

The Council will maintain a record of each applicant and the applicant's contact details in accordance with the General Data Protection Regulations. It is the responsibility of the applicant to provide the Council with updated details in writing. Failure to do so could lead to the tree or bench being removed without the applicant being notified.

5 Costs (as at September 2025)

The cost of any memorial seat or tree will be met in full by the applicant. All costs are subject to annual review but will increase by at least the appropriate annual Consumer Prices Index.

The cost for the supply of a container grown tree with a full season's growth, planting, staking, mulching and after care is £325 plus VAT.

The cost for the supply of a seat, plaque (if necessary) and installation for a 5-year period is £1,396 plus VAT.

Replacement plaques will be charged at £95 plus VAT.

Requests for minor repair, where it is possible, will be charged at £100 plus VAT and plaque retouching at £20 plus VAT.

6 Complaints

Any complaints relating to the implementation of this policy will be dealt with through the Council's Complaints Procedure.

7 Application Process

Applications must be made in person/by post to Mid Devon District Council, Phoenix House, Tiverton, EX16 6PP.

8 Review Period

This policy will be reviewed every three years.

This document, which is owned by the Property Services Team, forms part of the Council's Parks and Open Space Management Policy framework and, as such, must be fully complied with.



Report for:	Service Delivery & Continuous Improvement PDG
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Date of Meeting:	15 September 2025
Subject:	Bin-It 123 – The future and the potential to add additional recycling streams
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 considers the following:

- The paper builds upon a previous report presented to the Service Delivery and Continuous Improvement PDG in December 2024 where Members were presented various options to consider regarding potential extra service provision. This paper sets out potential future recycling collections that are being considered for implementation and how these best be considered in terms of their operational and cost implication, especially alongside the current depot reconfiguration which needs completing by June 2026.
- The paper reviews the progress made to date by Bin-It 123 and considers the key elements of the next strategic phase that are necessary to maximise recycling rates as well as increase resident engagement and support.

Recommendation(s):

- 1. To review the contents of this report.**
- 2. Make recommendations for Cabinet to approve the below strategy regarding reinvigorating resident awareness and participation with the Bin-It 123 scheme, as well as consider which potential additional recycling collections that would be a priority for the Council.**

Section 2 – Report

1.0 Introduction

- 1.1 A report was presented earlier this year with recommendations to both the Service Delivery and Continuous Improvement (SDCI) PDG and Cabinet on the feasibility of various potential recycling initiatives which included a trial of collecting unusable metal pots and pans in the District. This was completed and subsequently recommended by both the SDCI PDG and Cabinet to implement future collections across the District, which will commence this Autumn.
- 1.2 In July 2021 a trial of three weekly waste collections was completed in both rural and urban areas of the District. This proved that three weekly waste collections were feasible, but also that education and communication were vital to helping secure resident engagement and support.
- 1.3 The decision to progress to three weekly waste collections was taken to commence from October 2022. This decision had the provision that additional side waste be collected for a substantive transitional period to allow residents time to become accustomed to the new scheme.
- 1.4 Following the election of the current administration in May 2023, the decision was taken to cease the collection of ‘side waste’ from waste collections in February 2024. This involved; targeted communications to raise awareness of the importance of recycling, using social media to explain the purpose and benefit of our collections and organising site tours for all Parish and Town representatives.
- 1.5 Between 01 April 2023 and 31 March 2024, Mid Devon were in the top 5% nationally for our recycling rate and lowest residual tonnage per household. Mid Devon was recognised by OFLOG for being one of the most improved recycling councils in the country and the council was shortlisted for the prestigious national LGC award in Environmental Services in June 2025.

2.0 Challenges and external influences

- 2.1 As with many of Mid Devon’s national counterparts, there is a need to encourage residents to pay closer attention to recycling. The Council’s

recycling rate dropped in the first quarter of this year from 59.78% to 58.41% compared to the same period last year. The Council is also considering further additional recycling collections alongside the redevelopment of the Carlu depot as it seeks to comply with national Environment Agency regulations.

- 2.2 In addition, the new extended producer responsibility for packaging scheme (pEPR) links funding arrangements with being efficient and effective. The significance of recycling to securing greater future funding makes this objective all the more important. This has come into place for the 2025-26 financial year. At present, Mid Devon has been informed (July 2025) that the anticipated payment value the Council is due to receive is £1.38 million, up from the previous estimate received in November 2024, which was the minimum guaranteed payment of £927k. This was as a result of the Council challenging the original local authority grouping in which Mid Devon was placed, which resulted in the Council being placed in a different grouping including other national authority comparators who have similar net efficient costs associated with collection of household packaging waste.
- 2.3 Although detail is currently light, the UK Emissions Trading Scheme (ETS) is a mechanism for managing the financial cost of reducing carbon emissions between different sectors of the economy. From January 2028, the ETS will be extended to include emissions from the incineration of waste and councils could face significant additional costs arising from this extension.
- 2.4 Regardless of the detail of any new scheme the direction of travel is clear. Local authorities will be financially rewarded for recycling more (while being efficient and effective), with additional costs for processing its residual waste.
- 2.5 There is a need to further review recycling and refuse collections in order to meet our Devon target of a 60% recycling rate by 2025 and the National target of 65% by 2035. Current and future budget provision will need to be considered when thinking through future proposals and how they are delivered.
- 2.6 A key consideration for this paper therefore is what activity and which priorities, both around the strategy to reinvigorate Bin-It 123 but also to increase recycling activity, are the most important.

3.0 Depot Reconfiguration

- 3.1 A Cabinet decision was approved in July 2025 to reconfigure the Carlu depot to ensure that it complies with new Environment Agency regulations due to come into practice in June 2026. After obtaining the necessary planning application, which has now been submitted, an application will be made to vary our site permit, so the collections can be aligned with the new site set up and arrangements.

- 3.2 This application will also include potential new recycling collections that the Council are wishing to trial and potentially implement, including disposable nappies and soft plastics (flexibles). A key purpose of this paper is to capture the future appetite and priorities regarding additional recycling collections and ensure the new site permit allows this activity to be implemented.
- 3.3 In terms of timescales the Council is due to receive the decision on the planning application by the end of 2025 and, if successful in obtaining this permission, will then apply for the new site permit in January 2026. The Council would then be in a position to start piloting new recycling activity in the first quarter of the 2026-27 financial year.

4.0 Reinvigorating focus on Bin-It 123 to increase recycling

There are three key elements to our strategic focus to reinvigorate residents with the importance of recycling; focused communication, enforcement reinforced by robust education and proactive incentivising of residents to increase their own recycling.

4.1 Communication strategy

- 4.1.1 It is vital that there is a clear narrative for residents on the importance of increasing our recycling. In addition to the environment objective of reducing our carbon footprint and meeting our net zero commitment, increased recycling secures further funding for the Council that can be reinvested into our public services (every 100 tonnes of recycling for the District per annum, equates to an additional 2.63kg of recycling per household per annum). Each resident has the opportunity to help benefit their neighbours and community by increasing their own recycling rate.
- 4.1.2 This message is important to secure resident buy in and support for our activities and with further recycling activity, which will be introduced in the future (e.g. collection of non-usable metal pots and pans), the Council will take each opportunity to remind residents of the opportunities that arise from increasing our District recycling rate.
- 4.1.3 The proactive communication steps taken to positively engage residents has been a key component of the Council's implementation of Bin-It 123 and achieving improved recycling rates. In addition to being a key component of reinvigorating the Bin-It 123 strategy outlined above, it will also be important to outline additional recycling activity introduced in the future and how residents both best access and support this new activity.
- 4.1.4 This communication will also give an opportunity to emphasise and reiterate key principles and practice around how our recycling rate can be further increased by residents. This will benefit both our local environment, reduce our carbon footprint but bring more income into the Council which will benefit our key public facing services.

4.2 Enforcement reinforced by robust education

- 4.2.1 The District Officers have an important role to play in helping enforce compliance from residents with Bin-It 123. There has been an increase in surveillance of known District hot spots and the Council is committed to utilising applicable legislation against those households that are consistently not complying with the Bin-It 123 scheme. The importance of environmental enforcement has been raised with Mid Devon by our national colleagues who have asked the service to outline to them both the steps that we already have taken and those we plan to take in the future.
- 4.2.2 A proactive and willing approach to enforce compliance with Bin-It 123 needs to be complimented by robust education. In recent months the Council has employed a team of temporary Recycling Advisers to offer practical advice and guidance to residents on how to increase their recycling. In addition to looking to make this resource a permanent feature of our service, the advice given to residents will stress that compliance with Bin-It 123 is the minimum standard the Council is asking for from residents.

4.3 Proactive incentivising of residents to increase recycling

- 4.3.1 A key component of the strategy around eliminating additional side waste collections was to incentivise and explain to residents the importance of recycling as much material as possible. This included site tours for Parish and Town representatives to explain the waste and recycling pathway but also circulate regular updates to show how different areas of the District were complying with Bin-It 123.
- 4.3.2 Additional steps the service now wish to take include highlighting good practice from residents in areas of the District as well as celebrating excellence in performance and strong individual contributions from households. Ideas include creating a network of community recycling champions to share best practice as well as rewarding occasional examples of excellent resident contribution.

5.0 The Art of the Possible; Future Recycling Collections

There is a natural desire to explore adding additional recycling collections to the permanent recycling collection. Key considerations to make when exploring these themes are the potential impact that an additional recycling collection would have on the overall recycling rate for the District as well as the potential commercial value of products that we may collect and then have to dispose.

5.1 Recycling and collection of nappies

- 5.1.1 A trial collecting disposable nappies was agreed by Cabinet to take place in the District at the January 2025 Cabinet. It subsequently transpired that the depot permit required amending to allow disposable nappies to be collected in the recycling.

- 5.1.2 As previously reported, 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 offer a free trial.
- 5.1.3 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 (AHPs) 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.
- 5.1.4 This service can currently be provided to all Welsh Local Authorities. Trials are currently taking place in England.
- 5.1.5 The Council's discussions with NappiCycle to pilot a trial would include collecting nappies and AHPs from around 200 eligible properties by the team. They will then be collected from the depot by a contractor from NappiCycle and taken to the Welsh plant for recycling. The cost of the trial will be approximately £4.5K, which includes gate fees, transport to Wales, vehicles, staffing, fuel and materials.
- 5.1.6 Once complete, a full analysis will be presented to Members for consideration, which will include a cost and benefits exercise. Initial information suggests it will cost around £280k per annum to roll this scheme out fully into the District (should it be so desired following the pilot). This would offset approximately 1,000 tonnes of nappies and AHPs from the residual waste stream from around 3,500 properties. This equates to around 4 million nappies collected per year.

5.2 Recycling and collection of flexible plastics

- 5.2.1 Government have mandated the collection of soft plastics (flexibles) by all local authorities from March 2027. There is no current detail on how this is going to be achieved and whether new burdens will pay for this.
- 5.2.2 Currently soft plastics can be taken to supermarkets in the District, which is supported by the FlexCollect scheme. The UK Plastics Pact Roadmap for 2025 includes the following takeaways for the supply chain; as far as possible, flexible plastic packaging needs to be designed to be recycled using existing infrastructure, collecting flexible plastic packaging in the longer term needs to happen directly from households in order to capture the maximum amount of material. The timing of this future collection is dependent on the outcome of ongoing Government consultation.

- 5.2.3 There is an existing network of collection points at supermarkets with a plan for the number of collection points to increase, with all adopting a consistent approach to accepting all types of bags and wrapping. Citizens wish to be able to recycle, with 26% currently willing to use supermarket collection points. Future work will be undertaken to understand and implement the best methods to collect (from kerbside) soft flexible plastic packaging.
- 5.2.4 Significant investment will also be required regarding the flexible plastic packaging and recycling infrastructure. Further end markets outside of food packaging will be required to make this work with collaboration across the whole value chain being needed to make this work.
- 5.2.3 As previously highlighted, points for future consideration would include how the product will be collected along with the potential volume of the 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 one used for paper or it would need to be collected with plastic and cans, then manually separated by additional depot staff.

5.3 Recycling and collection of coffee pods

- 5.3.1 As has previously been reported, focus for the Podback scheme was via posted returns of coffee pods, supermarkets and high street coffee shops (pick up and drop off) and the use of Household Waste Recycling Centres as disposal points, which are currently being supported by Podback. One supermarket chain has begun rolling the scheme out across all its 350 stores, including Tiverton. Podback have said they have collected 10 million pods from the supermarket so far in 2025, equating to 197 tonnes. Another supermarket chain has partnered with Podback to provide convenient ways to recycle their used coffee pods in over 600 of its stores and there are talks of expanding this to other supermarkets.
- 5.3.2 Podback has installed 200 drop-off points at Household Waste and Recycling Centres across the UK, now serving 30% of UK households. These allow residents to bring pods in any container and deposit them loose into designated bins.
- 5.3.3 Podback have also said that, plastic and aluminium pods are recycled in the UK. The coffee grounds are transformed by anaerobic digestion into renewable energy and soil improver, with the aluminium and plastic from the used pods being used in the manufacture of products such as drinks cans, building products and industrial packaging.
- 5.3.4 A pilot would not be able to be completed until after the roll out of collecting pots and pans due to the limited storage space on the waste and recycling vehicles, as one option would be to utilise the same stillage as that for collecting textiles, small WEEE and now pots and pans. Collecting using the existing fleet would minimise costs. The service with Podback is designed to be cost neutral and no income would be received, but the scheme would

divert coffee pods from being disposed in the waste stream and marginally increase recycling rates.

5.4 Promoting other recyclables

- 5.4.1 Following some background work completed by one of the Members, the Street Scene service will update the MDDC website to include details where residents can take their used medicinal blister packs to be recycled, both empty and with tablets. This includes empty blister packs being returned to all Superdrug stores that have a pharmacy and to some Boots stores including Tiverton.
- 5.4.2 Toothpaste tubes can now be recycled as manufacturers have moved towards plastic only tubes rather than layered plastic and foil tubes as previously used as packaging (this involves a simple check that it says 'recyclable' on the tube).
- 5.4.3 Not everyone is aware that many bathroom and kitchen products can also be recycled including the cardboard toilet roll tubes, shampoo bottles, shaving bottles and cleaning bottles, which will be included in future communication plans.

6.0 Conclusion

- 6.1 Members are asked to note the contents of this report and prioritise potential future recycling streams to be explored once the site permit has been obtained for the future site reconfiguration. Consideration needs to be given to which streams will help further increase our recycling rate and analysis on costs, as well as the all-important reinvigoration of Bin-It 123 and accompanying strategy.
- 6.2 The contents of this report need to be carefully considered alongside the numerous government initiatives e.g. pEPR, ETS, Simpler Recycling, Environment Agency regulations, food waste funding, etc, that need to be implemented. However, building on the significant progress made by the service to ensure it continues to be one of the highest performing national authorities remains a key Council priority objective.
- 6.3 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.

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 this current time. At present this is difficult to determine due to the constant variations in market values.

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.

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. Consideration will need to be sought regarding a potential bin levy and the impact for those in receipt of Council Tax Reductions

Relationship to Corporate Plan

This report identifies with the Service Delivery and Continuous Improvement section of the Corporate Plan for 2024-2028, and in particular 5.2 – *We will increase our recycling services, enabling our communities to achieve even higher levels of recycling.* Supporting and enabling customers to recycle and reduce residual waste contributes to Mid Devon District Councils' commitment to the Devon Climate Emergency.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 2.9.25

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 2.9.25

Chief Officer: Andrew Jarrett

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

Date: 2.9.25

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 29/08/2025

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:

5.1 [Nappies - Recycle Devon](#)

5.1 [Local Authorities – NappiCycle](#)

5.2.1 [Household collections — Flexible Plastic Fund](#)

5.2.2 [Creating-a-circular-economy-for-flexible-plastic-packaging-Roadmap-2025-v2May21_0.pdf](#)

5.3.1 [Podback](#)

5.4.1 [Recycling medicine packaging and blister packs: everything you need to know | Recycle Now](#)

5.4.1 [Waste & Recycling | Environmental, Social, & Governance | Superdrug](#)

Report for: Service Delivery and Continuous Improvement PDG

Date of Meeting:	15 September 2025
Subject:	Quarter 1 Environment and Enforcement Performance Report
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvement
Responsible Officer:	Luke Howard, Environment and Enforcement Manager Matthew Page, Head of Performance, People and Waste
Exempt:	N/A
Wards Affected:	N/A
Enclosures:	None

Section 1 – Summary and Recommendation(s)

This report provides a quarterly update on key environment enforcement performance data including fly tipping, littering, PSPO and the issuing of FPNs. It also gives a brief summary of Car Parking performance and the issuing of PCNs.

Recommendation(s):

Report is for noting only.

Section 2 – Report

- 1.0 This report provides an overview of the Environment and Enforcement service performance during quarter 1 (Q1) of the 2025/26 financial year.
- 1.1 The Environment and Enforcement service have been successful in alleviating challenging waste issues within certain problematic locations in Tiverton. The service has undertaken evening patrols within these areas of

concern with the intention of talking to offenders directly and where appropriate, administering enforcement action.

- 1.2 The service has proactively dealt with instances of residents not complying with the Bin-It 123 scheme by leaving out waste for collection in black bags through littering Fixed Penalty Notices (FPN). Through cross service working with the Street Cleansing service, the service has been able to identify offenders through evidence found in waste and have taken appropriate enforcement action via a FPN sent through the post. This approach allows officer time to be used to manage other matters of enviro crime.
- 1.3 During Q1, the service has seen an increase with regard to stray dogs. This has led to the team successfully rehoming or reuniting six dogs with their owners. The working relationship with the Dogs Trust and other rehoming organisations has allowed the team to successfully rehome animals with no owner.

2.0 Car Parking

- 2.1 Q1 has seen strong user uptake at our car parks. Many of the Council's town centre car parks are now providing electric charging stations with work being undertaken to identify additional locations in the future.
- 2.2 The service continues to work with the Consultative Car Parking Group regarding tariffs. A further report will be provided to Cabinet on proposals regarding future parking and permit arrangements that include representations from all communities in the District.

2.3 Car Parking Income Q1

	Machine	Ringo	Total Inc. VAT
Q1 25/26	£142,183.05	£112,581.20	£254,764.25
Q1 24/25	£146,940.35	£97,772.00	£244,712.35

2.4 Penalty Charge Notice Issuance

Q1 (Apr-Jun)	2020	2021	2022	2023	2024	2025
PCNs issued	1	466	447	682	715	734

3.0 Environmental Enforcement

- 3.1 Q1 saw a reduced number of fly tipping reports compared to the same period last year. This shows a positive trend in people disposing of their waste in a responsible manner.
- 3.2 The service is working with Devon and Cornwall Police and the Clean Devon Partnership on holding a local event to highlight the impacts of fly tipping on urban and rural communities. The event will also look to educate people on how they can ensure waste disposal companies hold the correct licenses.

3.3 Performance Statistics Environmental Enforcement

Q1	2024/25	2025/26
Patrols Conducted	76	74
FPNs Issued	26	16
Dog Fouling/PSPO	1	1
Littering	16	15
Fly Tipping	3	0
Abandoned Vehicle	6	0

3.5 Fly Tipping Statistics

Fly tip	Apr	May	Jun
2024/25	43	40	45
2025/26	45	26	25
Difference (+/-)	2	-14	-20

3.6 Abandoned Vehicle Statistics

Total reported	62
Not abandoned/gone	39
Action required	23
Moved by owner after notice	21
Removed by MDDC	2
Fixed Penalty Notices issued	0
Outstanding reports	0

Financial Implications

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

Legal Implications

The Authority has a statutory responsibility to undertake 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 the Corporate Plan to reduce 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 Officer

Date: 2.9.25

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 2.9.25

Chief Officer: Andrew Jarrett

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

Date: 2.9.25

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 29/08/2025

Cabinet member notified: (yes)

Section 4 - Contact Details and Background Papers

Contact: Luke Howard, Environment Enforcement Manager

Email: LHoward@middevon.gov.uk

Background papers: None

Report for:	Service Delivery and Continuous Improvement PDG
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Date of Meeting:	15 September 2025
Subject:	Public Spaces Protection Order – Alcohol Prohibition, Crediton Town.
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvement
Responsible Officer:	Luke Howard, Environment and Enforcement Manager
	Matthew Page, Head of People, Performance and Waste
Exempt:	N/A
Wards Affected:	Crediton Boniface and Crediton Lawrence
Enclosures:	Appendix 1 – Proposed Public Spaces Protection Order
	Appendix 2 – Map of proposed alcohol prohibition within Crediton

Section 1 – Summary and Recommendation(s)

- (1) For the Service Delivery and Continuous Improvement PDG to consider recommending that Cabinet considers issuing a Public Spaces Protection Order under the powers given to the Council by the Anti-Social Behaviour, Crime and Policing Act 2014 to tackle anti-social behaviour associated with public consumption of alcohol in Crediton Town Centre. The proposed Public Spaces Protection Order (the “Crediton Order”), can be found at Appendix 1 of this report, prohibiting the consumption of alcohol in areas located in Crediton Town Centre as highlighted in the plan at Appendix 2.
- (2) The process of issuing a Public Spaces Protection Order involves statutory consultation, publicity and notification of the order itself.

- (3) Delegated authority is sought for: a) to carry out the statutory processes and b) to consider whether to issue the order in the light of the statutory consultation responses.

Recommendations

That the Service Delivery and Continuous Improvement PDG considers recommending to Cabinet that they make the following resolutions:

- 1. On being satisfied that the statutory grounds for making the Crediton Order are met, the Cabinet to authorise the Operations Manager for Street Scene and Open Spaces to carry out the necessary statutory consultation, publicity and notification for the proposed Crediton Order.**
- 2. The Cabinet to grant delegated authority to the Director of Legal, HR & Governance (Monitoring Officer) to draft the Crediton Order to go out to consultation.**
- 3. The Cabinet to grant delegated authority to the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for Service Delivery and Continuous Improvement, to then:**
 - consider the responses to the necessary consultation, publicity and notification**
 - decide, in light of the responses received to the consultation, whether to not proceed with the order if there are numerous material objections, or to authorise the Director of Legal, HR and Governance (Monitoring Officer) to seal the order**
 - authorise the Director of Legal HR and Governance (Monitoring Officer) to make any minor amendments to the draft of the Crediton Order prior to sealing**

Section 2 – Report

1.0 Introduction

- 1.1 Under the Anti-Social Behaviour, Crime and Policing Act 2014 (2014 Act), councils can make a Public Spaces Protection Order (PSPO) after consultation with the Police, the Police and Crime Commissioner, the owner or occupier of land in the restricted area and other community representatives as they see fit to consult.**
- 1.2 PSPOs are designed to stop individuals or groups committing anti-social behaviour in a public space. In a PSPO, a council can set the restrictions and requirements it wants in a public space. These can be blanket restrictions or requirements, or alternatively can be targeted against certain behaviours by certain groups at certain times. A PSPO can restrict**

access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour. PSPOs can be enforced by a police officer and authorised council officers.

1.3 A local authority can only make a PSPO in its own area if it is satisfied on reasonable grounds that the behaviour being restricted is:

- having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
- be persistent or continuing in nature; and
- be unreasonable

1.4 A PSPO can last for a period of up to three years. Orders may also be varied or discharged by the local authority at any time during their validity.

1.5 Before making a PSPO, a local authority must observe certain "necessary" consultation, publicity and notification requirements.

1.6 Local authorities must openly and publicly consult with:

- The chief officer of police, and the local policing body, for the police area that includes the restricted area
- Any community representatives the local authority considers it appropriate to consult with
- Where practicable the owner or occupier of land within the restricted area. This should include the relevant county council where they are the Highway Authority

1.7 Local authorities must notify the following authorities of a proposed PSPO:

- The parish council or community council (if any) for the area that includes the restricted area
- Where the PSPO is made, or will be made by a District Council in England, the County Council (if any) for the area that includes the restricted area

1.8 There are also publicity requirements that have to be complied with when making a PSPO.

1.9 Failure to comply with a PSPO prohibition or requirement is normally an offence. However, consuming alcohol in breach of a PSPO is not an offence as such. Instead a Constable, PCSO or authorised person who reasonably believes that a person is consuming (or intends to consume) alcohol in breach of the PSPO has the power to require them not to consume the alcohol and/or to surrender anything in their possession which they reasonably believe to either be alcohol or a container for alcohol. A failure to comply is an offence, which on summary conviction attracts a fine not exceeding level 2 on the standard scale (currently

£500). Offences may also be disposed of by way of a fixed penalty notice of up to £100, payable to the local authority.

2.0 The Proposed Crediton Order

- 2.1 The proposed Crediton Order, contained at Appendix 1, prohibits alcohol consumption taking place within Public Spaces in the roads and areas located in Crediton Town centre as shown on the plan at Appendix 2 of this report.
- 2.2 A Public Space is land 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.
- 2.3 Prohibitions on alcohol consumption in the Crediton PSPO will not apply to any part of a licensed premises, including beer gardens and terraces, with the expectation that the management of those premises will control the consumption of alcohol within the curtilage of their premises, under threat of a licence review if they failed to do so. Public spaces which are licensed for the sale of alcohol (e.g. parks licensed for events) are also exempted at times when alcohol is being lawfully sold there.

3.0 Reasons for Recommendations

- 3.1 Since the 10 September 2023 Devon and Cornwall Police have recorded twenty seven incidents reported directly to them regarding anti-social behaviour experienced by members of the public from street drinkers.
- 3.2 Of these reports, twenty five date from March 2024 to November 2024, when the last data set was generated. This indicates a significant rise in ASB from street drinkers within the area over the course of nine months.
- 3.3 The local neighbourhood Policing team have specifically requested we introduce this PSPO as an extension of their current powers. It is felt this will enable them to better disperse street drinkers and take swift and appropriate action against non-compliance.
- 3.4 The majority of these ASB incidents have taken place in the proposed alcohol prohibition area (see Appendix 2 plan).

4.0 Consultation and publicity

- 4.1 It is proposed to consult with:
 - Crediton Town Council
 - Sector inspector Mid Devon representing Devon and Cornwall Police as delegate for Chief Officer
 - Police and Crime Commissioner
 - Relevant town and District elected members
 - Devon County Council
 - Chamber of commerce for Crediton

- The owners of the land affected

5.0 Other Legal Considerations

5.1 The Council is required to have regard to the European Convention on Human Rights and in particular Articles 10 and 11. In deciding whether to make the Crediton Order, 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 2014 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 These qualified rights may be legitimately interfered with in the interests of public safety, the prevention of crime and disorder and in accordance with the law. When considering whether to proceed with the Crediton PSPO the

Council must balance the rights and freedoms of individuals against the needs of the wider community. Officers consider that subject to consultation the balance is in favour of making the Crediton PSPO as the wider community will benefit significantly from the protection of the Crediton PSPO and there will only be a relatively limited interference with individuals' rights and freedoms.

6.0 Conclusion

- 6.1 Officers believe that there are reasonable grounds to suggest that incidents of anti-social public consumption of alcohol in the areas identified 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 in the Crediton town centre.
- 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 group, and the adverse impact this is having on the public, justify the imposing of the restrictions as proposed in the Crediton Order.

Financial Implications

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

Legal Implications

The statutory test considers the impact of the activity on the grounds that it has Have had, or be likely to have, a detrimental effect on the quality of life of those in the locality; Be persistent or continuing in nature; Be unreasonable; and Justify the restrictions imposed by the notice. It is believed the proposals fulfil this test and current behaviours are having a detrimental effect on the quality of life within the area in a persistent and continuing nature. It is not believed the prohibition of alcohol is unreasonable within the scope of this proposal and it is justified as a means to extend Policing powers to manage the issues.

Risk Assessment

All enforcement of this order will be an extension of Policing powers. This report does not propose to utilise officer time for enforcement. The Council is a conduit for the implementation of the legislation.

Impact on Climate Change

This report is not considered to have any bearing on climate change or climate impact.

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 Crediton Public Space Protection Order

Relationship to Corporate Plan

This report aims to tackle issues relating to specific ASB concerns. This aligns with the corporate plan to create safer environments for communities to live in.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 4.9.25

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 4.9.25

Chief Officer: Andrew Jarrett

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

Date: 4.9.25

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 05.09.2025

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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The Mid Devon (Crediton Alcohol Prohibition) Public Spaces Protection Order 2025

1. Mid Devon District Council (the “Council”) in exercise of its powers under section 59 and 72 of the Anti-Social Behaviour Crime and Policing Act 2014 (the “Act”) hereby makes this Order.
2. This order shall be cited as the “Mid Devon (Crediton Alcohol Prohibition) Public Spaces Protection Order 2025.
3. This Order comes into force on the day of for a period of three years.

Definitions and Interpretations

4. In the following provisions of this Order the following terms shall have the meanings hereby respectively ascribed to them:-

“Authorised Officer” means a person authorised in writing by the Council to enforce this Order”

“Plan” means the plan attached to this order

“Crediton Town Centre Land” means all the land within the land shown edged red on the Plan 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.

“PCSO” means a Police community support officer

Prohibition in relation to alcohol consumption

5. The consumption of alcohol is prohibited within Crediton Town Centre Land.

Offences and Penalties

6. A Police Constable, PCSO or Authorised Person who reasonably believes that a person is consuming (or intends to consume) alcohol whilst present within the Crediton Town Centre Land has the power to require them:
 - a) not consume the alcohol or anything they believe to be alcohol in breach of this Order; and/or
 - b) to surrender anything in their possession which they reasonably believe to be alcohol or a container for alcohol. This can then be disposed of in whatever way is deemed appropriate.
7. For this power to be valid, the Police Constable PCSO or Authorised Person must:

- a) Inform the person that a failure to comply with a requirement (without reasonable excuse) will be an offence.
 - b) Show evidence of their authorisation if asked to do so.
8. A person who fails without reasonable excuse to comply with a requirement imposed on him or her by Police Constable PCSO or Authorised Person given under article 6 of this Order is an offence, which on summary conviction attracts a fine not exceeding level 2 on the standard scale.
9. A Fixed Penalty Notice may be issued by an Authorised Officer PCSO or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100.00. Payment of the Fixed Penalty of £50.00 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

Exemptions

10. Nothing in this Order shall apply to —
- (a) Premises authorised by a premises licence to be used for the supply of alcohol;
 - (b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) A place within the curtilage of premises within paragraph (a) or (b);
 - (d) Premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
 - (e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115 of the Highways Act 1980 (highway related issues);
 - (f) Council-operated licensed premises or land when the premises or land are being used for the supply of alcohol, or within 30 minutes of the end of the period during which the premises have been used for the supply of alcohol.

Reasons for the Order

11. The Council is satisfied that the two conditions below have been met, in that:
- (1) Activities of consumption of alcohol carried on in the Crediton Town Centre Land have had a detrimental effect on the quality of life in that area, or it is likely that these activities will be carried on in the Crediton Town Centre Land and they will have such an effect;
 - 2) The effect, or likely effect, of the said activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

Appeals

12. Any challenge to this Order must be made at the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with. When an application is made, the High Court can decide to suspend the operation Of the Order pending the Court's decision, in part or in whole. The High Court can uphold, quash or vary the Order.

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50240111662 – NPT ASB – STREET DRINKERS, CREDITON (HIGH STREET AND SURROUNDING LOCATIONS) – PSPO REVIEW Suggested area that PSPO would cover shown, based on previous reports of ASB.

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Report for: Service Delivery & Continuous Improvement PDG

Date of Meeting:	15 September 2025
Subject:	Public Spaces Protection Order – Dog Control
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvement
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, Silverton

Section 1 – Summary and Recommendation(s)

1. The Service Delivery and Continuous Improvement PDG consider recommending to Cabinet that they authorise commencement of statutory procedures (including consultation) to vary by order the Mid Devon (Public Spaces Protection) (Dog Control) Order 2024 and to delegate authority to decide whether to make the order of variation after consultation has taken place.
2. The Service Delivery and Continuous Improvement PDG consider recommending to Cabinet that they grant a general delegation to the Cabinet Member for Service Delivery and Continuous Improvement for all other future variations of the Mid Devon (Public Spaces Protection) (Dog Control) Order 2024.

Recommendation(s):

The Service Delivery and Continuous Improvement PDG consider the contents of this report and recommend to Cabinet that they make the following resolutions:

1. On being satisfied that the statutory grounds for varying the Mid Devon (Public Spaces Protection) (Dog Control) Order 2024 (“the Dog Control PSPO ”) are met, as detailed in the Report, to allow Officers to commence statutory consultation for the following:
2. To vary the Dog Control PSPO by including the prohibition that dogs are excluded from the area known as the recreation ground Silverton (as shown on the plan at Appendix 1). Delegated Authority to be granted to the Director of Legal, HR & Governance (Monitoring Officer) to draft the necessary order varying the Dog Control PSPO that can then go out to consultation.
3. The Cabinet consider granting delegated authority to the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for Service Delivery and Continuous Improvement etc. to:
 - consider the responses to the necessary consultation, publicity and notification
 - decide whether to refer the matter back to Cabinet for a decision or to decide in the light of the responses received whether to make the Variation Order and to authorise the Director of Legal, HR and Governance (Monitoring Officer) to seal the order
 - authorise, if it is considered appropriate, the Director of Legal, HR and Governance (Monitoring Officer) to make any minor amendments to the draft of the variation order prior to sealing the variation order
4. That a general delegation be made to the Cabinet Member for Service Delivery and Continuous Improvement to decide any further future variations to the Dog Control PSPO proposed by the Operations Manager for Street Scene and Open Spaces following the necessary statutory consultation, publicity and notification requirements for future PSPOs.
5. Delegation to be given to the Director of Legal, HR and Governance (Monitoring Officer) to make orders of variation, following decisions from the Cabinet Member for Service Delivery and Continuous Improvement.

Section 2 – Report

1.0 Introduction

- 1.1 The Council’s Dog Control PSPO was extended on the 7 October 2024.

- 1.2 The Dog Control PSPO is an example of a Public Spaces Protection Order. A Public Spaces Protection Order (PSPO), 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 £1000.
- 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 Silverton Parish Council requests that the dog Control PSPO is varied to exclude the dogs from the "Recreation Ground – Silverton" (aka "Community Area").
- 1.7 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).
- 1.8 The first condition is that:
- a) activities carried out 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 out in the new area and that they will have such an effect.
- 1.9 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 a certain area such as play areas
- 4. A limit on the number of dogs walked at a time by one person

2.2 Public Spaces

- 2.3 A PSPO can only apply to a Public Space. 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.

2.4 Exclusion of dogs

Silverton Parish Council requests that dogs be excluded from the recreation ground identified in Appendix 1, due to problems with dogs.

2.5 Exemptions

- 2.6 An Offence 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; freedom from 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 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.
- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 A check of the websites of Devon District Councils, as well as the Plymouth City Unitary Council, reveal widespread adoption of the control of dogs by PSPOs.
- 3.10 It is 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
- 3.11 Examples of where dogs can run freely are :
- Beacon Park, Crediton
Bluebell Avenue, Tiverton
Cottery 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

- 3.12 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 faeces and urine from dogs. 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 far more severe than for an adult.
- 3.13 Silverton recreation area is predominantly used for different types of sport and recreation. The parish council have reported issues in relation to dogs running freely and fouling on the pitch with owners not being responsible in clearing the mess up. This has created issues for both sport matches and training. It is therefore recommended that dogs are not permitted on the recreation ground to prevent these issues from occurring.

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:

Silverton Parish Council
MDDC Councillors

4.6 Publicity and publication

- 4.7 The Council must publish the text of the proposed order varying the Dog Control PSPO.

5.0 Other Legal Considerations

- 5.1 In deciding whether to 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 varying the Dog Control PSPO does not unnecessarily interfere with lawful and legitimate activity.
- 5.6 It is submitted that in 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 General Delegation

- 6.1 A general delegation is sought for any other future variations. It is proposed that future variations be delegated to the Cabinet Member for Service Delivery and Continuous Improvement.
- 6.2 The purpose for this delegation is to expedite requests for variations by Parish and Town Councils. This would enable minor variations for land to be included/excluded within the order without the need to refer to Cabinet for the decision.
- 6.3 The Cabinet Member for Service Delivery and Continuous Improvement in consultation with the Operations Manager for Street Scene and Open Spaces will need to ensure the statutory test is met, as highlighted in paragraphs 1.8 and 1.9 of this report.
- 6.4 The Cabinet Member for Service Delivery and Continuous Improvement will also need to ensure under this delegation that the statutory consultation is undertaken with the relevant identified parties prior to exercising their delegated powers.

7. Conclusion

- 7.1 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 of the recreational ground in Silverton.
- 7.2 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 this report.

Financial Implications

Whilst a consequence of enforcement may be an increase in Fixed Penalty Notices, 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.

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 Officer

Date: 4.9.25

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 4.9.25

Chief Officer: Andrew Jarrett

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

Date: 4.9.25

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 05.09.2025

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

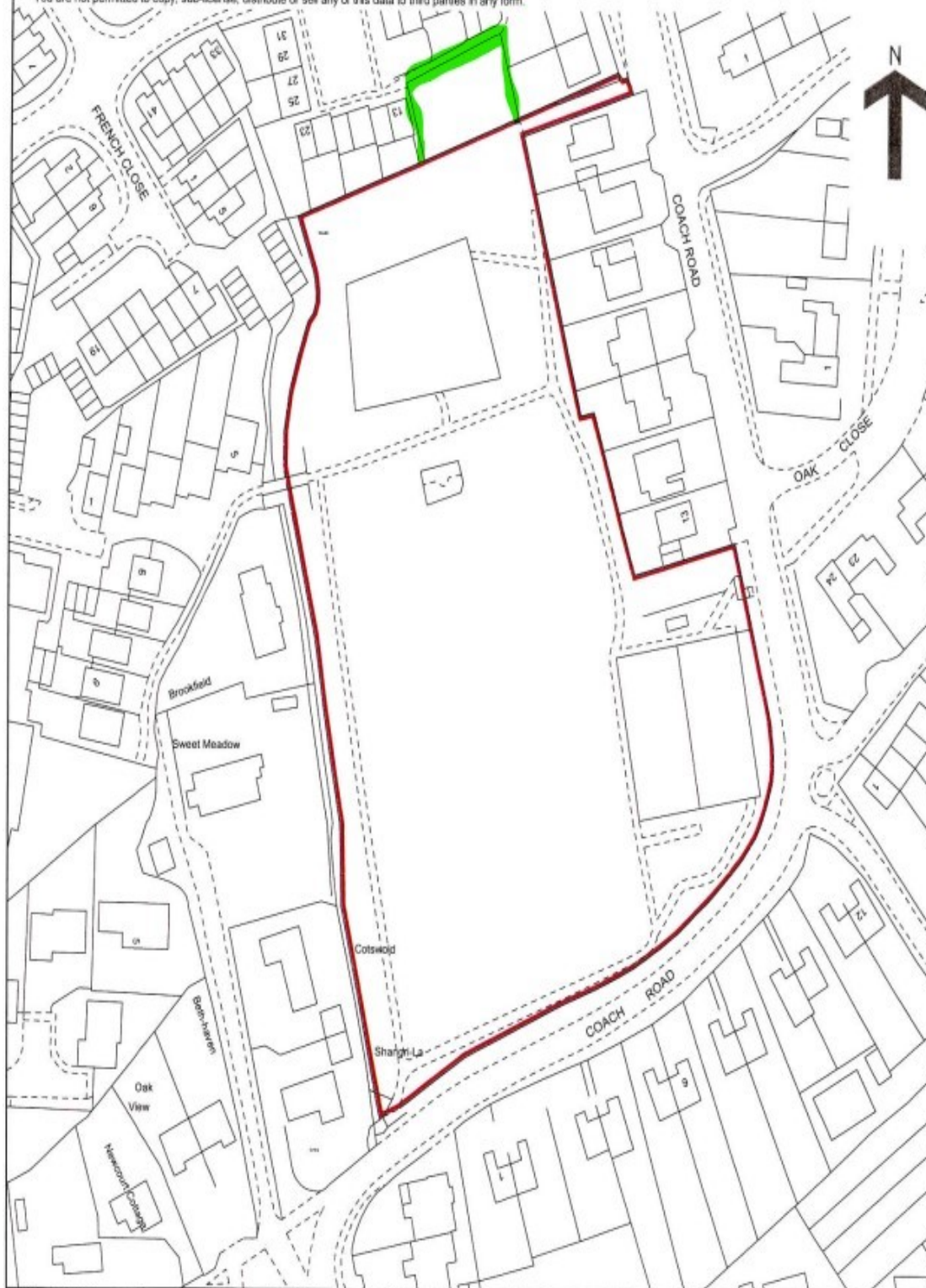
Background papers: None

HM Land Registry
Official copy of
title plan

Title number **DN692915**
Ordnance Survey map reference **SS9503SE**
Scale **1:1250** enlarged from 1:2500
Administrative area **Devon: Mid Devon**



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This official copy issued on 1 March 2018 shows the state of this title plan on 1 March 2018 at 09:14:04.

It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale.

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