

Public Document Pack

Mid Devon District Council

Cabinet

Thursday, 22 October 2015 at 2.15 pm
Phoenix House

Next ordinary meeting
Thursday, 19 November 2015 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr C J Eginton	Leader
Cllr R J Chesterton	Deputy Leader and Planning and Economic Regeneration
Cllr N V Davey	Environment
Cllr P H D Hare-Scott	Finance
Cllr C R Slade	Community Well Being
Cllr Mrs M E Squires	Working Environment and Support Services
Cllr R L Stanley	Housing

A G E N D A

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

1. **Apologies**
To receive any apologies for absence.
2. **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
3. **Minutes of the Previous Meeting** (Pages 7 - 10)
To receive the minutes of the meeting of 24 September 2015 (attached)
4. **Waste Education and Enforcement Policy** (Pages 11 - 26)
Arising from a report of the Head of Finance, the Managing the Environment Policy Development Group had recommended that Council approve the following:
 - a) That the Waste and Recycling Enforcement Policy be adopted, subject to the following amendments:
 - i) Waste and recycling should not be put out for collection any

- earlier than 6.00pm the evening before collection and no later than 6.00am on the morning of collection;
 - ii) Cut flowers and house plants could be disposed of in the blue food waste container;
 - iii) Removal of the statement that waste could be put out for collection in 'black sacks provided by the council'.
 - b) That the level of Fixed Penalty Notice for not recycling be set at £75 with a reduction to £50, if paid within 14 days and where fixed penalty notices were not paid prosecution would be pursued
 - c) That power to serve s46 Environmental Protection Act Notices be delegated to the Head of Finance.
- 5. **Asbestos Management Plan 2015** *(Pages 27 - 74)*
 Arising from a report of the Head of Housing and Property Services; the Decent and Affordable Homes Policy Development Group, had recommended that:
 - a) The revised Corporate Asbestos Policy be approved; and
 - b) The revised Asbestos Management Plan be approved.
- 6. **Draft Housing Strategy 2015-2020** *(Pages 75 - 122)*
 Arising from a report of the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the Cabinet agree to the draft Housing Strategy being sent out for consultation.
- 7. **Regulation of Investigatory Powers Act 2000, RIPA Policy and Procedures** *(Pages 123 - 136)*
 Arising from a report of the Head of Communities and Governance, the Community Well-Being Policy Development Group had recommended that the updated RIPA policy be approved.
- 8. **Declaration on Tobacco Control** *(Pages 137 - 144)*
 Arising from a report of the Public Health and Professional Services Manager, the Community Well-Being Policy Development Group had recommended that the principle of tobacco control be supported and that this Council sign the Local Government Declaration on Tobacco Control.
- 9. **Local Development Scheme and Local Plan Review Update** *(Pages 145 - 152)*
 To receive a report of the Head of Planning and Regeneration proposing a revised timetable for the review of the Local Plan in the Local Development Scheme (LDS) for Mid Devon and to seek funding approval for additional technical work to inform the submission document.
- 10. **Review of the Article 4 Direction for Cullompton** *(Pages 153 - 218)*

To receive a report of the Head of Planning and Regeneration regarding the outcomes of the review of the Article 4 Direction in Cullompton.

11. **Medium Term Financial Plan** (Pages 219 - 234)

To receive a report of the Head of Finance producing an updated Medium Term Financial Strategy (MTFS) which takes account of the Council's key strategies (i.e. Service Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrates it has the financial resources to deliver the Corporate Plan. Included within this over- arching strategy is a Medium Term Financial Plan (MTFP) which models potential changes in funding levels, new initiatives, unavoidable costs and proposed service savings.

12. **Half Yearly Investment Performance and Review of Treasury Management Strategy** (Pages 235 - 240)

To receive a report of the Head of Finance informing Members of the treasury performance during the first six months of 2015/16 and requesting agreement on the ongoing deposit strategy for the remainder of 2015/16 and a review of compliance with key Treasury and Prudential Limits for 15/16.

13. **Financial Monitoring** (Pages 241 - 258)

To receive a report of the Head of Finance requesting the Cabinet to note the financial monitoring information for the income and expenditure so far for the 2015/16 financial year.

14. **Schedule of Meetings 2016/17** (Pages 259 - 260)

To consider the attached schedule of meetings (for Council approval) for the next municipal year.

15. **Cabinet Member - Individual Decision**

To inform the Cabinet that the following decision has been made by the Cabinet Member for Planning and Economic Regeneration:

To allocate phase two of the High Street Innovation Fund with a pot totalling £40,000

A total of 16 bids were submitted covering Oakford (1 bid), Bampton (1 bid), Cullompton (2 bids), Tiverton (6 bids) and Crediton (6 bids). A staged process was followed to select the proposals to fund and this is outlined in later sections.

That the following bids for High Street Innovation Funding Phase 2 be accepted:

1. Tiverton Museum of Mid Devon Life- £10,000 for a "Tivvy Bumper" sculpture trail. This project would bring footfall into town and also links to tourism.

2. Cullompton Town team - £7,000 for projects of festival development (food and drink festivals in 2016/17, Christmas festival and town summer festival 2016), pop up museum, sheep noticeboards, travel guide aimed at coach parties and interactive display boards for Cullompton Services to bring visitors into town
3. Bampton Business Group - £1,275 for producing the Bampton Business Guide. This funding will focus on a centrefold map of the town promoting local businesses on the High Street. The money will also be used to widen the circulation of the guide.
4. Age UK - £5,000 for Dementia Accessible Tiverton Project. This project would give Tiverton a Unique selling point and would potentially increase the number of shoppers and visitors to the town
5. Cullompton Farmers Market - £9,500 for a Cullompton Farmers Market community shop, which would benefit shoppers and increase footfall in the High Street by creating a destination shop
6. Crediton Town team – £2,300 for Crediton Flag project 2016. The previous iteration of this project increased footfall/ visitors into the Town
7. Crediton Town team – £1,500 for town entrance signage design project
8. Crediton Town team – £1,500 for a design competition for a canopy for the Town Square
9. Crediton food festival/Crediton Town Team - £1,912 for pop up market stalls for extending the Crediton food festival into the High Street

These bids total to an amount of £39,987. Each bid is subject to an offer agreement and conditions. Should a project fail to be delivered then the monies will be ringfenced to the relevant town. The relevant Economic Development Officer/Town Centre Manager will work with the relevant groups in the towns to redistribute the remaining monies.

16. **Notification of Key Decisions** *(Pages 261 - 270)*
To note the rolling plan containing key decisions.

Kevin Finan
Chief Executive

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 24 September 2015 at 2.15 pm

Present

Councillors

C J Eginton (Leader)
R J Chesterton, P H D Hare-Scott,
C R Slade and R L Stanley

Apologies

Councillor(s)

N V Davey and Mrs M E Squires

Also Present

Councillor(s)

Mrs J Roach and F J Rosamond

Also Present

Officer(s):

Kevin Finan (Chief Executive), Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Liz Reeves (Head of Customer Services) and Sally Gabriel (Member Services Manager)

64. **APOLOGIES**

Apologies were received from Cllrs N V Davey and Mrs M E Squires.

65. **PUBLIC QUESTION TIME**

There were no members of the public present.

66. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were approved as a true record and signed by the Chairman.

67. **COMPLAINTS AND FEEDBACK POLICY (00-01-53)**

The Cabinet had before it a *report of the Head of Customer Services regarding a review of the corporate complaints policy.

The Head of Customer Services outlined the contents of the report stating that a review of the policy took place every 3 years, during 2014/15 a review of the complaints recording and monitoring system had taken place resulting in improvements to internal working practices and customer service. The review also considered the guidance issued by the Local Government Ombudsman. The policy had been updated to include these new working practices.

Consideration was given to:

- Complaints received by email being recorded on specific issues for example planning and environmental health and whether the complaints were being fed into the corporate complaints system. It was suggested that such emails should be marked as an official complaint;
- The mechanism for dealing with vexatious complaints;
- Whether Members complaints were registered;
- Whether there was a 'lessons learnt' procedure following a complaint which may amend a procedure if an issue was highlighted.

RESOLVED that the updated corporate complaints policy be approved.

(Proposed by the Chairman)

Note: *Report previously circulated, copy attached to minutes.

68. **FINANCIAL MONITORING (00-14-44)**

The Cabinet had before it and **NOTED** a *report of the Head of Finance presenting financial monitoring information for the income and expenditure of the 2015/16 financial year.

The Cabinet Member for Finance outlined the contents of the report stating that the forecasted general fund deficit for the current year was £68k, however it was hoped that this could be reduced significantly by the end of the financial year. Income was down at the Exe Valley Leisure Centre but this was being addressed, the Housing Revenue Account was ahead of budget as were the rents and there was a low level of arrears. The Capital Programme showed no overspend but some slippage.

The Cabinet Member for Housing stated that the Government's intention to reduce housing rents by 1% per annum over the next 4 years would have a significant impact on the housing service and would have a knock on effect on negotiations with developers regarding affordable housing. He stated that along with other authorities he continued to lobby local MP's.

Note: *Report previously circulated, copy attached to minutes.

69. **CABINET MEMBERS INDIVIDUAL DECISIONS (00-22-44)**

The Cabinet **NOTED** that the following decisions had been made by Cabinet Members under delegated authority:

a) Cabinet Member for the Environment: Trade Waste and Recycling.

- (i) To increase charges to our Trade waste and recycling customers by 3% to accommodate the increased costs of labour, fuel and consumables and landfill gate fees. The charges will be rounded up to the nearest appropriate amount.
- (ii) To increase the sales price of the 330L Garden King Composter from £18 to £20
- (iii) To reduce the sales price of the black wheeled bins from £39 to £35

- (iv) To offer a 23L litre caddy liner for sale to line the kerbside food caddy – price to be confirmed.
- (v) To charge £5 delivery charge for all purchased containers delivered.

b) Cabinet Member for the Planning and Economic Regeneration: Building Control Charges

- (i) To revise the Scheme for the Recovery of Building Control Charges and Associated Matters.
- (ii) To change the method of publishing the schedule of Building Control charges to restrict easy access to commercially sensitive information by competitors.

c) Cabinet Member for the Environment: Christmas Car Parking

To give free car parking for the three Saturday's in December (5th, 12th and 19th) plus a 4th day (to be decided at the discretion of the town) for the long stay car parks of:

Multi-storey car park, Tiverton

Station Road, Cullompton

St Saviours Way, Crediton

And to provide for the opening of the Multi-storey car park on the 4 Sundays prior to Christmas.

d) Cabinet Member for the Environment: Composters

To increase the sales price of the 220l Garden King Composter to £20 (inclusive of VAT) and to increase the sales price of the 330l Garden King Composter to £25 (inclusive of VAT)

Consideration was given to the sale of garden composters and whether the scheme should cease. It was felt that due to the current changes in the waste service, the option of providing composters could be helpful to local residents.

70. NOTIFICATION OF KEY DECISIONS (00-25-21)

The Cabinet had before it, and **NOTED**, its rolling plan for October containing future key decisions.

Members were informed of the following movements since the publication of the document:

- Play Areas in Mid Devon would move to the November meeting
- Landscape Implications of Wind and Solar Energy Proposals SPD would be discussed in November
- Masterplan – Area B – Tiverton Eastern Urban Extension would not be discussed before November at the earliest
- Housing Strategy would move to March 2016

- Void Policy would move to December
- Economic Development Strategy would move to November
- Supply and Demand Policy would move to December
- An additional proposed decision regarding the acquisition of land for affordable housing had been added to the published plan

Note: * Plan previously circulated, copy attached to minutes.

(The meeting ended at 2.46 pm)

CHAIRMAN

MANAGING THE ENVIRONMENT PDG 22 SEPTEMBER 2015

AGENDA ITEM:

Waste and Recycling Enforcement Policy

Cabinet Member Cllr Neal Davey
Responsible Officer Waste & Transport Manager

Reason for Report: To consider and agree the recommendations for Cabinet on the Waste and Recycling Enforcement Policy for the start of the new Collection Scheme commencing in October 2015.

RECOMMENDATION(S): That the PDG recommends to the Cabinet the following:

1. That the Waste and Recycling Enforcement Policy is adopted
2. That the level of Fixed Penalty Notice for not recycling is set at £75 with a reduction to £50, if paid within 14 days and where fixed penalty notices are not paid prosecution will be pursued
3. That power to serve s46 Environmental Protection Act notices be delegated to the relevant Head of Service or other appropriate Senior Manager.

Relationship to Corporate Plan: Maintaining front line services in the face of the ongoing funding cuts requires the redesign of services to enable them to continue to be affordable.

Financial Implications: The increase in recycling should provide savings but the levels of savings are unknown. Each tonne of waste which is recycled saves the taxpayer over £110 in landfill costs plus any income received from the sale of the material.

It is expected that some level of income will be achieved from the issue of fixed penalty fines. It is not possible at this time to identify what the level of income this will be, but this will be monitored and assumptions built into future years budgets. The level of income from FPNs is not expected to be significant.

Funding of the new Enforcement Officer comes from within existing budgets already approved by Cabinet.

Legal Implications: The legislation/policy implications are set out in the body of the report.

Risk Assessment: Members of the PDG have agreed that, without considering and implementing changes to service delivery, the Council will face the risk that it runs a service that is not affordable or will require deeper cuts to other services to support it. Without the introduction of this policy garden waste could be presented for collection in black sacks by householders once charges are introduced and therefore undermine the affordability of the new scheme.

1.0 Introduction

- 1.1 At the Managing the Environment PDG meetings on 18 November 2014 and 9 June 2015, a list of recommendations were made to the Cabinet regarding the future waste collection scheme which were adopted.
- 1.2 This report is a proposal regarding how enforcement activity in waste and recycling will be introduced and managed including a definitive process for the enforcement of s46 of the Environmental Protection Act 1990 (EPA).
- 1.3 Section 46 of the Environmental Protection Act gives Waste Collection Authorities the power to enforce against householders who present waste material for collection in incorrect receptacles or at a date, time or frequency contrary to that prescribed. The introduction of s46 powers is seen as an important tool in satisfying Council and Residents' aspirations by trying to achieve cleaner greener and safer neighbourhoods as well as being instrumental in enabling the Council to increase its recycling rate.

2.0 Policy

- 2.1 The detailed policy can be seen at Appendix 1.
- 2.2 The policy will allow the Council to monitor waste put out for collection by residents following the introduction of its new scheme. The aim of the policy will be to help educate the public on the new scheme so that as much material can be recycled as possible.
- 2.3 The Council intends to use its powers under s46 of the Environmental Protection Act to assist in achieving high levels of recycling. Although the Act gives the Council power to impose penalties against non-compliance it is the intention of the Council to do this only as a last resort against persistent offenders. The Council will ensure that residents receive relevant information and education before issuing Fixed Penalty Notices or taking prosecutions against residents. The procedure for progressing should it become necessary is laid out in the policy.
- 2.4 The details of the receptacles provided, other acceptable receptacles and collection frequency are set out in a leaflet which will be delivered to all households when the new scheme is rolled out. The details of the types of materials that are accepted in each type of receptacle will also be set out.
- 2.5 In accordance with the requirement of the legislation a notice of intent to adopt the powers under s46 EPA must be communicated to each individual household in the District. This will be done by means of an informal letter. This letter will explain that, with effect from a specific date, it will be compulsory for all households to separate their waste for recycling and present it for collection in the appropriate receptacle on the scheduled date and at the appropriate time. (see Appendix 2) and a process flow chart (see Appendix 3).
- 2.6 **First Offence:** Should it be identified that waste has been presented in the incorrect receptacle, the waste will not be collected at this time and a label attached explaining why. The resident will be contacted (in person or by

posting relevant information to the householder) by a Council Enforcement Officer and offered advice as to how the waste should be correctly presented for. A stage 1 letter will be issued to the resident (see Appendix 4), which is a formalised letter describing in detail how waste should be presented for collection in future. A further copy of the original notice and accompaniments will also be supplied. The resident shall be informed that this will be logged as a first offence and that any further offences, of a similar nature could result in the issuing of a fixed penalty notice. This visit shall be logged by the officer and recorded as a first visit/warning. The Council shall on this occasion remove the waste from the collection point.

- 2.7 **Second Offence:** Should it be identified that waste has been presented in the incorrect receptacle, it will not be collected and a label attached explaining why. A Council Enforcement Officer will contact the resident. On this occasion the officer will visit the resident and repeat the first warning, indicate that this is the second such warning and shall also insist that the resident takes back the waste and represents it in the correct receptacles on the next collection date. A warning will be given that any future offence will result in the issue of a fixed penalty notice. The visit will be logged as a second and final warning and a formal notice under s46 Environmental Protection Act (see Appendix 5) shall be issued to the resident. This document shall be fully compliant with the requirements of the act and will enable the Council to take action to prosecute the resident should it be required.
- 2.8 **Third Offence:** Should it be identified that waste has again been presented in the incorrect receptacle the waste will not be collected and a label attached explaining why. A Council Enforcement Officer will visit the resident. On this occasion the officer will point out that this is the third such visit and on this occasion a fixed penalty notice shall be issued under s47(z)(a) EPA. Failure to pay the penalty within 14 days shall result in the resident being prosecuted by the Council. The resident will again be asked to take back the waste and re-present it correctly for collection on the next collection date. In addition the resident shall be warned that any further offences will result in further fixed penalty notices and/or prosecution via the Magistrates Court that could result upon conviction or a fine of up to £1000.00.
- 2.9 **Fixed Penalty Rate:** Should be initially, set at £75, reduced to £50 if paid within 14 days of issue. The discount period is to encourage settlement at an amount that is sufficient to act as a deterrent to future offences.
- 2.10 **Warning Period:** No warning will remain “live” for longer than six months. Where a resident has previously received a warning and a further warning is required outside of the six-month period, the offence will not be escalated but dealt with as a first offence.

3.0 Enforcement Safeguards

- 3.1 **Assisted Collections:** Residents that currently receive assisted refuse/recycling collections will continue to do so. In some circumstances residents receiving assisted collections do not personally handle their waste; this could be done by a carer. In these circumstances no enforcement action will be taken against an individual and every effort will be made to contact the carer

to convey the correct waste separation requirements. Regardless of the mix of the presented waste, to avoid distress for the resident, all receptacles will be collected.

- 3.2 **Learning Difficulties/non-English speakers:** In situations where the resident has not been able to understand the information that has been supplied regarding the implications of s46 EPA, information will be made available in alternative languages or explained verbally. No enforcement action will be taken against any individual until it is absolutely certain that they have received all the required information in a format that they understand.

4.0 Staffing

- 4.1 One vacant District Officer posts has been recruited to pursue this policy and to assist with the introduction of the new scheme. There are no direct staffing consequences as the result of this report, however, issuing fixed penalty notices for these environmental offences will be new to some staff and we will need to ensure appropriate training is provided before the enforcement activity commences. It will be made abundantly clear to staff that they must not endanger themselves whilst issuing a fixed penalty fine.
- 4.2 It is proposed that all District Officers be trained allowing the Council to direct resource to priority areas as and when required.

Contact for more Information: Stuart Noyce, Waste & Transport Services Manager (01884 244635 snoyce@middevon.gov.uk)

Circulation of the Report: Cllr Neal Davey, Management Team

**MID DEVON DISTRICT COUNCIL
WASTE & RECYCLING ENFORCMENT POLICY
SEPTEMBER 2015**

1. Introduction

Mid Devon District Council has taken the decision to introduce Compulsory Recycling.

Current recycling procedures are a **black** recycling box for paper, glass, tins, cans, household metals, textiles, batteries and for the recently introduced mixed plastics, and a **green** recycling box for cardboard and cartons.

Both of these boxes are collected fortnightly.

From Autumn 2015, there will be a weekly food waste kerbside collection using **blue** food caddies and an opt-in fortnightly chargeable garden waste collection service using a **brown** bin.

One of the purposes of introducing compulsory recycling is to increase our recycling performance and to reduce costs for the Council. This will have a positive effect by reducing the amount of waste, especially garden waste, that goes into landfill, by minimising the impact on the environment and at the same time promoting the waste hierarchy. A noticeable improvement in the cleanliness of the district has been proven in other districts that have also introduced this scheme.

The legislation is aimed at encouraging everybody to use the right containers for the right materials. It is not aimed at those who are already doing the right thing but at those who insist on not recycling.

2. The legislation and offences

Compulsory Recycling legislation falls under the Environmental Protection Act 1990 and in particular Section 46 of this Act.

It would mean that all households in the Mid Devon District Council area will be covered by this section and once the Council has provided householders with separate containers for waste and recycling, householders have a responsibility to ensure that the correct containers are used for the correct materials and are put out on the correct days and at the correct times.

Section 46 gives authorised officers of the Council the ability to investigate those who put out their waste and recycling in the wrong containers, or who leave their waste out on the wrong day, time or frequency contrary to that prescribed by the Council.

3. Penalties and Payments

The presentation of waste for collection in the incorrect containers, on an incorrect day or before or after the prescribed time is an offence, which could result in a fine in the form of a Fixed Penalty Notice for £75.

The fixed penalty notice would be issued under section 47(ZA) of the Environmental Protection Act 1990 and it applies where on any occasion an authorised officer of a waste collection authority has reason to believe that a person has committed an offence under section 46 (domestic) or 47 (business) in the area of that authority.

Prosecution will follow failure to pay a fixed penalty notice issued, by the Council, to the person seen to be responsible for the alleged offence.

4. Procedure

The Council intends to use its powers under Section 46 of the Environmental Protection Act to assist in achieving higher levels of recycling. Although the Act gives the Council power to impose penalties against non-compliance, it is the intention of the Council to do this only as a last resort against persistent offenders.

The Council will ensure that residents receive relevant information and education before issuing Fixed Penalty Notices or taking prosecutions against residents. This will be a leaflet which explains what recycling goes in where similar to the one used at the start of the scheme and to be issued to new households.

Mid Devon District Council will have a 'four steps to rubbish and recycling enforcement' policy.

The four steps below will be followed before a fixed penalty notice is given. Ultimately, step 4 will be for non-recyclers who persistently put their waste or recycling out in the wrong container, put it out late or on the wrong day.

STEP 1 - Waste or recycling found in the wrong container, put out late or on the wrong day will not be collected and will be stickered – authorised officer identifies source of waste or recycling

- **NO?** – Supply all householders in area with information leaflets about recycling – record incident and waste is collected – NO FURTHER ACTION
- **YES?** – Unless a 'carer' is involved whereby Council will leave information leaflets with them, then move to:

STEP 2 - First occasion in six months – authorised officer calls at home. Ensures resident is fully informed about recycling and issues information leaflets – **First Warning issued and recorded** (letter to householder (SEE APPENDIX B) and an entry in the authorised officer's Pocket Notebook) – waste collected – NO FURTHER ACTION

STEP 3 – Second occasion in six months – authorised officer calls at home. Explains that this is the second recorded occasion. Re-issues information leaflets – **Formal Section 46 Notice Served**. (SEE APPENDIX C) **and incident recorded** in officer's pocket notebook – waste NOT collected. Resident asked to put waste out in correct container, on the next collection day and time.

STEP 4 – Third and subsequent occasion in six months – Authorised officer calls at home. Explains that this is the third recorded occasion. Re-issues information leaflets – **Fixed penalty notice for £75 issued under Section 47(ZA) of Environmental Protection Act 1990** - waste not collected. Resident asked to put waste out in correct container on the next collection day, on time.

Fixed Penalty Notice paid within 28 days?

- **YES** – No Further Action
- **NO** – Refer for prosecution

5. Further Comments

The Fixed Penalty rate should be initially set at £75 and reduced to £50 if paid within 14 days of issue. The discount period is to encourage settlement at an amount that is sufficient to act as a deterrent to future offences.

Warning Period – No warning will remain 'live' for longer than six months. Where a resident has previously received a warning and a further warning is required outside of the six month period, the offence will not be escalated but dealt with as a first offence.

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Enclosure 2



Street Scene Services

Phoenix House
Phoenix Lane
TIVERTON
EX16 6PP

Tel: 01884 255255

www.middevon.gov.uk

Contact: Customer Services
Telephone: 01884 255255
Email: customerservices@middevon.gov.uk
Fax / DX: 01884 234935

Date:

Dear Resident

**Environmental Protection Act 1990 Section 46, Household Waste for Collection:
Waste and Recycling Enforcement Policy**

We are writing to residents to advise that Mid Devon District Council has taken the decision to introduce **Compulsory Recycling**.

To support recycling we have introduced a Waste and Recycling Enforcement Policy, which is aimed at encouraging everybody to use the right containers for the right materials. Compulsory recycling is important because it contributes towards making the district a safer, cleaner and greener community.

Compulsory recycling will help us to increase our recycling performance and to reduce costs of sending waste to landfill. This will also have a positive effect by reducing the amount of waste, especially garden waste, that goes into landfill and minimising the impact of landfill waste on the environment.

Our current recycling procedures are set out below and we have attached a handy recycling leaflet which you can keep for future reference

:

Black recycling box for paper, glass, tins, cans, household metals, textiles, batteries and most plastics excluding film and cellophane.

Green recycling box for cardboard and cartons. Both of these boxes are collected fortnightly.

From October 2015, all households received a new blue food waste caddy which is collected weekly. Garden waste collections are an opt-in fortnightly chargeable garden waste collection service using a brown bin or sack.

Requests for alternative formats will be considered on an individual basis.

Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

For more information on the new scheme, compulsory recycling and our new Waste and Recycling Enforcement Policy please visit our web pages: [link to web page](#), or contact our Customer First team on 01884 255255.

Yours faithfully

Mid Devon Council

THREE STEPS TO RUBBISH AND RECYCLING ENFORCEMENT

The four steps below will be followed before a fixed penalty notice is given. Ultimately, step 4 will be for non-recyclers, who persistently put their rubbish or recycling out in the wrong receptacle (sack, box or wheeled bin), put it out later or on the wrong day.

Identification

Rubbish or recycling found in wrong receptacle, put out late or on the wrong day will not be collected and will be stickered

Supply all households in area with information leaflets about recycling

NO

District officer identifies source of rubbish or recycling

YES

Is a 'carer' involved?

NO

YES

Leave information leaflets about recycling for carer

Record incident
Waste collected

Step 1

1st occasion in six months

District officer calls at home. Ensures resident is fully informed about recycling and issues information leaflets

First warning issued and recorded

Waste Collected

Step 2

2nd occasion in six months

District officer calls at home. Explains that this is the 2nd recorded occasion. Re-issues information leaflets

Formal Section 46 Notice served. Second and final warning issued and recorded

Waste not collected. Resident asked to put waste out in correct receptacle, on the next collection day, on time.

Step 3

3rd and subsequent occasions in six months

District officer calls at home. Explains that this is the 3rd recorded occasion. Re-issues information leaflets

Fixed penalty notice for £75 issued under Section 47 (z) (a) of Environmental Protection Act

Waste not collected. Resident asked to put waste out in correct receptacle, on the next collection day, on time

Fixed penalty notice paid within 28 days?

NO

YES

NO FURTHER ACTION

REFER FOR PROSECUTION

Appendix 4



Street Scene Services

Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Date:

Contact: Customer services
Telephone: 01884 255255
Email: customerservices@middevon.gov.uk
Fax / DX:

Dear

ENVIRONMENTAL PROTECTION ACT 1990 Section 46 HOUSEHOLD WASTE FOR COLLECTION – **FIRST WARNING LETTER**

As you will be aware, Mid Devon District Council introduced compulsory recycling across the district on **DD/MM/YYYY**. Introducing this service has enabled us to achieve an increase in our levels of recycling. This is important because it contributes towards making the District a safer, cleaner and greener community and will help us to reach our statutory recycling target of 60%.

On the days we have monitored your road we have noticed that you have (**either put waste into the wrong receptacle or put rubbish out too early or late**).

By law, Section 46 of the Environmental Protection Act 1990, the Council requires that:

A. You must **ONLY** place the following items in the black recycling box supplied by the Council:

Paper, Glass, Tins/Cans/Household metals, Textiles, Batteries and Mixed plastics

B. You must **ONLY** place the following items in the green recycling box supplied by the Council:

Cardboard and drink and food cartons

C. You must **ONLY** place the following items in the blue food caddies:

Food waste

D. You must **ONLY** place the garden waste listed below in the opt-in fortnightly chargeable brown wheeled bin provided by the Council:

For example,

Grass Cuttings Shrubs

Plants Branches

Weeds Leaves

Cut Flowers House plants

E. All other items of household waste (i.e. anything not listed under A, B, C or D) shall be placed within black sacks, either provided by the Council or your own black sack, and presented for collection. No waste shall be presented for collection outside the black sack.

(OR IF THE PROBLEM IS LATE/EARLY SACKS):

No bins/bagged or boxed waste shall be presented for collection before 6.00am on the morning of your appointed day of collection (see schedule attached). Before that time the waste must be retained within the curtilage of your property. When presented for collection it must be placed at an easily accessible position on the boundary at the front or rear of your property.

If you need further advice or you have any queries please contact the Council on 01884 255255.

We will continue to monitor your participation in the scheme, and if you do not take part, one of our District Officers will visit your property to make enquiries and answer any questions you may have.

Residents who deliberately fail to recycle will receive a statutory notice and may find themselves being prosecuted. We will only consider this as a very last resort and hope that in the future you will take part in the recycling scheme.

Yours faithfully

District Officer

ENVIRONMENTAL PROTECTION ACT 1990

Section 46 Household waste for collection

Notice served by Mid Devon District Council

To: (the Occupier(s)) of:

Mid Devon District Council as your waste collection authority (as defined in the Environmental Protection Act 1990) is under a duty to arrange for the collection of household waste from properties in its area.

1. NOTICE

THIS IS A FORMAL NOTICE served by Mid Devon District Council ('the Council') pursuant to section 46 of the Environmental Protection Act 1990 ('the Act') requiring you as occupier of premises known as ('the Premises') in the Council's area to place correctly any household waste for collection from those premises in the receptacles described in the Schedule hereto ('the Schedule') and further requires you as occupier of the Premises to comply with the conditions set out in the Schedule.

2. WHAT HAPPENS IF YOU FAIL TO COMPLY

If you fail without reasonable excuse to comply with any requirements specified in this Notice and this gives rise to nuisance or detriment to amenity you will:

(a) be issued with a Notice in accordance with the provisions of section 46A of the Act (as amended), specifying the breach and the nuisance or detriment caused **and:**

(b) If the breach is not rectified, you may be issued with a fixed penalty, following the issue of this notice, in the sum of £ (default is £75).

Your attention is also drawn to section 46 (11) of the Act which states that: 'A waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a requirement under this section'. This means that if you do not comply with the requirements of this notice the Council shall be entitled to refuse to collect your waste.

THE SCHEDULE
(specifying receptacles and arrangements for collection of waste/recycling)

Dated:..... Signed:.....

Name

Designation:.....

The Proper Officer appointed for this purpose.

Please address any communications to:

Mid Devon District Council
Street Scene Services
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Customer services
01884 255255
customerservices@middevon.gov.uk

NOTES

Appeals

The Environmental Protection Act 1990 provides that where a notice under section 46 requires an occupier to provide receptacles, that person may appeal to a magistrates' court against the notice, either on the ground that any requirement specified in the notice is unreasonable, or on the ground that the receptacle(s) in which household waste is already placed is or are adequate.

If an occupier wishes to appeal in this way, the appeal must be made within 21 days beginning either with the last date specified in the notice by which the receptacle(s) must be provided, or, where no period is specified, from the day on which the notice was served.

If such an appeal is made the court may either quash or modify any requirement in the notice or may dismiss the appeal.

Pending the determination of the appeal by the court the notice shall have no effect.

DECENT & AFFORDABLE HOMES PDG

OCTOBER 2015

ASBESTOS MANAGEMENT PLAN 2015

Cabinet Member: Cllr Ray Stanley

Responsible Officer: Nick Sanderson, Head of Housing & Property Services

Reason for Report: To advise Members of the approach taken for the management of asbestos in Council properties.

RECOMMENDATION(S): **A:** That the cabinet adopts the revised 'Corporate Asbestos Policy'

B: That the cabinet adopts the revised 'Asbestos Management Plan'

Relationship to Corporate Plan: Providing well maintained and managed properties.

Financial Implications: The financial implications are contained within the Housing Revenue Account and Capital Expenditure.

Legal Implications: None arise from this report. However, it is necessary to ensure that the management of asbestos in Council properties is in compliance with the Control of Asbestos at Work Regulations 2012, Health & Safety at Work Act 1974, and Workplace Regulations 1999.

Risk Assessment: The Corporate Asbestos Policy and Management of Asbestos Plan refers to the Council's arrangements for managing the risks of exposure to asbestos by employees and non-employees within its activities.

1.0 Introduction

- 1.1 This report details the approach that is used by Mid Devon District Council (MDDC) for the management of asbestos in the buildings they manage and occupy where major works are taking place, and any sites or operations which fall under the responsibility of MDDC Housing Service.
- 1.2 The Council maintains and repairs domestic and non-domestic premises in accordance with current legislation, ensuring that statutory obligations and duties are met.
- 1.3 There is a Corporate Asbestos Policy, which supports this legislation and links to the Asbestos Management Plan, and the Asset Management Plan. The 2015 Corporate Asbestos Policy was drafted by the Head of Housing and Property Services to update and reflect line management changes within the

Council, changes in guidance published by the HSE, and recommendation from the HSE following an incident last year (Appendix 2).

- 1.4 The Statement in the Asset Management Plan indicates that 75% of our properties have been inspected for asbestos. An Asbestos Management Plan has been developed based on the information gathered which sets out:
 - How we will inform tenants, staff and contractors of the dangers and risks posed in each property
 - How we will manage those risks
 - What our future plans are to reduce the risks
- 1.5 The Asbestos Management Plan brings together information from previous surveys, and identifies future actions and costs for the management of asbestos in the Council's homes.
- 1.6 The Asbestos Management Plan sets out:
 - That 75% of our properties have been surveyed for asbestos and that an asbestos register is maintained. The remaining 25% of properties rely on cloned information
 - How we inform tenants, staff and contractors of the dangers and risks posed in each property
 - How we manage those risks
 - What our future plans are to reduce the risks
 - What the annual estimated costs are
- 1.7 The management of asbestos is covered by The Control of Asbestos Regulations 2012, which superseded the 2006 Regulations that brought together the three previous sets of Regulations covering the prohibition of asbestos, the control of asbestos at work and asbestos licensing.
- 1.8 As part of these statutory requirements, an Asbestos Register is maintained, the register indicates where known asbestos containing materials have been located and their generic type. This information is provided to contractors who work on the Council's housing stock and the Direct Labour Organisation (DLO).
- 1.9 MDDC has published a guide for tenants "Your guide to help you deal with Asbestos in your home" (Appendix 3). All tenants have received a letter advising them about asbestos in their homes. There is also an on-going re-survey and management programme for the identification and removal of asbestos and a budget is in place for these surveys and works.

2.0 Responsibilities

- 2.1 These are shown in the Asbestos Management Plan 2015 (Appendix 1).
- 2.2 Under clause 2.5, Employees, the operatives working with the DLO are aware that each property may contain asbestos, they are able to access the property attributes held on Integrator via their PDA phones.

3.0 Procedures

- 3.1 The actions that have been outlined below indicate the procedure that is followed by the planned maintenance team to comply with the statutory obligations relating to asbestos, when carrying out major works to MDDC homes.

3.2 Pre-Contract

- 3.2. MDDC complies with the Construction Design and Management Regulations 2015, and appoints a Principle Designer at the design stage to advise on all aspects of Health and Safety for the works and future maintenance and repair of the installation.
- 3.2.2 During the preparation of the tender documentation MDDC prepares a Pre-Contract Health and Safety Information Pack, which is approved by the Principle Designer. This document highlights specific known risks, including asbestos and is sent to all tenderer's as part of the Invitation to Tender (ITT). This document also outlines the information that the contractor will need to provide in the Construction Phase Health and Safety Plan.
- 3.2.3 During the procurement process, the contractor is obliged to submit Health and Safety information relating to the qualifications and experience of the management staff and operatives as well as their Health and Safety Policy. This information, including that relating to asbestos, is evaluated and has a bearing on the selection of the contractors.
- 3.2.4 Prior to award of the contract the successful contractor works with the Principle Designer to develop the Construction Phase Health and Safety Plan. It is at this stage that the asbestos register is passed to the contractor and evidence of the contractors operatives Health and Safety qualifications including those relating to asbestos are required. If appropriate, Risk Assessments and Method Statements for working with asbestos are also required at this stage.
- 3.2.5 Within contracts, which involve the removal of bathrooms, kitchens and other major internal works, there is a requirement that the contractor has a part HSG 264 Asbestos: The Survey Guide, (HSG) refurbishment survey carried out to determine if any asbestos containing materials (ACM's) are present in the areas where the works are due to take place.

3.3 Post Contract

- 3.3.1 Following the award of the contract, the contractor will start the works. Where a HSG refurbishment survey has been requested the contractor will notify MDDC if any asbestos has been identified, and in accordance with the requirements of the HSG, submit recommendations relating to the management of any ACM's. MDDC act upon the recommendations submitted. No works on any ACM's are permitted without authorisation from MDDC.
- 3.3.2 If a HSG survey has not been requested, the contractor uses the asbestos register to identify the ACM's and manages the work ensuring that there is a minimum risk of fibre release. If any unknown suspected ACM's are discovered the contractor is required to report this to MDDC immediately and stop working on the material. MDDC will then arrange for a HSG survey of the material to be carried out.
- 3.3.3 Where the ACM is to be removed the procedure on the decision flowchart (Appendix 4). MDDC also require detailed risk assessments and method statements for this work. The works and adherence to Health and Safety are checked by the contract administrator who makes regular site visits.
- 3.3.4 Upon completion of the works, including any removal, the asbestos database and register are updated.

3.4 Revisions to the control of asbestos regulations

- 3.4.1 Proposed changes to the control of asbestos regulations required by the European Commission introduced new notification requirements for certain unlicensed work with asbestos from 6 April 2012 has been adopted by the Council.

Contact for more Information: Mark Baglow, Building Services Manager. Tel 01884 233011 or Nick Sanderson, Head of Housing and Property. Tel 01884 234960

Circulation of the Report: Management Team, Councillor Ray Stanley, Cabinet Member for Housing

Appendix 1

Mid Devon District Council

Building Services

Asbestos Management Plan – DRAFT

September 2015

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PART 1: POLICY

1.1 GENERAL POLICY STATEMENT FOR ASBESTOS

- 1.1.1 Mid Devon District Council will do everything reasonably practicable to protect all persons from risks to health from exposure to asbestos. Although it is recognised that there is no legal requirement to remove asbestos containing material (ACM) in existing buildings where it does not constitute an unreasonable hazard, Mid Devon District Council's long-term aim is to remove all asbestos from the property portfolio, as far as is reasonably practicable.

1.2. APPLYING THE POLICY:

- 1.2.1 No new or recycled ACM can be used.
- 1.2.2 Where existing installations include ACM which is sound, in good condition, not releasing dust, and not subject to abrasion or damage, the material will be left undisturbed, until such time that its safe removal is planned. Details are to be noted in the Asbestos Register by the Programme Planner or nominated representatives, and the installation is to be re-inspected at regular intervals (not more than one year, except in domestic properties, where 20% will be re-inspected annually) to ensure that the condition of the material has not changed.
- 1.2.3 Where existing installations include ACM which is damaged, deteriorating or inadequately sealed, it will either be removed and replaced by suitable material, resealed or encapsulated.
- 1.2.4 When considering removal, where the ACM is coated, covered or contained within another material, such as cement, paint or plastic are considered to be firmly bonded in a matrix, ACMs of this type in good condition can usually be treated as non-licensed work but where they are significantly damaged, and so more likely to release fibres, they will need to be treated as Notifiable Non-Licensed Work (NNLW).
- 1.2.5 It is the responsibility of the person in charge of the job to assess the ACM to be worked on and decide if the work is NNLW or non-licensed work. This will be a matter of judgement in each case, dependent on consideration of several factors.
- 1.2.6 Asbestos insulation, Asbestos coatings and Asbestos insulating board must be removed by a Licensed Asbestos Removal Company in accordance with the HSE's Approved Code of Practice (ACOP) and guidance L143, '*Work with Materials Containing Asbestos.*' and then be taken to an approved, licensed site for disposal. Asbestos cement, gaskets, ropes and other bonded materials can be removed in accordance with the ACOP L143, providing that the persons carrying out

the work have had appropriate training and have sufficient insurance cover. The ACOP L143 replaces ACOP L27 and ACOP L28.

- 1.2.7 The Building Services Manager (or nominated representatives) shall approve the removal using the checklists contained in [Annex 1](#) of the Guidance Note, Management of Asbestos in MDDC Properties.
- 1.2.8 An Asbestos Register will be compiled by Programme Planner into which ACM installations and locations will be entered.
- 1.2.9 The Asbestos Register will be continually updated as and when surveys are carried out and asbestos materials are discovered and will be reviewed annually by the Programme Planner who will then make such recommendations to MDDC as appropriate to pursue this policy.
- 1.2.10 Information contained in the Asbestos Register will be made available to any employee, contractor, tenant or leaseholder.
- 1.2.11 Until such time as a property has been subjected to an asbestos survey and the details entered in the Asbestos Register, great care must be taken when carrying out works upon the property. All persons carrying out work that will affect the building fabric must have sufficient training in the risks associated with asbestos. Materials of unknown composition must be presumed to contain asbestos.
- 1.2.12 If it is suspected that any work may disturb a material containing asbestos then appropriate procedures contained within this document must be carried out. No works of a major nature must be undertaken without first carrying out an asbestos risk assessment of that area to be worked upon (in most cases an HSG264 Refurbishment or Demolition survey).
- 1.2.13 **Major Works** includes planned/cyclical/voids which require technical input and pre-assessment. This will include preparation of drawings, sketch details, specifications, notes, schedules or contract documents and should in all cases be subject to an asbestos survey and priority assessment as part of the pre-assessment.
- 1.2.14 **Minor Works** are defined as those that would normally be actioned by the issuing of a works order or instruction and would include emergency, reactive, routine, day-to-day or other small jobs.

The following precautions must, however, be observed:

- 1.2.15 If suspected ACMs are discovered during the works they should not be disturbed, but the incident reported to the Project Manager who will arrange for an asbestos inspection and priority assessment.
- 1.2.16 If the material has been inadvertently disturbed then work in that area should cease. The Contract Administrator needs to be notified and the Contingency Plan (annex 2) needs to be applied.

- 1.2.17 The Asbestos Register shall be linked to the production of Works Orders/Site Instructions which should flag up if there is an issue with work to be carried out in a property.
- 1.2.18 People carrying out these works must have the necessary license to work and/or have received appropriate task training.

PART 2: MANAGEMENT OF ASBESTOS IN MDDC PROPERTIES

2.1 Introduction

- 2.1.1 This Management Plan details the risk based approach that will be adopted by MDDC for the day to day management of asbestos in the buildings they manage and occupy, and any sites or operations which fall under the responsibility of MDDC Housing Department.
- 2.1.2 MDDC maintains and repairs domestic and non-domestic premises in accordance with current legislation, ensuring that statutory obligations and duties are met.
- 2.1.3 As part of these statutory requirements, a live Asbestos Register is maintained, the register indicates where known asbestos containing materials have been located and their generic type.
- 2.1.4 The Control of Asbestos Regulations 2012 superseded the 2006 Regulations that brought together the three previous sets of Regulations covering the prohibition of asbestos, the control of asbestos at work and asbestos licensing.
- 2.1.5 To comply with this legislation, MDDC acting as the duty holder, has adopted a pro-active risk based approach to managing asbestos and its control in order to ensure the safety of its' staff, contractors and anyone else who may be affected by MDDC's undertakings in this regard.
- 2.1.6 This Guidance Note is produced for the assistance of staff. Staff should apply their judgement to this guidance at all times.

2.2 Responsibilities

2.2.1 The Head of Housing and Property Services Manager will:

- Ensure that there are sufficient resources available for the implementation of this plan
- Delegate responsibility for the implementation of this plan to the Managers
- Review the provisions and resources required for the efficient operation

of this plan annually

2.2.2 The Building Services Manager will:

- Ensure that the requirements of this plan are implemented
- Ensure that a risk assessment and safe systems of work are in place
- Ensure that employees are competent and receive the necessary training, information and supervision whilst performing any tasks in regards to this plan.

2.2.3 The Office Manager will:

- Maintain the asbestos database and register, and produce programmes relating to the annual inspections and works where appropriate

2.2.4 Surveyors/Supervisors will:

- If competent and insured, carry out inspections and management surveys. Ensure that a risk assessment and safe systems of work are in place
- Also manage others carrying out inspections and surveys

2.2.5 Employees will:

- Comply with this asbestos management plan and notify their Supervisor / Manager of any issue concerning them, regarding asbestos and asbestos containing materials.
- Any operative working on asbestos will have previously undertaken task specific training relating to that work. Ensure that a risk assessment and safe systems of work are in place

2.2.6 Contractors will:

- Comply with current legislation and associated Approved Codes of Practice and guidance.
- Attend sites to assess and prepare quotations against asbestos remedial works specifications, the contractor to raise any issues relating to the health and safety or potential later costs of a project.
- Provide a method statement for MDDC and the Statutory Authority.
- Provide a safe method of work for emergencies that will be discussed

and agreed with the Principle Designer or Surveyor in charge of the contract

- Provide statutory notice to the Notifying Authority prior to commencing asbestos works, or, by agreement and at the request of the Principle Designer or Surveyor in charge of the contract, applying for a waiver against the minimum notice period.
- Arrange transport and disposal of asbestos waste materials in accordance with current regulation and good practice
- Provide copies of notification and consignment notes and other relevant documentation on request to the Principle Designer or Surveyor in charge of the contract.

2.2.7 The Health and Safety Advisor will:

- Investigate and report incidents under RIDDOR
- Provide advice on Asbestos Awareness and Task Training for staff as necessary.
- Provide advice on good practice, relevant legislation and assess compliance.

2.3 Interpretation

2.3.1 Asbestos" means any of the following materials:

2.3.1.1 Crocidolite - blue asbestos

2.3.1.2 Amosite - brown asbestos

2.3.1.3 Chrysotile - white asbestos

2.3.1.4 Anthophyllite

2.3.1.5 Tremolite

2.3.1.6 Actinolite

2.3.1.7 and any mixture containing any of these materials.

2.3.2 "Asbestos material" or "asbestos-containing material" means any material which contains in its make-up any form of asbestos in any quantity.

2.3.3 "Friable" means asbestos material capable of being crumbled in the hand.

2.3.4 "Soft asbestos" means asbestos material not friable but capable of being deformed by hand or by hand pressure.

- 2.3.5 "Hard asbestos" means asbestos material not capable of being deformed by hand except by snapping.
- 2.3.6 "Asbestos Register" means a register of all properties surveyed and held by the Programme Planner.
- 2.3.7 "Asbestos Analysis" Testing to be carried out by a United Kingdom Accreditation Service Laboratory accredited to EN 45001.
- 2.3.8 "Licensed Contractor" A Contractor who has a license issued by the Health and Safety Executive Asbestos Licensing Unit, Belford House, Belford Road, Edinburgh EH4 3UE.

2.4 Management of Asbestos

2.4.1 Remedial Measures

The remedial measures available are:

- 2.4.1.1 Leave material in place and introduce a management system.
- 2.4.1.2 Leave material in place, effectively seal (e.g. encapsulate or enclose) and introduce a management system.
- 2.4.1.3 Remove, through licensed contractors and dispose of asbestos material to site licensed for disposal of asbestos materials. The only exceptions to this rule will refer to work undertaken with duration of less than one hour in any 7 consecutive days or doing the work for a total of less than two hours in total. These works will normally be relating to textured coatings and asbestos cement. **N.B.** Asbestos cement products cannot be reused or sold on second hand to a third party.

2.4.2 Regular Inspection as part of the management system

All asbestos in non-domestic premises which has been left in place, must be subject to regular inspection yearly. In domestic premises 20% will be re-inspected annually. More regular inspection may be required if the material is liable to mechanical damage or where the risk warrants it. Where deterioration of the material is observed a further risk assessment must be carried out and recorded.

The following inspection regime shall apply:

- Up to Low Risk, Material Assessment 1 – 6 20% Periodic inspection
- Up to High Risk, Material Assessment 7 + Annual inspection

MDDC have ACM's within the domestic properties that fall into the above

categories. Within the surveys that have been carried out, some of these Medium and Low Risk ACM's also have actions against them other than monitor. In addition to the inspections the recommendations will be actioned, based on the risk from the material.

2.4.3 **Provision of Information**

2.4.3.1 **Employees and agency employees** – MDDC makes available the asbestos register to all employees and agency employees likely to come into contact with asbestos and encourages them to use it.

2.4.3.2 **Tenants** - The Building Services Office Manager is responsible for ensuring that tenants and Leaseholders are provided with information concerning any ACMs located within their houses. This information should include details of the asbestos types and locations together with details of the amount of asbestos and the risk assessment which resulted in the material being left in the premises. The tenant should also be given basic information regarding decorating, not drilling into the material etc. This information is contained within the "Your guide to help you deal with Asbestos in your home"

2.4.3.3 **Contractors and Consultants** – Contractors, Consultants and others must be provided with information relating to the type, location and amounts of asbestos in buildings where they are being asked to work.

2.4.3.4 Where they are required to work on asbestos, they must be licensed asbestos contractors (The only exceptions to this rule will refer to work undertaken with duration of less than one hour in any 7 consecutive days or doing the work for a total of less than two hours in total or work undertaken to materials where the asbestos fibres are firmly linked in a matrix. Examples these materials are contained in the ACOP L143 '*Work with Materials Containing Asbestos*'; and are:-

- asbestos cement;
- textured decorative coatings and paints which contain asbestos.
- any article of bitumen, plastic, resin or rubber which contains asbestos where its thermal or acoustic properties are incidental to its main purpose (eg vinyl floor tiles, electric cables, roofing felt).
- There may be other materials in which the asbestos fibres can be firmly linked in a matrix such as paper linings, cardboards, felt, textiles, gaskets, washers, and rope where the products have no insulation purposes. If this is the case then the exemption provided in ACOP L143 regulation 3(2) may apply.
- encapsulation or sealing of asbestos-containing materials which are in good condition, or

- air monitoring and control, and the collection and analysis of samples to ascertain whether a specific material contains asbestos Any person working with Asbestos where an exception applies must still adhere to any risk assessment and method statement and any Health and Safety Executive '*Equipment and Method*' sheets and '*Asbestos Essentials*' sheets. Where their work does not involve asbestos they must be advised that asbestos may be present in other locations and that where suspicious material is found they are to stop work and inform the Contracts Supervisor.

2.4.3.5 **Lessees** must be provided with information concerning any ACM that MDDC is aware of that is located within their premises.

2.5 Asbestos Register– Inspection, Material and Priority Assessment.

ASBESTOS REGISTER

2.5.1 The Asbestos Register will hold all Asbestos Survey data.

2.5.2 The Register will be the responsibility of the Office Manager.

2.5.3 Information relating to the presence of asbestos will be available from: -

2.5.3.1 Inspections by Surveyors, Consultants and the like

2.5.3.2 Assessments by Technical staff carrying out other inspections or works;

2.5.3.3 Specific asbestos surveys.

2.5.4 The Office Manager will be responsible for all entries in the Register and ensure that the necessary action is taken to obtain adequate information to complete the Register. Information contained in the Asbestos Register is to be revised as necessary when work on asbestos or a survey is carried.

2.5.5 The Asbestos Register will be updated on a monthly basis and a copy placed on SharePoint

2.6 Specification for Inspection, Assessment, and Recording of Information.

2.6.1 Location

The location is to be identified by description and name on the Asbestos Survey Report Form ([Appendix 1](#)).

2.6.2 Types of Asbestos

Where possible asbestos type is to be identified:

Crocidolite - blue asbestos
Amosite - brown asbestos
Chrysotile - white asbestos
or other types or mixtures

2.6.3 Risk Factor Rating

It is important to assess the degree of health risk associated with each installation. These are set out in HSG264, which replaced MDHS 100 in March 2010.

2.6.3.1 There are a number of factors that affect the degree of risk:

The Material Assessment

The Priority Assessment

2.6.3.2 Under each heading points will be given according to the degree of risk as listed in 2.12 onwards.

2.6.3.3 The risk factor rating is a measure of the likelihood of fibres being released, which could cause a local hazard. The total risk factor rating being the sum of the individual points counted.

2.7 Sampling

2.7.1 If during the survey a material suspected of containing asbestos is identified, then it must be either sampled to confirm or not the presence of asbestos, or be presumed to contain asbestos.

2.7.2 If it is suspected that airborne fibres are being released then the Contingency Plan ([Annex 2](#)) needs to be applied.

2.7.3 Where appropriate, arrangements for air sampling by a UKAS accredited laboratory shall be made.

2.8 Material Risk Factor Ratings in Conjunction with a Survey.

2.8.1 Material risk assessment rating taken from HSG264 (This is a government document that provides guidance on the scoring and testing of asbestos containing materials)

Sample Variable	Score	Example of Score
Product Type (or debris from product)	1	Asbestos-reinforced composites (plastic resins, mastics, roofing felts, vinyl floor tiles, semi-rigid paints or decorative finishes, asbestos cement etc).
	2	Asbestos insulating board, mill boards, other low density insulation boards, asbestos textiles, gaskets, ropes and woven textiles, asbestos paper and felt.
	3	Thermal insulation (e.g. pipe and boiler lagging), sprayed asbestos, loose asbestos, asbestos mattresses and packing.
Extent of damage/deterioration	0	Good condition no visible damage.
	1	Low damage: a few scratches or surface marks; broken edges on boards, tiles etc.
	2	Medium damage: significant breakage of materials or several small areas where material has been damaged revealing loose asbestos fibres.
	3	High damage or delamination of materials, sprays and thermal insulation. Visible asbestos debris.
Surface treatment	0	Composite materials containing asbestos, reinforced plastics, resins, vinyl tiles.
	1	Enclosed sprays and lagging, AIB (with exposed face painted or encapsulated), asbestos cement sheets etc.
	2	Unsealed AIB, or encapsulated lagging and sprays.
	3	Unsealed lagging and sprays.
Asbestos type	1	Chrysotile Crocidolite
	2	Amphibole asbestos excluding
	3	Crocidolite
Total		

Score	Potential release of fibres
10-12	High
7-9	Medium
4-6	Low
0-4	Very Low

2.9 Calculation of Priority Assessment and Action to be Taken

2.9.1 The material assessment identifies the ‘high-hazard’ materials, ie those materials which will most readily release airborne fibres if disturbed. It does not automatically follow that those materials assigned the highest score in the material assessment will be the priority for remedial action. Priority is to be determined by carrying out a risk assessment (ie a priority assessment) which will take into account factors such as:

- the location of the material;
- the extent of the material;
- the use to which the location is put;
- the occupancy of the area;
- the activities carried on in the area; and
- the likelihood/frequency with which maintenance activities are likely to take place.

2.9.2 The priority assessment can only be carried out with the detailed knowledge of all these factors. The surveyor can help in this process, by obtaining information which will contribute to the priority assessment, where information on occupancy and use is straightforward. However, such help must be undertaken with caution. It is the duty holder, under CAR 2012, who is required to make the risk assessment using detailed knowledge of the activities carried out in the premises.

2.9.3 The combined material and priority assessment results should be used to establish the priority for those ACMs needing remedial action and the type of action that will be taken. There are various remedial options available: in many cases the ACMs can be protected or enclosed, sealed or encapsulated, or repaired. These options should be considered first. Where such actions are not practical, ACMs should be removed.

The table below provides some examples from HSG264

Address Location	Product Type	Extent	Accessibility	Condition	Surface Treatment	Asbestos Type	Sample no	Sampled/presumed/Strongly presumed	Material Assessment and Score	Priority and action score
Store room 2, BC408 ceiling	AIB	Whole ceiling 120 m2	Medium	Good	Painted one face only	Amosite	1	Sampled 4 samples	5	12
Store room 2, BC408 fire door	Asbestos board on door carcass (AIB)	21 m2	Medium	Good	Encapsulated by wood in door	Amosite	2	Sampled 1 sample	5	12
Meeting room 2, BC412, ceiling	Asbestos ceiling tiles (AIB)	5 m2	Medium	Good	Painted one face only	Amosite	3	Sampled 1 sample	5	13
Canteen, BC410, lino on floor	Cushion floor (paper)	5 m2	Easy	Good-damage to edge	Covered by vinyl	Chrysotile	4	Sampled 1 sample	4	11
Corridor, BC411, electrical switch box	Woven cloth	Possibly 4 items	Medium	Medium	Unsealed	Chrysotile	5	Strongly presumed	8	14 remove during next campaign
Plant room 2, BC416, lift motor	Brake shoes	2 items	Difficult	Medium	Unsealed	Chrysotile	6	Strongly presumed	4	10 'H' Vac dust
Plant room 2, BC416, pipe lagging	Pipe insulation	24 linear metres	Easy	Good	Sealed and labelled	Crocidolite Amosite Chrysotile	7	Sampled 6 samples	8	14 remove during next campaign
Plant room 2, BC416, wall panels	Asbestos panels (AIB)	43 m2	Easy	Good	1 face sealed and labelled	Chrysotile	8	Sampled 4 samples	5	14 monitor weekly

Material scores above 10 have high potential to release fibres

Other examples are available for guidance on the HSE website.

3.0 DISPOSAL OF ASBESTOS

- 3.1 Asbestos waste is any waste which contains trace or more than 0.1% w/w asbestos. It is subject to the waste management controls set out in the Special Waste Regulations 1996. Disposal of asbestos is to follow the requirements of these regulations. This also includes if trace has been found. The approved method of disposal for all forms of asbestos is by landfill site licensed for asbestos waste. Only an approved registered waste carrier is permitted to dispose of waste from site to point of final disposal. The contractor will provide a method statement as to the complete packaging and removal of the waste to the point of final disposal and provide copies of the Waste Transfer Notes.

4.0 Training

- 4.1 Employees such as surveyors, supervisors, contract managers, health & safety staff, trade operatives and caretakers will receive one full day training on general asbestos legislation and awareness training.
- 4.2 Employees such as housing management staff, stores staff and anyone else identified by their line manager will receive half day asbestos awareness training.
- 4.3 Asbestos awareness refresher training will be held every year or if legislative changes occur.
- 4.4 All contractors' operatives working on MDDC properties will also have had to receive Asbestos Awareness Training within the last year and all MDDC operatives who will work with ACMs will undertake task specific training on working with asbestos not requiring a licence.

5.0 AUDIT/REVIEW

- 5.1 All systems and procedures in use for the management of asbestos will be regularly reviewed and audited by the Maintenance Team in consultation with MDDC's Health and Safety Advisor.

APPENDIX 1

ASBESTOS SURVEY AND PROGRESS MANAGEMENT FORM

Site Address

Prepared by

Date of inspection.....

Building Type (e.g. house).....

Room and Floor

ASBESTOS DETAILS

ITEM	DESCRIPTION	POINTS
Material Assessment		
Asbestos Type 1 - 3		
Asbestos Product 0 - 3		
Condition 0 - 3		
Existing treatment 0 - 3		
Priority Assessment		
Location 0 - 2	(e.g. bath panel low level)	
Extent of material 0 - 2		
Use of room 0 – 2		
Activity 0 – 2		
Occupancy 0 - 2		
Maintenance frequency 0 - 2		
	TOTAL POINTS	
	PRIORITY RATING AS PER PARA 2.12 – 3.00 AND ACTION	

SAMPLE REQUIRED? YES/NO

Signed.....

ANNEX 1

CHECKLIST FOR MAJOR WORK WITH ASBESTOS MATERIALS FOR USE BY CONTRACT ADMINISTRATORS

1. THE ASSESSMENT

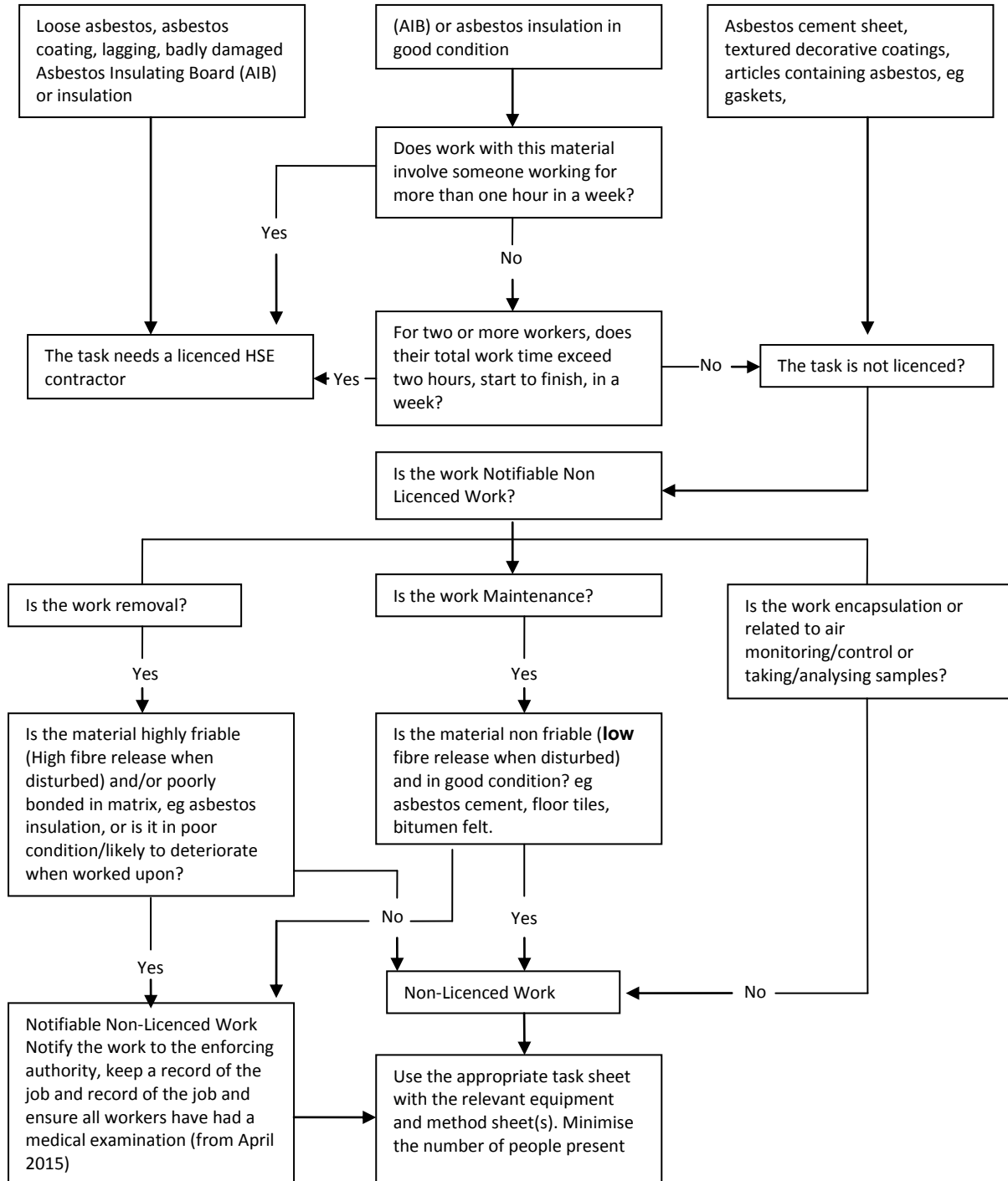
To be adequate and comply with the Control of Asbestos Regulations 2012 the assessment should be in writing and cover: -

- 1.1 The type of work and duration.
- 1.2 The type and quantity of asbestos and the results of any analysis.
- 1.3 The controls to be applied (e.g. encapsulation, controlled wet strip, dust suppression techniques etc.).
- 1.4 The reasons for the choice of work method (e.g. work-face vacuum techniques because of exposed hot pipe work etc.).
- 1.5 Details of expected exposures, noting: -
 - 1.5.1 Whether they are liable to exceed a control limit or action level and the number of people affected.
 - 1.5.2 If above a control limit, the expected exposure, so that appropriate Respiratory Protective Equipment can be assessed and selected.
 - 1.5.3 Whether anyone other than employees may be exposed, and their expected exposure.
 - 1.5.4 Where applicable, results already available from air monitoring.
 - 1.5.5 The steps to be taken to control exposure and the release of asbestos to the environment.
 - 1.5.6 Procedures for assessment, provision, use and decontamination of Personal Protective Equipment (which includes Respiratory Protective Equipment).
 - 1.5.7 Procedures for the safe removal of waste from the work area and the site.
 - 1.5.8 Procedures for dealing with emergencies.

2.0 Decision flow chart

Decision flow chart

Use this simple flow chart to help you decide who needs to do the work



3.0 THE PLAN OF WORK (METHOD STATEMENT)

The Method Statement should specify: -

- 3.1 The nature and probable duration of the work.
- 3.2 The address and location where the work is to be carried out.
- 3.3 The methods to be used including dust suppression techniques.
- 3.4 The equipment, including Personal Protective Equipment used for: -
 - 3.4.1 The protection and decontamination of those carrying out the work.
 - 3.4.2 The protection of other people present on or near work site
- 3.5 **N.B.** A copy of both the Assessment and the Method Statement should be kept on site.

4.0 HYGIENE FACILITY

- 4.1 The hygiene facility should comply with the HSE's guidance note EH 47 and be sited as close to the work area as is reasonably practicable.

5. VISUAL INSPECTION OF AREA AT COMPLETION OF WORK

6. CHECKLIST FOR SELECTION OF ASBESTOS REMOVAL WORK BY LICENSED CONTRACTORS WHEN JOINING THE APPROVED LIST OF CONTRACTORS AND CONSULTANTS

NAME OF SUPERVISING MANAGER.....

1. Contractor's license valid?	YES	NO
2. Exposure assessment checked?		
3. Method statement checked?		
4. Approved UKAS accredited/ Analyst?		
5. Contractor carried out notification to H.S.E?		

CHECKLIST FOR MONITORING OF LICENSED ASBESTOS REMOVAL WORK BY LICENSED CONTRACTOR

ON SITE CHECKS - BEFORE WORK COMMENCES		
6. Name of Contractor's Employee in charge of site?		
7. Name of Contractor's Employee nominated to carry out daily visual check of enclosure?		
8. Hygiene facilities checked?		
9. R.P.E. maintenance records checked?		
10. Extractor maintenance records checked?		
11. Warning signs erected?		
12. Visual examination of enclosure carried out?		
13. Transit arrangements made?		
14. Waste sacks and disposal arrangements to licensed tip Checked?		
15. Vacuum cleaners checked?		
16. Laundry arrangements checked?		
18. Smoke test carried out?		
19. Commencement of work authorized?		

ON SITE CHECKS - ON COMPLETION OF WORK**The four stage clearance test To be completed by approved UKAS accredited analyst**

	Yes	No
20. Visual inspection carried out?		
21. Extraction equipment cleaned and sealed?		
22. Inner surfaces of enclosure sealed?		
23. Air sampling carried out?		
24. Results of air sampling satisfactory?		
25. Certificate of re-occupation passed to:- Programme Planner to be placed upon the house file/Asbestos Register		
26. Authorization to clear site given?		

**(Minor works shall be carried out in accordance with the HSE's
Asbestos Essentials Task Manual, HSG 210)**

Signed.....

Date.....

Name.....

Title.....

ANNEX 2

CONTINGENCY PLAN – PROCEDURES TO BE FOLLOWED IN THE EVENT OF UNEXPECTED EXPOSURE TO DANGER FROM ACM OR SUSPECTED ACM

- 1.0 The incident should be reported immediately by the person who discovers or in the case of the call centre is informed of the incident to the following:
- 1.1 The Supervisor in charge of the works will check the Asbestos Register. If confirmed or suspected to be asbestos then:
- 2.0 There should be an immediate site visit by an appropriately qualified surveyor to decide on measures required which may include one or more of the following:
 - 2.1 Notify the Health and Safety Advisor and seek their advice
 - 2.2 Evacuation of staff and or tenants (If tenants, Housing Management to be informed of circumstances and assist with evacuation), closure and sealing-off of the area concerned;
 - 2.3 Arrange for sampling/analysis of the material concerned;
 - 2.4 Consultation with a Licensed Asbestos Contractor over remedial works required; Contractor to notify Health and Safety Executive of incident with copies of correspondence to Supervisor in charge of works
 - 2.5 Arrangements after clearance for remedial works and re-occupation of the area;
 - 2.6 If a MDDC office then arrangements for temporary re-location of activities normally carried out in the area concerned;
 - 2.7 Counselling/health surveillance for anyone affected to be considered;
 - 2.9 Notify the Estates Manager in case of publicity and insurance claim by parties involved.
- 3.0 A debrief should be held after the matter has been fully dealt with to review the incident, determine what measures, if any, that could be taken to prevent a recurrence. To be chaired by the Head of Housing and Property Services with input from the surveyor involved, Health and Safety Advisor and Housing Management as required.
- 4.0 Building Service Manager to draw up and circulate an appropriate advisory notice and make recommendations for inclusion in the Asbestos Management Plan at the next review.
- 5.0 Programme Planner to update Asbestos register.

ANNEX 3

Asbestos Management Action Plan

Ref	Action	Priority
1.0	Identify and carry out recommendations within the asbestos surveys from 2010 and 2015 and any Subsequent re-inspections or surveys.	
1.1	Aim – To manage and reduce the risk to Health and Safety from the release of asbestos fibres from MDDC homes for our tenants, leaseholders, their visitors and MDDC employees and others.	Ongoing
1.2	Prioritise the works within the surveys based on the recommendations and risk, and apportion budget costings against the recommendations for each property	2015/16
1.3	Plan the strategy to carry out the works. One year, two year or longer contract? Split the works into licensed and unlicensed works? Spread the works out based on the risk and re-inspection regime being in place?	2016/20
1.4	Identify suitable contractors who are capable of carrying out the works	2015/16
1.5	Tender or seek quotations for the works	2015/16
1.6	Implement the programme of works	2016/20
1.7	Pass information through to Office Manager to update Stock Survey and Asbestos Register as well as Asbestos Surveys	Ongoing
2.0	Implement an Asbestos Inspection and Surveying programme.	
2.1	Aim - have 100% of properties with survey and up to 20% per year re-inspection regime	
2.2	Properties to include the dwelling and any other building, such as communal area or garage.	
2.3	Currently have 75% of properties surveyed and 25% cloned.	

2.4	Identify all master and cloned properties containing asbestos from the Asbestos Register and other sources. Check these against the asset register.	2015/16
2.5	Review the surveys to ensure that the entire curtilage of the dwelling has been covered by the surveys.	2015/16
2.6	Exclude all master properties that have had a minimum Type 2 survey with No Asbestos Detected.	2015/16
2.7	From the remainder separate all of the properties that have had a Type 1 survey, are cloned or have no information on them. Implement a programme of management surveys of these properties using a risk based approach to prioritise the higher risk properties to be surveyed first. The risk assessment is to use information gathered from the masters on this archetype and the information contained in the Type 1 surveys.	2015 – onwards
2.8	Of the master properties in which a type 2 survey has been carried out and where asbestos has been detected that is low risk, implement a 20% per annum rolling inspection programme. Any properties containing materials with a material assessment of above 7 or a Medium or High priority score are to be included on an annual inspection programme. Any updates on the risk rating of the asbestos are to be passed to the Programme Planner to update the Stock Survey, Asbestos Register and Surveys.	2015 – onwards
2.9	Where any part of the curtilage has been missed; implement a surveying programme of these areas.	2015 – onwards
2.10	Where any recommendations are identified or altered as a result of the survey or re-inspection these are to be dealt with as for item 1.0 above.	2015 - onwards
3.0	Provide tenants and others with details of asbestos, where it may be found in properties that Housing have responsibility for, and what to do to prevent any risk to Health from the release of asbestos fibres.	
3.1	Aim – Inform tenants of where to find asbestos and what to do if they are unsure, to reduce the risk of exposure to asbestos fibres. Provide easier access to the asbestos register for tenants and others	

3.2	Send a letter to all tenants of dwellings and garages to inform them of the surveys that have been carried out and the likely places to find asbestos in their homes and garages. Include an asbestos awareness leaflet.	2015/16
3.3	Provide a live web-based asbestos register linked to integrator. The Office Manager is to maintain this register and update it with live information from any surveys and works carried out.	2015/16
3.4	Provide works operatives with access to the web based asbestos register, including those who are dealing with out of hours emergencies.	Completed
4.0	Within the responsive repairs, voids, adaptations and major works contracts, where any significant works, such as the installation of a bathroom, kitchen, rewire, plumbing, central heating, re-roofing or the replacement of the part a wall or ceiling that is likely to disturb the underlying substrate of the building fabric; a refurbishment survey is to carried out to at least the area to be disturbed.	
4.1	Aim – To provide prior knowledge and enable MDDC to manage the risk from Asbestos in areas that would not have been covered by previous non-intrusive surveys.	Ongoing
4.2	Establish a contract with an asbestos surveying contractor to carry out the pre-surveys on these properties, based on a schedule of rates.	2016 – onwards
4.3	Inform the voids, adaptations and responsive repair team of this resource and the contact details, as well as the lines of communication. The office manager is to manage the administration of the data from the surveyor and to update integrator.	2016 – onwards
4.4	Within the large capital contracts where this information is required, the requirement for these additional surveys is to be written into the contracts. This is to be in an agreed format that is consistent with other information held in integrator and the data is to remain the ownership of MDDC.	2015 - onwards

5.0	<p>Resource</p> <p>The estimated proposed resource required for the works above are detailed as follows:-</p>																
5.1	<p><u>Contract administration - Item 1.0 of Action Plan</u></p> <p>To analyse and implement, via a contract the recommendations within the existing Asbestos Surveys.</p> <p>Current liabilities within the recommendations are approximately £200,000 for works only. If £50,000 per year is allocated to this budget the works could be put into a contract and let as one.</p> <p>Contract Administration for this would be equivalent to one surveyor for one day per week for six months per annum. = 30 days pa</p>																
5.2	<p><u>Carrying out inspections and surveys - Item 2.0 of Action Plan</u></p> <p>To undertake a re- inspection and write up a report would take approximately 2 hours. This would include for travelling, inspecting the existing ACM's writing the report and providing the tenants with a copy of the report. Any additional presumed ACMs that may not have been identified previously would need to be sampled by a competent asbestos surveyor.</p> <p>Total number of re-inspection per annum = 615</p> <p>Time required = 154 days pa (based upon 4 surveys per day)</p>																
5.3	<p><u>Establishing and management of Refurbishment and Demolition Surveys - Item 2.0 & 4.0 of Action Plan</u></p> <p>To establish a new contract and manage the surveying service provided as well as updating integrator.</p> <table><tr><td>Establish a new contract</td><td>= 21 days</td></tr><tr><td>Administration by Office Manager</td><td>= 28 days pa</td></tr><tr><td>Approximate cost per survey</td><td>= £350.00</td></tr><tr><td>Number of surveys pa</td><td></td></tr><tr><td>Responsive repairs</td><td>= 20</td></tr><tr><td>Voids</td><td>= 75</td></tr><tr><td>Adaptations</td><td>= 35</td></tr><tr><td>Sub total</td><td>= £45,500</td></tr></table>	Establish a new contract	= 21 days	Administration by Office Manager	= 28 days pa	Approximate cost per survey	= £350.00	Number of surveys pa		Responsive repairs	= 20	Voids	= 75	Adaptations	= 35	Sub total	= £45,500
Establish a new contract	= 21 days																
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Number of surveys pa																	
Responsive repairs	= 20																
Voids	= 75																
Adaptations	= 35																
Sub total	= £45,500																

	<p>excluding</p> <p>Planned works = 250</p> <p>Sub Total = £87,500</p> <p>The costs for the planned works surveys could be absorbed into the capital cost of the works and could be carried included in the works. This cost does not allow for any removal works.</p>	
5.4	<p>Asbestos Register updates – Item 3.0 of Action Plan</p> <p>To update the Asbestos Register held on integrator to ensure that it is live will require both time and authority. Authority should be given to the Office Manager to pursue individuals for information that is vital to update the register.</p> <p>To update the asbestos register held on integrator has will require approximately 1 day a week.</p> <p>52 weeks at 1 day per week = 52 days pa</p> <p>Cost of integrator updates = £6,500</p>	
5.5	<p>On-line Asbestos Register</p> <p>Resource to be agreed with ICT. This information could be accessed at any time by the operatives and others via the PDA's</p>	

Appendix 2

Mid Devon District Council

Corporate

Asbestos Management

August 2015

Version Control

Title: Asbestos Management Policy

Purpose: Compliance with health and safety legislation

Owner: N Sanderson

Date: August 2015

Version Number: 3.0

Status: Final

Review Frequency: at least every 3 years

*Next review date: **August 2018***

Consultation:

This document has obtained the necessary approvals:

Purpose

Mid Devon District Council aims to be a responsible employer which accepts its responsibilities and duties to provide a safe working environment for all employees, in accordance with the provisions of the Health & Safety at Work Act 1974, the Workplace (Health, Safety and Welfare) Regulations 1992 and measures to ensure the management and control of existing asbestos is carried out in accordance with the Control of Asbestos at Work Regulations 2012.

Asbestos Policy

1. Introduction

This policy document refers to the Council's arrangements for managing the risks of exposure to asbestos by employees and non-employees within its activities.

Staff involved with maintenance of buildings, supervising such work, or issuing contracts should fully familiarise themselves with the contents of this document.

Asbestos was widely used as a building material for many years, particularly between the period 1950–1980 and can be found in a wide variety of forms, being used in all aspects of the construction process. The use of asbestos products for construction materials is severely restricted today, due to the long-term legacy of illness associated with exposure to the product.

There are many forms of asbestos, the main types being:

- white asbestos (chrysotile);
- brown asbestos (amosite);
- blue asbestos (crocidolite).

All types of asbestos are considered dangerous and stringent control limits are set for personal exposure (0.1 fibres per cubic centimetre averaged over a continuous period of 4 hours).

There are a number of problems associated with exposure to asbestos namely:

- asbestos fibres are not detectable to the naked eye;
- the health effects of exposure can be fatal;
- the onset of symptoms is often delayed for decades after exposure;
- there is widespread public concern over exposure;
- asbestos was widely used in the construction industry and will be found in many pre-1980 buildings (although not exclusively);
- it is not possible to determine that a material contains asbestos by visual examination;
- by law - exposure has to be rigorously controlled and monitored.

It is not possible to identify asbestos by its colour as the age of the product and its combination with other products can alter the appearance.

Approximately 4,500 people die each year from asbestos-related diseases and this number is increasing year on year. Many of these deaths are from working in high risk industries many years ago with the emphasis now being on the maintenance trade. There are now much more stringent controls over the management of asbestos in the workplace to ensure that its presence is identified and an appropriate management plan put into place to prevent exposure.

The legislation relating to the control of asbestos in the workplace is extensive and is supported by Approved Codes of Practice and HSE Guidance Notes. This chapter provides a general overview of how to manage asbestos in the workplace **but does not provide guidance as to the safe treatment or removal of asbestos due to the specialist nature of the work and its applicability to a minority of employers, who by the very nature of their business have to be fully aware of the legislative requirements. These employers must be licensed by the Health and Safety Executive to work with asbestos. Mid Devon District Council is not licensed and must therefore employ external properly licensed contractors where required by law (see section 7).**

Asbestos only causes problems when fibres are released into the atmosphere, such as when it is being worked on, disturbed by nearby maintenance work, or where the material is friable and may suffer abrasion or there are strong air currents. If the asbestos is in a good condition and protected against damage, the danger will be negligible unless the material is being worked on. It should be noted that potentially more problems can be caused by removing sound and protected asbestos than by leaving it in place so, if depending on risk assessment the risk is considered to be low, it is best left undisturbed.

The supply and use of asbestos and asbestos-containing products is prohibited (except for a limited number of specified uses). Asbestos-containing products in use before 1 January 1986 (blue and brown asbestos), 1 January 1993 (other forms of asbestos except white asbestos) and 24 November 1999 (white asbestos) were permitted to be used, but their replacement must be of an asbestos-free material. Once an asbestos material has been removed arrangements must be made for its safe disposal.

2. Responsibilities

Mid Devon District Council's policy on asbestos must ensure that known and identified locations of asbestos are recorded and that this information is given to those persons who require it to protect not only themselves but others around them. The 'Duty to Manage' requirement under Regulation 4 of the Control of Asbestos Regulations 2012 will apply.

The Chief Executive is ultimately held responsible for compliance with health and safety law. Below the Chief Executive level, Service Managers are identified as being responsible, so far as is reasonably practicable, for managing the health, safety and welfare at work of all employees in their respective areas, and for non-employees where their health or safety may be affected by the Council's activities. In particular Managers will:

- Maintain an Asbestos Register identifying the locations and types of asbestos that are within the Council's control.
- Make a point of checking the relevant Asbestos Register at the point where works are planned.

- Prepare and revise as necessary the arrangements for managing work involving asbestos material in their service area.
- Ensure works involving licensed asbestos are carried out by a licensed competent contractor and that the work is notified to the HSE using the FODABB5 notification form (see www.hse.gov.uk).
- Ensure that adequate resources are made available to enable the arrangements to be implemented. Arrangements include management surveys, analysis and where necessary advice and removal by a specialist licensed contractor.
- Ensure appropriate asbestos awareness training, information and instruction is provided for relevant employees.
- Ensure that where specialist technical expertise in relation to asbestos is not available within the Service, suitable arrangements are made to obtain this information as required. This can be obtained from the Environmental Services Manager or the Corporate Health and Safety Advisor as the first point of contact.
- Ensure that employees or relevant contractors are provided with all the appropriate information, instruction and training on work being undertaken in areas containing anything suspected of containing asbestos.

The Head of Housing and Property Services is responsible for maintaining an Asbestos Register of all MDDC corporate buildings and domestic council owned tenanted property and shall be responsible for ensuring that all designated responsible premises officers are aware of the locations, condition and control measures recommended to prevent risks to health and safety.

Asbestos Registers must be continuously reviewed and updated as changes occur.

3. Health Effects of Asbestos

There are three main types of serious health risks associated with exposure to asbestos fibres:

Asbestosis – chronic obstructive lung disease

Lung cancer – a fatal lung disease

Mesothelioma – a fatal cancer of the outer lining of the lung specific to asbestos exposure.

It is recognised that the largest group of workers at risk from asbestos exposure are workers involved in the repair and maintenance, refurbishment and demolition of buildings, including electricians, plumbers, joiners, computer and telecommunication engineers – people who may encounter asbestos during their normal day to day work activities.

5. Legislation

The legislation relating to the management of asbestos in the workplace can primarily be found in:

- Health and Safety at Work etc Act 1974 (general duties on employers and management of premises);
The general provisions of the 1974 Act are applicable to the management of asbestos in the workplace, particularly s 2 (duty towards employees), s 3 (duty to non-employees) and s 4 (duty of person having control of premises).
- Management of Health and Safety at Work Regulations 1999;
The Management Regulations require employers to undertake risk assessments of the risks to health and safety arising out of, or in connection with, their business.
Duties are also placed in respect of co-operation and co-ordination where persons are sharing a workplace.
- Workplace (Health, Safety and Welfare) Regulations 1992;
These Regulations place requirements on employers to maintain their buildings so as not to cause a risk to health and safety.
- Construction (Design and Management) Regulations 2015;
These Regulations require clients to provide pre-construction information to persons carrying out construction work. Such information would include the results of any asbestos surveys undertaken in the premises. There is also a requirement to ensure that the 'health and safety file' is prepared and maintained for future reference.
- Defective Premises Act 1972;
The Act places a duty on landlords to ensure that tenants and other persons are safe (so far as is reasonable) from personal injury or disease that results from the defective state of the premises.
- Control of Asbestos Regulations 2012.
The Regulations set out the duties relating to exposure to asbestos and its correct management. The Regulations include:
 - management in non-domestic premises (reg 4);
 - identification of the presence of asbestos (reg 5);
 - assessment of work that exposes employees to asbestos (reg 6);
 - plans of work (reg 7);
 - licensing of work with asbestos (reg 8);
 - notification of work with asbestos (reg 9);
 - information, instruction and training (reg 10);
 - prevention or reduction of exposure to asbestos (reg 11);
 - use of control measures (reg 12);

- maintenance of control measures (reg 13);
- provision and cleaning of protective clothing (reg 14);
- arrangements to deal with accidents, incidents and emergencies (reg 15);
- duty to prevent or reduce the spread of asbestos (reg 16);
- cleanliness of premises and plant (reg 17);
- designated area (reg 18);
- air monitoring (reg 19);
- standards for air testing and site clearance certification (reg 20);
- standards for analysis (reg 21);
- health records and medical surveillance (reg 22);
- washing and changing facilities (reg 23);
- storage, distribution and labelling of raw asbestos and asbestos waste (reg 24);
- labelling of products containing asbestos (reg 30);

7. Asbestos Licensing

The 2012 regulations prohibit anyone from carrying out work with high risk asbestos e.g. insulation, asbestos coating or asbestos insulating board unless they hold a licence granted by the HSE (Health & Safety Executive). Therefore the Council can only carry out work on non-licensed asbestos.

To be exempt from needing a licence the work must be:

- Sporadic and low intensity - to be considered sporadic and low intensity the concentration of asbestos in the air should not exceed 0.6f/cm³ measured over 10 minutes; and
- Carried out in such a way that the exposure of workers to asbestos will not exceed the legal control limit of 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm³); and
- Meet at least one of four other conditions:
 - It is a short non-continuous maintenance task, with only non-friable materials (friability describes how likely an ACM is to release asbestos fibres when worked on, so non-friable materials will only release a small number of fibres during work); or
 - It is a removal task, where the ACMs are in reasonable condition and are not being deliberately broken up, and the asbestos fibres are firmly contained within a matrix, e.g. the asbestos is coated, covered or contained within another material, such as cement, paint or plastic; or

- It is a task where the ACMs are in good condition and are being sealed or encapsulated to ensure they are not easily damaged in the future; or
- It is an air monitoring and control task to check fibre concentrations in the air, or it's the collection and analysis of asbestos samples to confirm the presence of asbestos in a material.

8. Notification of Non-licensed asbestos work (NNLW)

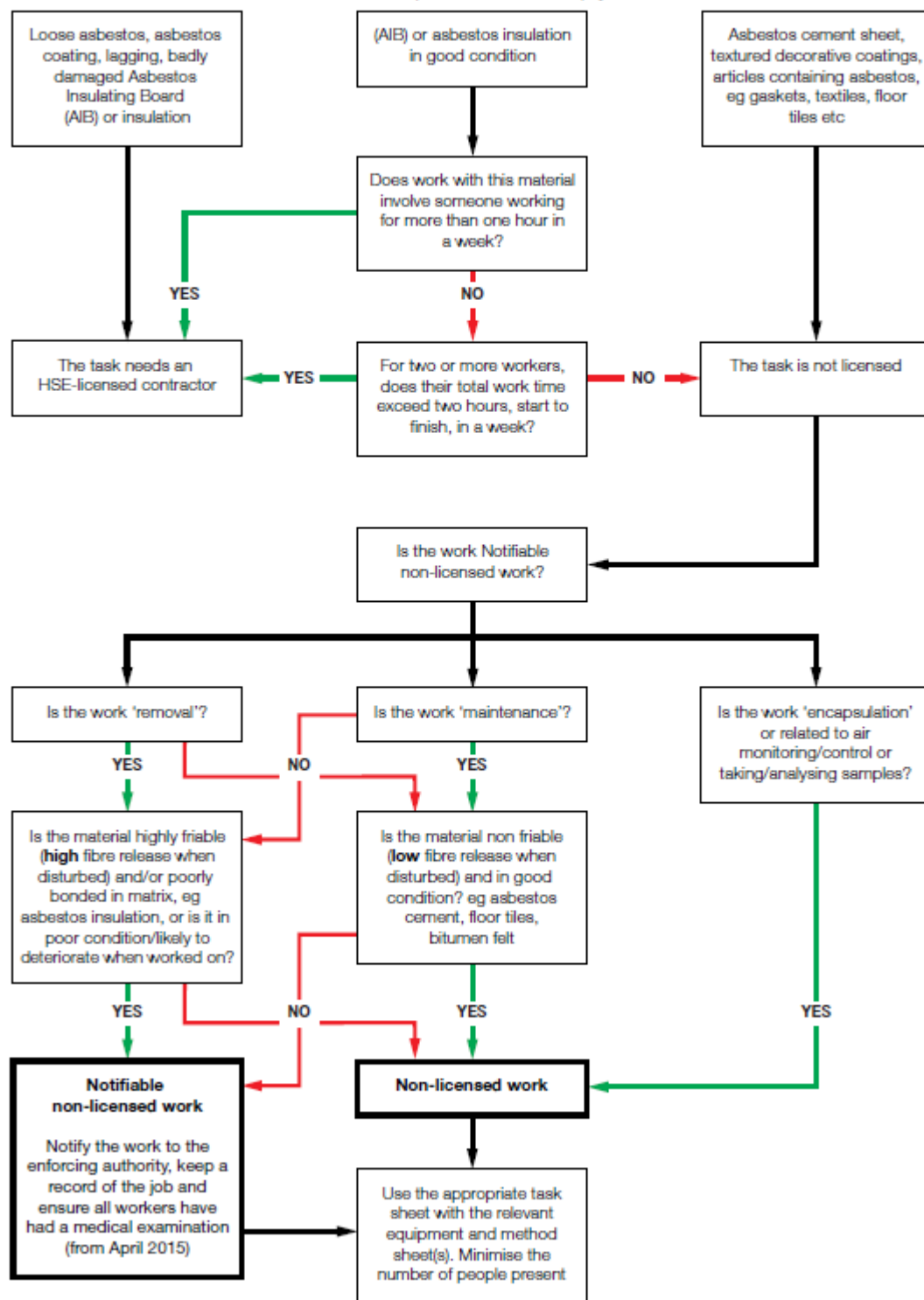
The Control of Asbestos Regulations 2012 introduced the following requirements:

- Notification of certain types of relatively low-risk work on ACM that does not require the use of a licensed contractor. This notification is on-line here <https://extranet.hse.gov.uk/lfservlet/external/asbnnlw1>
- Medical examination of those persons carrying out the work
- Maintaining registers of work (health records)

Whether a type of asbestos work is either licensable, NNLW or non-licensed work has to be determined in each case and will depend on the type of work that is going to be carried out, the type of material being worked on, and its condition. The identification of the type of asbestos-containing material (ACM) to be worked on and an assessment of its condition are important parts of the risk assessment that must be carried out before the work commences. The HSE asbestos essentials guidance (a0) includes the following to assist:

Decision flow chart

Use this simple flow chart to help you decide who needs to do the work:



9. Policy Application

The following arrangements consist of a series of procedures which are intended to safeguard persons who may encounter the possibility of discovering asbestos in the course of their work and to ensure the safety of any premises occupants who may be

affected by any associated works which may involve the disturbance of asbestos containing materials.

All reasonable practicable steps will be taken to ensure that MDDC employees, tenants and contractors working on behalf of the MDDC will not be exposed to hazards associated with materials containing materials.

10. Asbestos Surveys

The Health and Safety Executive (HSE) publication HSG264 Asbestos: The Survey Guide sets out how to survey workplace premises for asbestos containing materials and how to record the results in a usable form. A decision needs to be taken at an early stage as to whether to carry out a management or refurbishment/demolition survey – or a mixture of the two.

Management Survey:

Seen as a standard survey (previously known as Type 1,2 or 3 asbestos surveys) – these are concerned with the risk management of asbestos in normal occupation and will be less expensive, intrusive and disruptive than the alternative. The emphasis is on identifying asbestos containing material (ACM) as far as is reasonably practicable and assessing the potential for fibre release during normal occupancy of the building and the activities carried out there – including during routine maintenance and repair e.g. redecoration.

Refurbishment and Demolition Survey:

Where major refurbishment or demolition is planned, this is an intrusive examination of the building including sampling to identify and control the risks of asbestos release. Refurbishment can include projects where plant is removed from a building.

A systematic programme of surveying all MDDC owned domestic and Corporate properties has been undertaken overseen by Housing and Property Services and as these are reviewed they will be brought into line with the current guidance HSG264.

12. Asbestos Register

Data collected on site will be input by the Housing and Property Services onto the Asbestos Register.

The information will include:

- Property information;
- Inspection method;
- Surveyor's detail;
- Site plans;
- Material detail;
- Sample analysis results;
- Material assessment;
- Priority assessment;
- Risk rating;

- Management recommendations

13. Material Assessment

The condition of each asbestos element identified on site is assessed using the material assessment algorithm as defined in the HSE publication HSG264.

The assessment will depend on four different parameters:

- Product type
- Extent of damage
- Surface treatment
- Asbestos type

15. Assessment Score

The total score of material assessment and priority assessment gives the risk rating which is high, medium, low, or very low.

This is used to determine the management actions necessary for ensuring safety.

- High - urgent action required
- Medium - remedial works required
- Low/very low - manage/maintain

All the information collected during the asbestos surveys will be recorded in the Asbestos Register.

The Asbestos Register of Council owned housing will be maintained in the Housing Services (repairs and maintenance) offices at Old Road depot, Tiverton.

The register for all Corporate buildings will be maintained by the Facilities and Corporate Buildings Manager and held at Phoenix House.

A hard copy of the register will be issued to the responsible officer of each property on the register.

Access to the Register will also be made available to property managers, Building Maintenance staff and contractors working on the property.

The public utility services, the fire brigade and others whose presence may expose them to possible risk from asbestos will have access to the council asbestos register as appropriate.

18. Information for Contractors

All officers with the responsibility for issuing works orders will ensure that prior to the works commencing the asbestos register is consulted and the existence of asbestos is brought to the attention of the contractors in writing, clearly identifying areas which are known/presumed to have asbestos containing materials. In addition a **“Permit to**

Work” will be issued to all contractors prior to commencement of both licensed and non-licensed work activities.

Where contractors arrive on site, they must be under instruction to report their presence and identify the tasks that they are to carry out to the responsible property officer. At this point the Asbestos Register located at the Old Road or Phoenix House must be accessed and the premises must be checked to confirm either way the information previously issued by the ordering officer.

Should the contractors discover any variances to the information contained in the asbestos register, this must be reported to the Manager responsible for Asbestos management to enable him to update the Register.

19. Asbestos Licensed Contractors

A system of vetting and appointing suitable applicants for inclusion on the Council’s standing list of asbestos contractors is operated. Contractors carrying out work on behalf of the Council are subject to performance monitoring and recording.

Only contractors who have been vetted and approved by MDDC Housing and Property Services shall be eligible to tender for asbestos work. All Contractors shall be reviewed by the Housing and Property Services Manager every five years.

Housing and Property Services shall ensure that prior to any asbestos removal works being undertaken, the appointed contractors provide all relevant documentation required for works with asbestos.

This shall include:

- ASB5 notification form and plan of work
- Copy of their Asbestos Licence
- Company insurance document
- Company Health and Safety policy
- CDM Health and Safety plan as notified to the HSE
- Training records
- Medical Certificates
- RPE face fit test certificates
- Plant examination and test certificates
- Permit to work
- COSHH data
- Waste disposal arrangements

Documentation required on completion of the removal works shall include:

- Site diary
- Site induction records
- Daily enclosure and air lock inspection records
- Daily negative pressure units and vacuum inspection records
- Respirator inspection records
- Daily decontamination unit inspection records

- Operative showering records
- Working platform inspections
- Air monitoring and clearance certificates
- Personal air monitoring records
- Asbestos exposure records
- Waste consignment notes

20. Disposal of Asbestos Waste

The contractor used for the disposal of asbestos must be licensed for this by the Environment Agency.

All asbestos containing material shall be disposed of by double wrapping in labelled 1000 gauge polythene sheeting or bags, and transported by a licensed carrier to a landfill site correctly licensed to receive asbestos waste.

The disposal of asbestos material shall be the responsibility of the appointed contractor. As such, evidence of appropriate documentation for the consignment and disposal of asbestos waste shall be required prior to payment.

21. Disposal of Fly-Tipped waste containing Asbestos

The Council (Environmental Services) will be responsible for the arranging for the removal of fly-tipped waste, which is suspected of containing asbestos. Where large amounts of fly-tipped waste (which is suspected of containing asbestos) are reported, the Environment Agency should be consulted on the collection and disposal methods to be used. A contractor appropriately licensed for the collection of this waste will be used and the costs of this re-claimed from the offender where possible.

22. Training

All staff who may encounter asbestos during the course of their work shall be given the necessary training to be able to identify the situations in which asbestos may be present, to be able to recognise asbestos or similar suspect materials and to set out safe working practice to minimise risks to health and safety.

Persons in charge of buildings will be provided with appropriate training and information regarding accessing information from the Asbestos Register.

Induction training will be provided to all new staff falling into these groups.

22. Advice

The Head of Housing and Property Services responsible for Asbestos management, Head of Environmental Services or the Corporate Health and Safety Advisor can be contacted for advice relating to management of materials suspected of containing Asbestos. If in doubt the rule is to leave it alone until risk assessed by a competent person.

If during the course of normal work practices suspected asbestos-containing material is encountered, the following procedures should be followed:

23. Contractors / Employees

Action to take on the disturbance of asbestos containing materials:

1. **STOP ANY WORK**, remove and keep all persons out of the area. Where practicable close or seal or lock off the area. Do not remove any equipment or material.
2. Stop other people entering the area e.g. prepare and display a 'potential Asbestos hazard keep out' sign.
3. If there is any dust present on clothing or on the person – remove clothing and place in a plastic bag and seal – and take a shower or wash thoroughly as soon as possible. Seek advice from the Corporate H&S Advisor.
4. Inform the line manager who will report the discovery to the Facilities and Corporate Buildings Manager or the Housing and Property Services Manager who will inform the MDDC Corporate Health and Safety Advisor.
5. The Responsible Manager will arrange for the property to be inspected and for any samples or air tests to be taken if required and will keep the premises management and the Corporate Health and Safety Advisor informed. Depending on the type and extent of the asbestos contamination - a specialist licensed asbestos contractor will be required to carry out the cleanup.
6. Following laboratory analysis the responsible Manager will advise the premises management and the Corporate Health and Safety Officer of the outcome and the proposed action.
7. On completion of any repair or removal work the respective Manager will advise the premises management and the Corporate Health and Safety Advisor when the area has been made safe.

The responsible Manager will ensure that all actions including areas where asbestos has been removed and analytical reports are included in the Asbestos register and copies forwarded to premises management and the Corporate Health and Safety Advisor.

For more information on asbestos go to www.hse.gov.uk/asbestos

Where can I find out more information about asbestos?

- Information regarding asbestos can be found by visiting the Health and Safety Executive website at www.hse.gov.uk or by contacting them over the telephone on **0845 345 0055**.
- Alternatively, please contact Mid Devon District Council on **01884 233024**.



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Address: Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton, EX16 6PP

Telephone: 01884 233024

Fax: 01884 234318

Email: plannedmaintenance@middevon.gov.uk

Please note: Mid Devon District Council is presenting this leaflet to tenants to help provide information about asbestos. It provides advice and information available at the time of writing which may change. It is intended for guidance only and does not provide authoritative legal advice.



For large print, audio version or other languages please call 01884 233024



Your guide to help you deal with

Asbestos in your home

- Facts about asbestos
- What should I do if I think I have asbestos in my home?
- What can be done about asbestos?
- Will Mid Devon District Council remove the asbestos?
- Common locations of asbestos
- Where can I find more information regarding asbestos?

www.middevon.gov.uk

Facts about asbestos

- Building materials containing asbestos were widely used between 1950 and 1980, particularly from 1960 onwards, as its fibres are strong and resistant to heat and chemicals.
- When asbestos is damaged it releases fibres into the air which can cause problems if breathed in.

What should I do if I think I have asbestos in my home?

- Don't panic as it is very unlikely that the levels of asbestos fibres found in the building will be harmful.
- Don't attempt to remove the asbestos lagging, spray coatings or large areas of insulation board yourself. Nobody should undertake the removal of asbestos unless they have obtained the HSE license to do so.
- If you are planning to carry out any DIY, painting or alterations (this includes drilling and sanding) and it has been confirmed your home has asbestos, please contact Mid Devon District Council for advice and guidance before proceeding with this work.
- If you are at all concerned that you might have damaged or aging asbestos, please do not hesitate to contact one of our members of staff trained in dealing with asbestos on **01884 233024**.

What can be done about asbestos?

- As a landlord, we have a legal duty to register each property that has asbestos.
- We have carried out a representative survey of all properties and identified all known locations of asbestos.
- Depending on the severity of the asbestos material found in your home, we will either repair the material usually by sealing or enclosing it, or we will remove it, especially where it is badly damaged or deteriorated.

Will Mid Devon District Council remove the asbestos?

- We will manage and regularly monitor all asbestos found in your home.
- Not all asbestos will be immediately removed. However, we will carry out a programme of removal where asbestos is found to be in disrepair and needs replacing.
- Asbestos materials in a good condition that can not readily be damaged are often best left where they are.
- The general rule for asbestos removal is: if undamaged and completely sealed, leave it alone.

The common locations of asbestos in the home



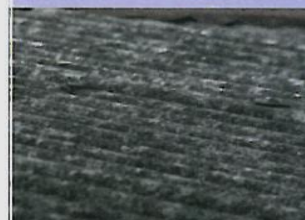
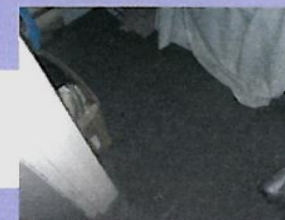
◀ Asbestos cement bath panels

➤ Insulation panels to the inside of the doors to warm air boiler cupboards



◀ Ceiling tiles and textured coatings

➤ Artex and vinyl floortiles up until 1999



◀ Asbestos cement on garage or shed roofs and wall panels

➤ Sprayed coatings for insulation and fire protection



◀ Asbestos cement drain pipes, gutters, soil outpipes, soffits and fascias.

➤ Watertanks in roof space



◀ Asbestos cement insulation boards, infill panels and partitions

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DECENT & AFFORDABLE HOMES PDG 6 OCTOBER 2015

DRAFT HOUSING STRATEGY 2015-2020

Cabinet Member Cllr Ray Stanley
Responsible Officer Housing Services Manager

Reason for Report: The existing housing strategy requires review

RECOMMENDATION(S): That the Cabinet agrees the revised housing strategy prior to it being sent out for consultation.

Relationship to Corporate Plan: Although the Corporate Plan is currently under review, the existing plan contains a pledge relating to decent and affordable homes. This is to ensure that the housing needs of residents in the District are recognised through the provision of affordable homes and good quality housing in the public and private sector. In addition, the pledge entitled: “Empowering our Communities” states that the Council will work with our partners to maximise the potential of all our citizens by tackling social disadvantage and deprivation. It also states that the Council will plan for the future in relation to both older people and young people.

Financial Implications: All actions arising from this strategy will be met, if possible, by existing and future budgets informed by service plans.

Legal Implications: The Local Government Act 2003 imposes a duty on the Council to publish a housing strategy which sets out the vision and priorities for housing in the District.

Risk Assessment: Having a housing strategy in place which references other strategies and plans should help to mitigate the impact of welfare reform and the reducing availability of public sector finance. It should also help towards managing the expectations of local people and other stakeholders.

1.0 Introduction

- 1.1 In accordance with the provisions of the Local Government Act 2003, the Council is required to publish a housing strategy which sets out our vision and priorities for housing in the District. This strategy must contain the objectives, targets and policies on how we intend to manage and deliver our strategic housing role. It also needs to provide an overarching framework against which we consider and formulate other policies on more specific housing issues.
- 1.2 The existing housing strategy 2010-2015 now needs updating.
- 1.3 The revised strategy should address all relevant issues, including homelessness and the energy efficiency of housing stock.
- 1.4 In addition, it should contain information about the current position and the context. This should include reference to wider priorities including both national and local ones.

- 1.5 The strategy also includes information about how the Council manages its housing stock and performs its role as a landlord.
- 1.6 The purpose of the strategy is to provide a framework for achieving the outcomes and priorities for housing in Mid Devon. To inform this, the strategy should include information on the current and future position of all significant aspects of housing need in all tenures and on service performance.
- 1.7 The strategy should reflect the Council's role in discharging a number of statutory duties including those relating to public sector housing, homelessness and safeguarding of vulnerable children and adults.
- 1.8 The strategy is based on information obtained through the Census 2011 and on the findings of the recent Strategic Housing Market Assessment (SHMA) which was published by the authorities located in the Exeter Housing Market Area.
- 1.9 Consultation on priorities to be included in the strategy was commenced in May 2013 and was publicised in a press release, in Mid Devon Talk, on our website, at a meeting of the Mid Devon Equality Forum and at two "Make Your Money Go Further" events for tenants. Stakeholders including other local authorities surrounding the District and others within Devon were consulted, as were all the other Registered Providers within Mid Devon and partner agencies. The Citizen's Panel was also asked to respond to the consultation. Due to delays in the publication of the tenant newsletter, Housing News 4U, the consultation was extended to the end of August 2013.

2.0 The Draft Housing Strategy

- 2.1 Since the existing housing strategy was adopted, there have been many changes to housing policy, and many reforms to the welfare system. These are reflected in the new draft housing strategy.
- 2.2 The Housing Service is committed to providing homes for our community. In order to achieve this vision, a number of key priorities have been identified:

2.2.1 One: Delivering affordable housing

In accordance with this priority, we will work in partnership with other providers to develop new homes to meet the need established in the SHMA. We will also try to develop more Council housing and to work with landlords in the private sector to bring empty homes back into use. The need for additional pitches for gypsies and travellers has been recognised within the new draft strategy and the Devon Partnership Gypsy and Traveller Accommodation Assessment has been referenced.

2.2.2 Two: Making better use of existing housing stock

The work of the Private Sector Housing team aligns with this priority because overall housing supply is affected by property condition and investment in maintenance. The provision of aids and adaptations in both private and public sector accommodation is also important enabling people to remain independent in their own homes.

We use Devon Home Choice to award priority for rehousing and Members of the PDG are about to review the operation of the scheme in Mid Devon. Even if changes are made to the scheme, it will still offer a consistent approach to the allocation of social housing enabling us to make best use of the housing stock in the District.

In accordance with this priority, we have made it clear within our tenancy strategy that we expect registered providers of social housing (RPs) to use fixed term tenancies. The management of our own housing stock also supports this priority.

2.2.3 Three: Preventing homelessness

The homelessness strategy which was adopted in 2014 contains three specific priorities and these are confirmed in the housing strategy.

2.2.4 Four: Managing the impact of an aging population

The housing strategy acknowledges that a huge increase in the number of elderly living in Mid Devon is projected over the next two decades. The population over 65 is likely to increase by over 54% and the population aged 75 or over is likely to go up by nearly 82% in the period until 2033. We have already started to explore new ways of delivering services to older people in both public and private sector housing and to expanding existing services in support of this priority.

2.2.5 Five: Reducing the impact of welfare reform

Work to reduce fuel poverty in our strategy will reduce the impact of welfare reform. In addition, partnership working with other agencies such as Wiser£Money also enables us to support those who are vulnerable.

3.0 Next Steps

3.1 If the PDG agrees the draft strategy, the Housing Service will undertake consultation on it. This will involve consulting with a range of stakeholders, including neighbouring local authorities, other registered providers of social housing which work in the District, and other agencies including Wiser£Money, CHAT and the Citizen's Advice Bureau, with which we work in partnership.

3.2 The appendices will be revised periodically to reflect changing government policy and the outcome of new spending reviews.

Contact for more Information: Claire Fry, Housing Services Manager, tel: 01884 234920 (Cfry@middevon.gov.uk)

Circulation of the Report: Councillor Ray Stanley, Cabinet Member for Housing

List of Background Papers: None

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Mid Devon District Council Draft Housing Strategy 2015-2020



September 2015

Mid Devon District Council: Housing Strategy 2014-2019

Executive summary

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- 2. Housing Priorities**

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Appendix 3: Planning Policies in Mid Devon

Appendix 4: Action Plan

Appendix 5: Registered Providers working in Mid Devon

1 Foreword

I am pleased to introduce this Housing Strategy for 2015-2020 for Mid Devon District Council because it is set in a challenging climate of austerity, welfare reforms and difficult housing conditions. I feel that it is important to set out the significant housing issues which we need to respond to and our plans for dealing with them.

As a stock-holding Council, the Authority has two roles in the District. It is a registered provider and it is also the strategic housing authority. This new Housing Strategy provides a framework and an evidence base for all the housing related activities of the Council and other partners.

We are lucky enough to live in an area which is very beautiful and where crime rates are low. I know that people want to live here and I am keen to ensure that all the housing available, across a range of tenures, is fit for purpose and offers opportunities for people to put down roots in areas where they want to live. We are committed to providing homes for our community and this strategy document reflects that.

I am passionate about improving the housing stock in the District and ensuring that we deliver value for money in the achievement of our objectives. This Housing Strategy offers finite opportunities to move forward to address the priorities we have identified.

Councillor Ray Stanley, Cabinet Member for Housing



2. Our Housing Priorities

Priority One: Delivering affordable housing

The Local Plan Review will set an annual housing target for Mid Devon based on evidence arising from the SHMA. Once this has been adopted, the Council will work proactively to ensure strategic sites are master-planned, whilst maximising the delivery of brownfield and infill development. It is important for the Council to exploit opportunities to meet the overall demand for housing in the District and to make use of planning policies to deliver new affordable homes.

Meeting Affordable Housing Need in Mid Devon

As stated, the SHMA established a need for 124 new affordable homes annually in the District.

In general, the planning authority prefers to see the provision of affordable housing “pepper potted” within sites, in order to promote mixed and sustainable communities. However, there may be cases where on site provision is not appropriate, for example, where the provision of a single affordable dwelling on a site may be inefficient to manage, and a RP may be reluctant to take over such small scale provision. In accordance with national advice, it is still appropriate for such sites to contribute to meeting affordable housing need and in these situations a contribution to off-site provision should be made. The level of contribution will be subject to viability appraisal based on the value of the site.

The appropriate mix of affordable housing in terms of tenure, size and spread within a proposed development will be determined in response to identified needs and priorities as indicated on the DHC Housing register at the time an application is submitted, together with either evidence provided by the local Housing Needs Survey for that Parish or from the SHMA.

Funding Affordable Housing

Developer contributions through Section 106 agreements on development sites has been the method which has provided the highest number of affordable units throughout the lifetime of the previous strategies.

Where possible, the Council will look to maximise investment from external bodies to enable the development of affordable housing. The National Affordable Housing Programme (NAHP) made £2.2 billion available to RPs for the period 2011-2015. NAHP funding is only available for the new “affordable” rent product so other streams of funding must be exploited to develop homes at less than 80% of market rent. Nor is the NAHP available to fund Section 106 sites which as previously mentioned has been the main source of affordable housing in the past few years.

During 2014/15, the Council and other RPs were able to complete 57 units some of which were part funded by the HCA. In addition, the Council purchased an additional unit which had previously been sold under the Right to Buy scheme.

The Council is registered with the HCA and has made successful bids for funding from the NAHP 2015-2018.



Sums have been received in respect of schemes at Fir Close, Willand, where 6 new homes were built by the Council, and at St Andrew Street, Tiverton, where a further 14 new homes developed by the Council are almost complete. Further funding is being sought through the programme for another 4 units in Tiverton and it is proposed to bid for monies to support the building of at least another 26 units in Tiverton and rural areas in the future.

The Council will also seek to contribute its own resources where viability issues may be preventing development from occurring wherever possible and where value for money can be demonstrated. This will be in the form of Right to Buy receipts, commuted sums from previous developments and our own land assets.

Continuing to work with private sector landlords to bring empty homes back into use and also partner agencies, if appropriate

The Council is keen to bring empty homes back into use to provide accommodation for those in housing need. The New Homes Bonus is payable in such circumstances and any monies received can be ploughed back into the community to add to and to enhance local infrastructure. We work in partnership with Wessex Home Improvement Loans for help to bring homes in the private sector up to a Decent Standard for letting.

The Council routinely monitors the number of empty properties in the District. We concentrate our efforts on properties that have been empty for longer than 6 months without a specific Council Tax exemption. Exemptions include uninhabitable due to major disrepair, where there is an issue relating to a probate case, or where the owner is in residential care.

It is our aim to return properties to use with the cooperation of owners but enforcement action will be utilised if all other avenues have been exhausted. Work is currently ongoing to develop a partnership with Exeter City Council to support this work. The Private Sector Housing Renewal Policy 2015 to 17 contains an action plan relating to empty homes.

Developing more Council housing

Reform of the housing revenue account led to councils taking on a share of the national housing debt, and gave some flexibility in terms of the management of this debt. This Council decided to use the additional borrowing capacity available under the new regime to build more homes in order to increase supply of available housing and in order to stimulate local economic growth. The Council used the new flexibilities and returned a payment of £47million to central government in exchange

for an additional approximately £1million each year which has been used to finance the management and maintenance of our properties and the building of new homes.

Following the development of 22 new homes at Crediton, a further £2million was set aside for future development. The new homes were let using the affordable rent model. The new schemes at Willand and St Andrew Street provide a further 20 new homes with others, with some funding derived from the HCA Affordable Homes Programme 2015-2018, in the pipeline. In addition, an options appraisal of redundant garage sites and surplus land in Council ownership is ongoing with a view to redeveloping these to provide more affordable homes.

Provision of pitches for gypsies and travellers

Plymouth and Devon Racial Equality Council define gypsies and travellers as people who either have a nomadic or semi nomadic heritage or a nomadic or semi nomadic lifestyle. In August 2015, the Government stated that for planning purposes, the following definition should apply: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such".

Settled travellers may live in houses. Alternatively, they may live on local authority sites, private sites, unauthorised sites (tolerated) or unauthorised sites (temporary). Members of these groups may be affected by poor health and racism, and experience problems in terms of education and accommodation.

In accordance with the provisions of the Housing Act 2004, every local authority must carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their District. Local planning authorities are also expected to identify a five year supply of deliverable sites with a further ten year supply of developable sites or broad locations for growth on top of this.

The Public Sector Equality Duty 2011 means that the Council must work to eliminate unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act. It must also advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. The Government has a stated aim of ensuring fair and equal treatment for gypsies and travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

51 pitches for gypsies and travellers have been constructed since 2006. A pitch is usually defined as space for a static caravan, a touring caravan, a small amenity building (often known as a day room) and two parking spaces.

The Devon Partnership Gypsy and Traveller Accommodation Assessment (GTAA) identifies the need for gypsy and traveller pitches. This need is to be met either

through the allocation of specific sites or through the inclusion of a number of travellers' pitches within larger housing sites.

In Mid Devon, the GTAA 2015 stated that as of 2014, there was the following provision for these groups in Mid Devon:

Housed G&Ts	106
Authorised Pitches	53
Unauthorised encampment	0
Unauthorised development	0
Temporary pitches	2
Vacant pitches	0
Potential pitches	20
Trans pitches	7

Source: Devon Partnership GTAA 2015

The table shows the potential for 20 pitches on sites which have consent but which have not yet been built out. The GTAA also states that a further 35 pitches are needed by 2034. In addition, there is a need for a further 11 pitches for travelling show-people by 2034.

There is a need for a further 4/5 gypsy and traveller transit/ emergency stopping places in the period from 2014 to 2019 across Devon although no further need has been identified in respect of the period from 2019 to 2034.

The need will predominantly be met through the allocation of sites for gypsies and travellers on the urban extensions as set out in the Local Plan Review.

Priority Two: Making better use of existing housing stock

Providing Decent Homes for the vulnerable

Overall housing supply is affected by property condition and investment in maintenance. Residential accommodation must meet minimum quality standards if it is to be fit for purpose.

The Government has made it clear that the responsibility to maintain private property lies with the owner. However, the Council recognises the importance of the private sector stock as an asset within the District. We have statutory duties in relation to unfit properties and will take enforcement action, where necessary.

In order to understand the state of housing in Mid Devon, we are planning to survey the stock. Our Private Sector Housing Renewal Policy contains a commitment to carry out some form of House Condition survey and to undertake other investigations. An understanding of the condition of the housing stock in the District will enable us to target assistance where it is needed, subject to funding being available. The Private Sector Housing team will continue to seek opportunities to assist home-owners by identifying funding arrangements and working to implement them, where possible.

In accordance with the HHSRS, there are 29 hazards which can be assessed. These include damp and mould growth, the risk of falling on level surfaces and the risk of falling on stairs. Hazards are accounted for in different categories with 1 being the most serious and 4 being the least serious. When a hazard presents a severe threat to health and safety, it is known as a category 1 hazard. Examples include a leaking roof, a broken rail on a steep stairway or a lack of adequate heating. If category 1 hazards exist, it is especially important to promote the availability of loans and any grants; the Council needs to ensure that vulnerable households in the private sector are able to live in homes which meet the Decent Homes standard.

Provision of affordable housing

We are committed to making best use of the housing stock and to supporting residents to remain in their existing homes, in order to enable them to remain independent, as far as possible. In the private sector, we will use housing renewal powers to support the main aim of providing affordable housing. The use of loan and grant conditions will help retain units in support of these aims. The Cabinet Member for Housing has, during September 2015, stated a commitment to a target of 300 additional homes in Mid Devon over the next four years.

Using Disabled Facilities Grants to help those who need adaptations to remain in their own homes, if appropriate

We will make best use of existing disabled adaptations in partnership with other agencies as appropriate, including Devon County Council Social Care, other Devon Districts and any future Home Improvement Agency.

Housing those in housing need

The DHC scheme is used to allocate homes in Mid Devon. The scheme ensures that there is a consistent approach to the allocation of all social housing across Devon. It was developed by all the local authorities and social landlords with stock in the County and an equality impact assessment was undertaken to measure the impact of the scheme upon different sections of society. Feedback is available to people who bid for properties; this makes the scheme transparent and gives applicants an understanding of the amount of time they might have to wait before being housed.

The Council has its own local allocations policy which allows for certain properties to be labelled. In this way, those needing adaptations will be given preference when adapted homes are allocated, and those with a local connection will be given preference during the allocation process relating to rural homes in villages.

The Council is committed to the use of flexible tenancies as a means of making better use of the housing stock. The Localism Act 2011 requires local authorities to develop a tenancy strategy which should include a description of the high level objectives ("matters") that RPs should "have regard to" in their tenancy policies. These policies will relate to:

- ❖ the kind of tenancies they grant
- ❖ the circumstances in which they will grant a tenancy of a particular kind
- ❖ where they grant tenancies for a fixed term, the length of the term
- ❖ the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

In the past, most tenants offered a home by a council or housing association were given lifetime tenancies. However, the Localism Act introduced tenure reform and as a result RPs can now let homes on fixed term or flexible tenancies. These are tenancies which are let for a limited period of time; with a minimum five year term in most cases. As a landlord, the Council now uses flexible tenancies. This was to address issues relating to a shortage of available accommodation especially larger homes. The tenancy policy sets out the circumstances in which these tenancies will be re-issued and the main reasons relate to changes in the composition of the household and/or household circumstances.

The Council also expects housing associations working within the District to make the most of the new flexibilities for the same reasons. A new protocol is about to be implemented. This has been agreed by all the local authorities in Devon and is to be used to ensure that all those tenants whose fixed term or flexible tenancies are not to be renewed receive appropriate advice relating to their housing options.

Managing Council housing efficiently and effectively

The HCA is responsible for the regulation of council housing. The regulatory framework consists of a number of Standards which have been divided into two sets: the Consumer Standards and the Economic Standards, and the Council is obliged to deliver the specific outcomes set out in the Consumer Standards.

Councillors are responsible for ensuring that the standards are met, in accordance with the framework. However, the regulator does not have a proactive role in monitoring compliance and will only intervene in cases of serious detriment.

Housing providers such as the Council and the Councillors responsible for the Housing Service are expected to ensure that all activities are transparent so that tenants, service users and other stakeholders can scrutinise and ensure that the outcomes required by the relevant standards are being delivered.

The regulatory framework clearly states that tenants should have opportunities to shape service delivery and to hold Councillors to account. To achieve this, providers are expected to engage meaningfully with their tenants and to offer them opportunities to shape the tailoring of services to shape local priorities. In particular, the Council, as a landlord, is expected to give tenants an opportunity to scrutinise performance, identify areas for improvement and influence future delivery. Consequently, the Housing Service is expected to provide training opportunities for tenants to help them to develop their skills and capacity so that any engagement and scrutiny is effective. The Council also has to demonstrate that it understands the particular needs of its tenants.

The Housing Service offers a wide range of opportunities to enable tenants to get involved and to scrutinise all aspects of the work. In particular, our Tenant's

Together group (formerly known as the Scrutiny Improvement Group, or SIG) regularly reviews performance documents, comments on new policies and strategies, and is encouraged to undertake service reviews.

The Cabinet Member for Housing has been involved in setting targets relating to all aspects of service delivery and performance against these targets is regularly monitored by senior officers, Councillors and tenants. Performance information is also published on the Housing Service pages on the corporate website. The targets relating to income collection are seen as the most important ones as maintaining the revenue stream is vital; the Housing Revenue Account is ring-fenced and the Housing Service is financed mainly out of rent collected from tenants. However, performance relating to voids is also given high priority. In order to increase income, the Housing Service has a robust policy relating to rechargeable repairs and reinvests any monies received from tenants.

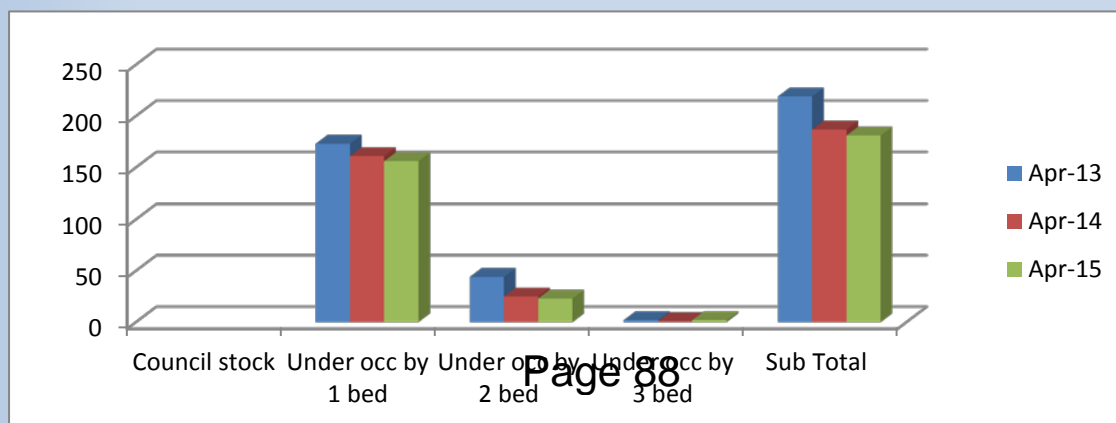
The Council successfully secured an additional £1.4million to invest in the housing stock. This grant funding was used to ensure that all homes were sound and compliant with the Decent Homes standard. There has been a concerted effort in recent years to ensure that the bulk of the repairs budget was allocated to planned, rather than responsive, maintenance. £2.1million was spent in 2013/14 improving homes by updating kitchens and bathrooms, and on heating upgrades. Going forward, expenditure on these items is likely to be in the region of £1.1million per annum. In addition, a total of £750,000 is spent each year on routine repairs and maintenance. There is a dedicated budget of £250,000 for aids and adaptations needed in Council accommodation.

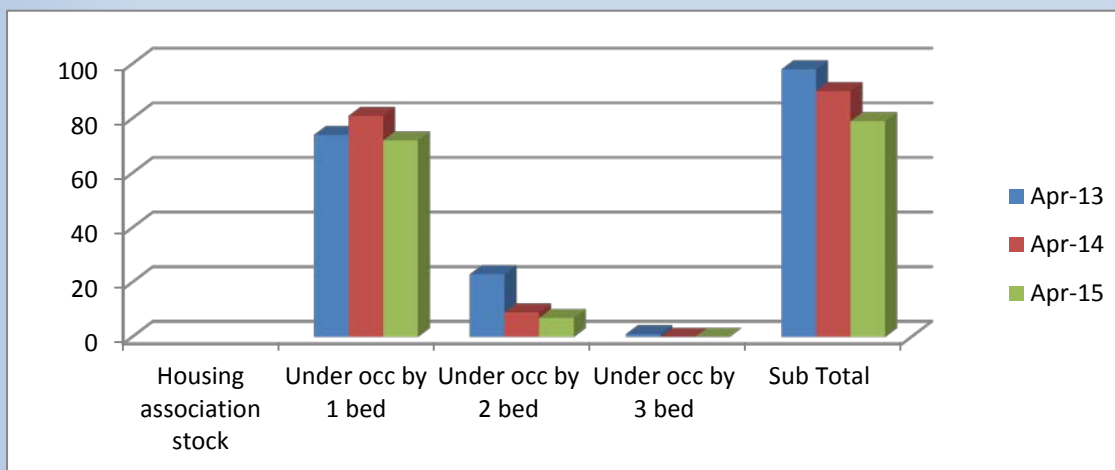
In order to combat tenancy fraud, the Housing Service now operates a programme of Tenant Home Checks which involves visiting each property once every five years. The visits offer an opportunity to monitor who is living in the property but also enable officers to ensure that the service is meeting the needs of the tenants, to identify any tenant damage and to offer advice about issues such as welfare reform.

The Council also works in partnership with other Devon authorities to combat tenancy fraud. A grant from the Department of Communities and Local Government was obtained to establish a specialist team to work across the county for the period of two years until the end of 2015.

Continuing to promote downsizing initiatives

The Spare Bedroom Deduction has affected a number of people in the District.





Source: Benefit team, Mid Devon

Housing Benefit claimants by Local Authority: by Spare Room Reduction: February 2015					
	All HB claimants	Spare Room Subsidy Reduction			
		Not applicable (private housing)	Not applied	Applied	
				Number	Average HB reduction amount
Mid Devon	4,493	1,828	2,406	264	£14.12

Source: <https://www.gov.uk/government/statistics/number-of-housing-benefit-claimants-and-average-weekly-spare-room-subsidy-amount-withdrawal>

The Homelessness Strategy states that ensuring the efficient and effective use of existing stock in the District by assisting households to downsize where appropriate is a priority. The Council's approach was discussed earlier in the narrative. However, existing tenants wishing to downsize are also awarded high priority within the DHC scheme because they go into the B Band. In recent years, the Council has operated an incentive scheme aimed at giving our tenants some assistance with removal and other costs associated with transferring to alternative accommodation but this is due to be reviewed in December 2015 and it is likely that the scheme will cease. Recent welfare reforms have meant that a significant number of tenants have already moved to smaller accommodation.

Priority Three: Preventing homelessness

The new homelessness strategy 2013-2018 adopted in 2014 sets out the Council's key strategic aims in tackling homelessness in the District, details how these aims are to be achieved, and sets out actions for delivery.

Homeless acceptances in Mid Devon have been decreasing for some years and between 2004/05 and 2011/12 there was a 90% reduction. This was despite the fact

that the total number of approaches made to the Council saw a fivefold increase over the period from 2009/10 from a low of 47 to 273 in 2012/13. The reduction in the numbers of acceptances is directly attributable to the early intervention and preventative measures taken by the Housing Options team and partners. Over the last 5 years, there has been an average of 19 homeless acceptances each year and homelessness preventions increased from 150 in 2011/12 to 330 in 2014/15.

The Council uses a range of tools to assist applicants to prevent or resolve their homelessness at the earliest opportunity. A Housing Options approach to the management of homelessness is seen as key and, for this reason, homeless applicants are encouraged to register on DHC and are also given advice about securing accommodation in the private sector. The Deposit and Rent in Advance Scheme (DARS) is available to help applicants to access private rented accommodation.

Recently, a Young Person's Support Worker has been recruited to work with young people and their families to prevent homelessness. This Officer is also expected to co-ordinate support for young people who may be at risk, for whatever reason; in a safeguarding role taking into account their individual needs. In addition, she has been tasked with building up good working relationships with local landlords, including RPs of social housing, and local lettings agents in order to find accommodation for young people in housing need.

The Council also works in partnership with a number of agencies to assist those in housing need. In particular, Sanctuary Supported Living works across Mid Devon to provide support to those in private and social sector tenancies and owner occupiers where they are at risk of losing their home. A number of grants are made to support the work of local partners such as the CAB and CHAT (Churches Housing Action Trust) and a contribution is made towards the cost of the post of the Devon Housing Options Partnership Co-ordinator, who supports the work of district councils in the county.

The Council works with ADVA (Against Domestic Violence and Abuse Partnership) which provides services to those who have experienced domestic abuse; BCHA Street Homeless Outreach Team (SHOT) to help secure accommodation and support for single people and to support the Council's response to the Government's No Second Night Out initiative for those sleeping rough (BCHA is an organisation committed to the creation of lasting solutions for homelessness, unemployment and social exclusion in local communities); and Wiser£Money, part of Wessex Resolutions, which operates the Local Welfare Assistance Fund which will provide rent and deposit assistance as well as money management advice. Furthermore, the Council will work with Young Devon and Social Services to refer young people to supported lodgings; and the Homeless Prevention Panel multi agency forum to consider housing options for 16-21 year olds. The Council also operates a mortgage rescue scheme and has a dedicated Housing Benefit Officer to fast track temporary accommodation and rent/deposit applications.

Welfare and social housing reforms are having an impact on vulnerable people in Devon and the Council is aware of the need to respond to the reforms in a proactive way to ensure that the benefit cuts do not lead to unnecessary homelessness.

The Localism Act allows local authorities to fully discharge their duty to secure accommodation by arranging a suitable offer of accommodation in the private sector without requiring the applicant's agreement as was previously the case. A key action for the future will be to develop a comprehensive policy outlining in what circumstances the main homelessness duty will be discharged into the private sector. The policy will include an assessment of suitability, property condition, cost/affordability and family type.

The homelessness strategy contains three specific priorities:

1. Preventing homelessness and sustaining tenancies
2. Increasing the availability of affordable housing
3. Mitigating the effects of the welfare reforms and the Localism Act

In particular, the Council will continue to work with partners to prevent homelessness by intervening early, further developing tenancy sustainment services and providing high quality advice and support. A number of key actions were identified to achieve this objective and these include ensuring that our homelessness advice service and prevention information is up to date and well publicised and working with partner agencies to identify gaps in provision and funding and seek solutions.

The development of comprehensive management systems to measure the impact of homelessness prevention advice will also be important. Developing a framework to provide support to people who may need help with sustaining a new tenancy will be achieved through working proactively with RPs including the Council's own Housing Service to reduce evictions from social tenancies particularly in light of the new flexible and fixed term tenancy regime.

All of the actions relating to increasing the availability of affordable housing which have been discussed in this housing strategy will support the homelessness strategy.

Likewise, the actions set out later in the housing strategy to mitigate the impact of welfare reform should help to minimise levels of homelessness.

Priority Four: Managing the impact of an aging population

Devon County Council has made some predictions relating to the numbers of elderly people in the County over the period from 2013 to 2033. By 2020, the 65+ population across the whole of Devon is predicted to increase by 42,400 to 215,200, and then to 264,400 by 2030, representing a 53% increase over the period from 2011 to 2030. It is predicted that the most significant increases in population will be in the 80-84 and 85+ age bands up to 2030, with percentage increases of 80% and 98% respectively.

The SHMA noted that, on the basis of these projections, the population over 65 in Mid Devon would increase by 54.3% or 9,366 over the period. It found that by 2030, there would be 6,527 people of people aged 65+ living alone, an increase of over 64% on the position in 2014. The population aged 75 or over in the District is also likely to increase by nearly 82% from 7,748 in 2013 to 14,089 in 2033.

At the end of December 2013, DCC informed the Council that it was reviewing its Adult Social Care Accommodation Strategy for older people in Devon to examine the range of accommodation options that will be needed in the County in the future. It was noted that the service need is changing, with an increase in the number of older people with dementia or mental health needs and a decline in residential placements for older frail people due to improved Community based services. The County Council's Cabinet approved investment in DCC Residential homes to provide specialist centres of dementia services and there is also approval to seek providers and partners to deliver over 900 Extra Care Housing units across the county.

The County Council, as part of the work to estimate the number of Extra Care Housing units needed, has also identified those towns in which Extra Care housing is likely to be most viable and where there is an unmet need. The DCC Commissioning Strategy for Extra Care housing which, based on 2008 population estimates, shows the population at risk within the Mid Devon area. It identified a need for 50 Extra Care Housing units in both Cullompton and Tiverton. DCC closed a significant number of their care homes from March 2015.

The District Council identified a need for an Older Person's strategy to reflect how services will plan for the future to meet the increase in demand given the rising numbers of people in Mid Devon over 65 and this is awaiting approval. A number of additional recommendations were made which included:

- Promoting a community hub in Newton St Cyres and setting up a community hub in Tiverton
- Setting up a garden share scheme
- Reviewing the voluntary groups in the District and linking in with the DCC register
- Setting up a register of trusted tradesmen or actively promoting that already provided by Age UK
- Raising awareness in the parishes on identifying the signs of vulnerability in adults

It was also recognised that very elderly people will require specially adapted bathrooms and have a need for lifts. It is acknowledged that some of the provision for older people may be delivered by Extra Care units.

Helping elderly people to remain in their own homes

The traditional sheltered housing service has disappeared following the move from property-related support to targeted support services that are based on individual's support needs.

DCC commissions these services and requires providers to deliver services to individuals with the greatest level of need. Providers have been issued with new Targeted Support contracts of lower value than the previous contracts. From 2015/16 these services moved into DCC's Framework Agreement, and existing providers were required to tender to deliver their current services. As funding has been reduced services have been significantly reduced and limited to those who have met DCC's Fairer Access to Care (FACs) assessment criteria.

Alarms:

In 2012, the Council completed the installation of telecare alarms in our sheltered housing properties. Lifeline alarms were installed in properties where the tenants required support services. All of the alarms are able to take additional telecare sensors.



The Future:

As stated, the SHMA identified a significant increase in the number of elderly people living in Mid Devon over the next two decades.

A Strategic Review of Older Persons Housing and Support Services commissioned from CIVIS, a consultancy, by DCC in 2008 identified that the majority of persons requiring support services lived in their own homes. The report concluded that providers should provide services to the wider community and not restrict them to their own sheltered housing schemes.

In 2013, the Council significantly reduced its Supported Housing Services staffing resources due to the impact of funding cuts. It is recognised that there is a demand for these services in the community and the Council will consider offering these to private customers.

The Council has 872 private Lifeline alarm customers that may require additional support services, and some of these are outside District. 278 Council tenants also pay for the service. The Council will explore introducing a range of new services to the private sector which could include marketing the services of our own directly

employed skilled tradesmen to install disabled adaptations, a handyman service, building repairs and the coordination of shopping, gardening and cleaning services.

The Housing Service now has two Community Housing Support Officers working alongside the Neighbourhood teams. These Officers provide a tenancy sustainment service to more vulnerable tenants. The Officers will work with a tenant for a specific period of time whilst they are experiencing a particular issue or difficulty. The role of the Officer is to enable the tenant to continue living independently and to signpost or to refer to other agencies, as appropriate. The Officers have a good understanding of the communities in which they work and of the different voluntary groups based in them which may be able to provide support and assistance to our tenants.

To develop the handyman service so that elderly residents in Mid Devon have access to reliable tradesmen

The Housing Service provides a Handyman Service, which is available to all tenants and leaseholders. This includes gardening, plumbing, carpentry, masonry, electrical works and cooker connections. It does not include decorating or cutting hedges which exceed four feet. Customers pay in full before work commences but there is discretion to agree alternative payment arrangements. In addition, there is a subsidised service for new tenants who are over 65 and/or in receipt of DLA, which provides two hours free labour for minor DIY jobs such as hanging pictures, fitting blinds and erecting shelves. To qualify, they must register interest within 2 weeks of moving into their new home.

MDDC Lifeline customers, whether in council or private properties, can seek a quote and arrange to have plumbing, electrical and carpentry work completed. We also fit key safes for a reasonable charge.

Priority Five: Reducing the impact of welfare reform

In September 2013, the Devon Strategic Partnership (DSP) Welfare Advisory Group identified that welfare reform would take £343 million out of the Devon economy each year. The Group calculated that this loss would affect over 160,000 working age households, 60% of whom are in employment, with an average loss of £2000. At that stage, it was calculated that the average loss in Mid Devon per working age household due to welfare reform would be £688. Since July 2015, following the summer budget, it has become clear that welfare budgets will continue to reduce and that there will be further cuts which will impact upon people on low incomes.

The Council's corporate Debt Collection Policy has been reviewed in order to ensure that there is a joined up approach to the collection of debt. The Council needs to maximise income to ensure that it can continue to provide responsive services to local people. The aim of the policy is to provide flexibility to enable Officers to respond in a sensitive way to individual circumstances and, in particular, those cases

where people, for whatever reason, are experiencing financial difficulties and are finding it difficult to pay debts owed to the Council.

The Council works in partnership with Sanctuary Supported Living which delivers a floating support service to those at risk of losing their home. This usually involves intensive case working to help people to sustain their tenancies. Officers in the Housing Options team are able to make referrals, as are Officers from within the Neighbourhood teams, when they identify one of our own tenants who may be experiencing financial or other difficulties.

Wiser£Money is contracted to deliver Local Welfare Assistance in Mid Devon and as part of their role, they will also provide help, advice and assistance to local people who are experiencing difficulty with money. Currently, they spend the majority of their time providing money advice. The organisation is registered with the FCA and their advisors will help clients to maximise their income, liaise with creditors and provide advice on budgeting. The Housing Service refers cases to money advisors as a matter of routine and 47% of enquiries/referrals involve Council tenants.

Requests for Local Welfare Assistance and money advice have increased by 19% between 2014 and 2015.

- The Housing Service is the biggest single referrer into the LWA/money advice scheme
- 80% of referrals from the Housing Service are for money advice
- The complexity of cases has increased significantly from 2014 to 2015; in 2014, £28,000 of debt was dealt with on behalf of clients and, by July 2015, this figure increased to £108,000 – this is a 274% increase
- 40% of money advice clients are under the age of 34
- 45% of the clients have a budget with under £50 disposable income available per month
- 21% of clients have a budget that show they have more expenditure than income
- During the first 6 months of 2015 (Jan – June) they achieved a total financial gain of £75,000 (this include Debt Relief Orders, debt managed, debt written off, increased income, benefit gains etc.)

The Troubled Families programme was introduced by the Department for Communities and Local Government to “turn around” the lives of 120,000 families estimated as facing multiple problems in three years. In Devon, this programme is known as the Targeted Family Support Scheme (TFS). The programme aims to:

- Get children back in the classroom
- Get parents back into work
- Reduce crime and anti-social behavior
- Reduce public costs associated with these families

Since the TFS was implemented, many families across the district have been engaged and are receiving support. The scheme has offered a great opportunity for partnership working in the District and has therefore delivered on many levels. Officers from the Housing Service have worked as lead professionals in a number of cases and contributed to positive outcomes in many others.

Providing grant funding to agencies which can provide advice and support to those in housing need

The Council has a strategic grants programme and currently provides funding to a number of agencies which provide advice and support to local people; these include Age UK Tiverton, Cullompton and Cridton, Churches Housing Action Team (CHAT), the Citizen's Advice Bureau and Community Housing Aid Nightstop Service. This programme is reviewed annually and, in the prevailing economic climate, it is likely that the grants will be reduced going forward. However, those agencies currently being provided with grants whose work aligns with Council key priorities are likely to continue to receive some funding in the future.

Continuing to promote energy saving initiatives

The commitment of the Council to supporting initiatives to reduce fuel poverty is stated in the Private Sector Renewal Policy. The Home Energy Conservation Act (HECA) 1995 requires local authorities to make reports from time to time on energy efficiency saving. The latest report, dated 2015, is available to view on the Council's website. This sets out the energy conservation measures that the Council considers practicable, cost effective and likely to result in significant improvement in the energy efficiency of residential accommodation in the District.

The definition of fuel poverty is now measured by the Low Income High Costs definition. A household will be in fuel poverty if:

- They have required fuel costs that are above the national median level
- They would be left with a residual income below the official poverty line if they were to spend the amount required

As at August 2015, it was estimated that over 4,000 households were in fuel poverty in Mid Devon.

Our strategy for addressing this issue, and for improving the housing stock in the private sector, contains three main strands:

- We will provide energy efficiency advice and assistance either directly or through partners. We are members of the Cosy Devon Energy Company Obligation scheme, a partnership involving DCC, Torbay and all the other Districts in Devon and we will continue to support this initiative.
- Green Deal funding, introduced by the Energy Act, provided capital investment in home energy efficiency measures funded by loans repayable

through the estimated savings in the household energy bills. This initiative has come to an end and it is uncertain what new funding streams will be made available, or even if this will be a priority going forward. The Council currently works with Wessex to provide loans to home owners and this could provide assistance to owners of homes which have low levels of insulation and which do not have adequate heating. In particular, it could be used to assist those owners of homes which are defined as hard to treat and/or those located in areas where there is no gas supply to improve energy efficiency.

- We will also submit bids for other capital funding as and when any new funding streams are announced by the Department of Energy and Climate Change (DECC)

This strategy is informed by a need to maintain the diversity and condition of the stock in the private sector in order to support the health and wellbeing of the local community.

Continuing to research “green” initiatives which can be installed in Council homes and which can help to reduce fuel poverty

The Housing Service is committed to investing in our homes to make them more energy efficient and to securing available funding to enable this work to continue. The work undertaken by the Housing Service feeds into the work undertaken to support the Devon Affordable Warmth Strategy. Nearly 1,000 Council properties in the District are not connected to gas and so it is important to explore alternative technologies in order to deliver more efficient, and less expensive, forms of heating.

Progress to date: reducing fuel poverty for Council tenants

The Council has installed solar Photo Voltaic panels (PV) in 1,175 (38%) units within our housing stock. This has reduced the fuel costs of tenants by at least 10%. This project was undertaken in partnership with Anesco Ltd. Energy prices have gone up more than 20% since then but the potential energy savings to Council tenants is still significant. The Council receives a rental income for allowing the panels to be installed on the roofs of its housing stock and the tenant has access to any electricity that is generated by the system.



In addition, an ongoing programme to upgrade heating systems was undertaken to make the housing stock compliant with the Decent Homes Standard. Where possible, all Council-owned open flued gas appliances were removed together with those central heating boilers rated D to G in recognition of the fact that they have low efficiency.

The Council is trying to ensure that there is a joined up approach to the improvement of properties to make them more energy efficient. As a matter of routine, 'A' rated boilers are now fitted in Council homes and there is on-going research into new developments such as boiler controls and insulation. The Council's own workforce is seeking accreditation, which enables them to install certain technologies and claim funding if it is an eligible technology. The new homes let in 2014 in Crediton at Joseph Locke Way and Station Approach, were compliant with level 3 of the Sustainable Code and were fitted with 'A' grade boilers and solar thermal panels to reduce the cost of producing hot water.

Air source heat pumps (ASHP) have been installed in 160 properties. These are central heating systems which extract heat from the air and deposit it in the hot water and central heating system. These technologies can be extremely energy efficient but the new technology and the way the heating is delivered can take some of our tenants a little while to adjust to.

67 properties have been upgraded with solar thermal heating. These are panels fitted to the roof which take heat from the sun to create hot water. They are very effective. They are installed mostly on properties with electric storage heaters. This system should provide significant amounts of hot water in the summer and contribute to lower energy costs in the winter by using available light to raise the temperature of the water, which is then topped up during the E7 or E10 periods. This technology can be linked with any heating system which has a suitable hot water cylinder. They are not usually linked with gas systems, except at the new Crediton properties developed by the Council. The Government has recently opened a scheme titled: "The Renewable Heat Incentive" and a retrospective application is being made to receive this funding.

The Housing Service has fitted Air to Air (A2A) heat pumps to 4 properties on a trial system. A2A heating systems work in a similar way to ASHPs but distribute the heat through fan units in each room. They are simpler to install with a lower capital cost than ASHPs but only suited to smaller properties and not all tenants appreciate the low level noise or movement of air associated with the fan in the wall unit.

The servicing of heat pumps is dealt with in-house by our own plumbers and heating engineers.

95% of our homes with a gas supply have 'A' rated boilers. Gas is our preferred source of heating. The Council is using available funding to extend the number of properties on the mains gas grid. During 2015/16 it is expected that we will move closer to 100% but tenants have the right to refuse works. We promote the cost-

saving benefits of an 'A' rated boiler as opposed to a 'G' rated boiler (up to £250 each year cheaper to run) but sometimes ill-health, advanced age or a fondness for the existing system, determines whether works will go ahead.

The Housing Service is committed to investing in our homes to make them more energy efficient and to securing available funding to enable this work to continue.

Embracing new technology

The Housing Service is keen to maintain its record of trialling new and installing tested renewable or energy saving measures in our properties. The technologies need to be simple, low maintenance and ideally supported by capital funding or have the ability to generate additional revenue through energy tariffs.

We continue to draw in funding from the solar panels that were installed on a significant proportion of our housing stock. We use this money to fund some of the new technology in those properties that currently have none. Wherever possible we also make applications to capital grant schemes to boost the number of renewable technology installations we can achieve.

Our priority properties are those off the main gas network and without solar PV. We will continue to upgrade gas boilers to those of the highest efficiency rating. Where possible we enhance this even further by installing additional technology. One example of this is a small device called the CombiSmart. This helps to conserve water that would otherwise be wasted each time the hot tap is turned on. Waiting for the boiler to kick in can waste water and gas. The CombiSmart helps reduce the flow of water until it is up to temperature. Typically 7-10 litres of water goes down the drain before it's considered hot enough to use. It costs more than £5/m³ to transport water to and from a domestic property. Every time someone lets it run down the drain without using it, they are wasting money. We're helping to reduce that.

We recently accessed a stream of funding from Wales & West Utilities. We can use this money to extend the gas mains and bring gas central heating to many new properties. Unfortunately this doesn't mean that the more rural areas will get gas, only those next to an existing supply.

As we become more knowledgeable about the heating technologies available to those properties without gas, we improve the choices we make. Air source heat pumps are no longer the standard for 'all electric' properties. Smaller flats and bungalows are just as likely to have new highly efficient Quantum (electric storage heating) panels installed. The hot water is then provided by solar thermal panels linked to a highly insulated cylinder. We can now also redirect unused solar generated electricity directly to a special immersion heater.

As new or untried technology becomes available to us we evaluate its effectiveness and cost. Current and recent trials include Infra-Red heating panels in the ceiling;

ground source heat pumps, where boreholes are drilled over 100m into the earth to extract low but constant levels of heat; hybrid ASHPs/gas boilers; battery storage for PV; and grey water recovery, where shower/bath water has the residual heat extracted and is then filtered and purified to be reused to flush toilets.

So many technologies exist but not all are suitable. We try to be even handed about where the technology goes but the reality is that not everything is practical or affordable. We will continue to provide modern, efficient heating to achieve the standards required as a social landlord and where possible go beyond this, helping reduce household running costs to a minimum by installing as many energy saving measures as practicable.

Giving advice on housing options

The Housing Options team will provide those people who need rehousing with appropriate advice and support. Prior to giving advice, they will take into account the income of the client and make reasonable suggestions regarding how they can resolve their housing problem. This may involve directing them to the private sector, providing a loan to assist with paying the deposit and suggesting that those tenants needing to move, for whatever reason, consider a mutual exchange. Mutual exchange can be an effective way in which tenants can resolve their own housing need and the Council subscribes to the HomeSwapper scheme to facilitate these.

The team will also work with RPs to provide good quality advice and assistance to tenants whose flexible or fixed term tenancies will not be renewed at the end of the fixed term, for whatever reason.

Appendix 1 - The Strategic Context

Government policy relating to the national housing strategy was set out in “Laying the Foundations – A Housing Strategy for England” which was issued in November 2011 <http://communities.gov.uk/documents/housing/pdf/2033676.pdf>

This document confirmed the view that housing supply was a key issue and that the development of new homes could be a driver for economic growth. It also promoted the concept of meeting needs and aspirations through housing on the basis that the value of the asset can unlock opportunities and enable wealth to be cascaded from one generation to the next. A number of new initiatives were introduced including an equity loan scheme to assist first time buyers, known as FirstBuy, and a Growing Places Fund where finance was made available for infrastructure and for builders. In addition, a range of measures was also introduced to encourage new development:

- An ability for builders to challenge planning obligations contained in legal agreements setting out social benefits from development under section 106 of the Town and Country Planning Act 1990 (s106 agreements) on stalled building sites. In addition, builders can challenge the viability with a consequence of a reduction in the offsite financial commitment.
- A means of freeing up public sector land for 100,000 homes
- Land auctions

The National Planning Policy Framework

In 2012, the Government also revised national planning policy, replacing over 1,000 pages of guidance with the 50 page National Planning Policy Framework (NPPF). The NPPF contains a presumption in favour of sustainable development which should be seen as the “golden thread running through both plan-making and decision-taking”. The Localism Act, introduced the year earlier in 2011, contained new freedoms and flexibilities for local government and new rights and powers for communities and individuals. The framework set out nationally important issues and halted government involvement in regional and more local strategies.

Practical support was also made available through a number of funding streams which were identified in the government housing strategy including:

- Short term finance, available specifically for self- builders
- A budget to bring empty properties back into use
- The Affordable Homes Programme which is the main affordable housing funding stream. This is operated by the Homes and Communities Agency (HCA) and sets out how affordable housing will be delivered to support the Housing Strategy. The new framework introduced the new Affordable Rents model where rents are charged at 80% of market rents and the additional

income generated used for affordable housing provision, some of which should be set aside for community led development projects.

Mainstream providers are now expected to assist and facilitate the process of community led housing projects. This could involve project management, development agency, financing joint venture partnerships and even final incorporation of the new community into the group structure of a Registered Provider (RP) of social housing (this would most probably be a housing association).

All community housing is different and there are many different models. In Mid Devon, there are some very vibrant community housing groups. For example, the Community Land Trust (CLT) at Hemyock worked with Hastoe Housing Association to deliver twelve new homes and the CLT at Cheriton Bishop is working with Teign Housing to deliver 8 new homes.

Government proposals included encouraging a thriving private rented sector by the provision of fiscal incentives to encourage large institutional investors, and addressing issues of quality and safety.

The Localism Act 2011

This Act devolved more power away from central government to local authorities. It gave local people more power to challenge decisions relating to housing and planning. It introduced a general power of competence which allows local authorities to respond to the needs and aspirations of the communities in their areas.

Localising planning

Regional spatial strategies were abolished. These had imposed building targets on local authorities. Instead, the Duty to Co-operate was placed on councils which requires them to co-operate effectively and on an on-going basis on cross-boundary matters which impact on their respective local plans. Housing growth is now based on meeting the objectively assessed need for housing, taking account of household and population projections, migration and demographics as well as addressing the needs of all types of housing. Local plans are expected to cater for this calculated housing need.

Neighbourhood development plans were introduced to sit beneath local plans. Local authorities must provide advice and support to communities wishing to prepare a neighbourhood plan. These neighbourhood development plans must be approved if they receive 50% of the votes cast in a referendum.

There is now a *Community Right to Build*, where a neighbourhood development order can be made to allow communities to approve development without requiring normal planning consent. Building regulations were reviewed and the Green Deal was introduced to boost retrofit schemes.

Councils may choose to raise funding for infrastructure through adoption of a Community Infrastructure Levy (CIL) charging schedule. Finance towards affordable housing provision may not currently be raised through CIL. It does not replace s106 agreements (also known as planning obligations) but will make provision for financial contributions to be pooled and put towards a certain infrastructure project or type of infrastructure. Section 106 agreements still apply on strategic sites.

The *New Homes Bonus* was introduced to provide an incentive for growth and to provide funding for communities where an increased population in the area could result in deterioration in the level of public services and other amenities. It was introduced in April 2011 and provides an additional sum for the following six years. The Government has stated that this money should be used to deliver demonstrable community benefits. The New Homes Bonus is for a limited time only, ending in 2017.

Local retention of business rates: The aim of the scheme is to encourage billing authorities to support business growth in their areas.

The Community Right to Bid: this enables buildings or land to be listed by the local authority as an asset of community value. Local authorities are expected to maintain a list of Assets of Community Value.

Localising social housing

The Localism Act heralded major changes to the social housing system. It was hoped that more decisions about housing would be taken locally and that the system would become fairer and more effective. The Council has published a Tenancy Strategy, as required by the Act, setting out the matters RPs of social housing should have regard to when formulating their tenancy policies. The main areas covered include affordable rents, disposals, conversions and the introduction of flexible and fixed term tenancies.

The housing provisions of the Localism Act can be summarised as follows:

- **The Reform of Social Housing Regulations:** The HCA became responsible for the regulation of social housing
- **Complaint Management:** Responsibility for reviewing complaints passed to the Housing Ombudsman Service
- **Making better use of social housing:**
 - A new form of tenure was introduced to make better use of scarce resources – flexible/or fixed term tenancies
 - A national mobility scheme was introduced to assist tenants to move to other areas in order to access greater work opportunities
 - Local authorities were given the ability to discharge their duties to homeless people by using private rented accommodation
 - Local authorities were given more freedom to set their own policies regarding qualification for housing in their areas and increased priority for service personnel
- **Council house finance** was reformed by allowing local authorities to borrow against the value of their housing stock and abolishing the subsidy system

RPs were given new powers to enable them to make best use of stock. For example, squatting became a criminal offence and new tools to tackle anti-social behaviour including tenancy fraud were introduced. Following the Localism Act, funding was provided to assist troubled families. This scheme became known as Targeted Family Support in Mid Devon and was rolled out across the District following a successful pilot in Tiverton.

There have been steps to improve the accuracy of rough sleeper counts and to roll out the “No Second Night Out” initiative as a means of reducing rough sleeping.

The Coalition Government attempted to increase voluntary transfers of Council housing stock to other RPs and endeavoured to raise the profile given to the Right to Buy scheme by encouraging landlords to promote this. In addition, discount limits were increased and it was announced that a new home would be built for each one sold.

Welfare Reform Act 2012

The Act introduced a number of changes which had a significant impact upon the income of those in receipt of benefits and consequently RPs of social housing.

These included:

- The spare bedroom deduction of Housing Benefit for those claimants of working age who are under-occupying their homes and currently set at 14% if one room is spare and 25% if two or more rooms are spare)
- The benefit cap for claimants of working age which was set at the level of the average (after tax) earnings of working households
- The introduction of direct payments of Housing Benefit to tenants except in cases where the tenant is vulnerable; through the introduction of Universal Credit where claimants receive one lump sum paid in arrears in respect of their benefits. This was introduced to give claimants an opportunity to organise their own finances as they would if they were in work.
- Other changes included more stringent sanctions; the introduction of Personal Independence Payments to replace Disability Living Allowance (DLA) and time-limited payments of contributory Employment & Support Allowance (ESA) for all but the most sick and/or disabled.

The spending review: July 2013

The economic situation had a profound impact on national housing policy and this was reflected in this spending review and related announcements issued in the summer of 2013. It was announced that overall public expenditure was to remain very constrained and welfare reform continued. The capital available for infrastructure was increased. The Coalition Government aimed to encourage more

new build housing by ensuring that housing associations could maximise borrowing capacity. There was a stated intention to ease planning rules and to make the HCA the default disposer of public land.

Other measures arising from the spending review included:

- Social rents to be increased using a new formula based on the consumer price index (CPI) + 1% over the next ten years
- £3.3billion made available for affordable housing and a budget of £400million earmarked for the new affordable rent to buy product
- £100million made available for stock transfers

The Department for Communities and Local Government (DCLG) budget was cut by a further 10% (having already been cut by 60%) and Council tax was frozen for a further two years.

Further welfare reforms were announced. For example, claimants were required to sign on weekly, rather than once every two weeks

Further welfare reforms were introduced; for example, jobseekers were required to wait a week before receiving any payments after losing a job. However, there were some concessions around direct payments designed to support social landlords, as the direct payment demonstration projects showed increased arrears.

The Autumn Statement 2013

In order to support the development of 10,000 new affordable homes, it was announced that local authority borrowing caps were increased by £150million in 2015/16 and £150million in 2016/17. The role of local enterprise partnerships (LEPs) in enabling the development of new homes was recognised, through the changes to the borrowing caps and plans to unlock stalled development sites. The Chancellor also announced a commitment to retain at least £55m in discretionary housing payments to support tenants affected by the removal of the spare bedroom subsidy in 2014/15 and 2015/16.

Other relevant announcements:

- ❖ A 6 year programme to unlock new large housing sites.
- ❖ A consultation on a “right to move” for tenants who need to relocate for employment reasons.
- ❖ Right to Buy Agents were announced to help households to complete the purchase of their Council home.
- ❖ An exploration of the options relating to housing estates in need of regeneration, which could be achieved through repayable loans.
- ❖ A consultation on potential changes to the New Homes Bonus, which would introduce mechanisms to withhold payments where planning applications are only approved on appeal. This is part of a range of measures designed to remove barriers to the building of new homes in the planning system.
- ❖ Further details relating to the cap on welfare spending.

A new Conservative Government was elected in May 2015 and in July 2015, in an emergency budget, the Chancellor announced further changes which will have a significant impact upon the social housing sector.

Rent reduction

It was announced that RPs of social housing would have to reduce their rents by 1% from April 2016 until 2020. The changes mean an end to a rent formula agreed in 2013.

As at end of July 2015, reports are indicating that this will result in an 11% – 15% reduction in average rents by 2020/21 compared to current forecasts. This has the potential to undermine the ability of both Councils and housing associations which work in Mid Devon to deliver new build developments given the impact it could have on long-term business viability. The rental income received by the Council is approximately £12million per annum. There is likely to be a significant reduction of income totalling £5million estimated cumulative rent loss over years 1-4 and £80million estimated cumulative rent loss over years 1-30. The Chancellor expressed the view that the social housing sector can make efficiency savings to enable them to manage the reduction.

This policy is likely to be included in the Welfare Reform Bill due to be passed in September 2015, which means that RPs will not be able to mount a legal challenge against the proposal.

Observers are currently suggesting that anything between 14,000 (the Office for Budget Responsibility) and 27,000 (National Housing Federation) less affordable homes are likely to be built nationally over the four year period when the reduction in rent is to be implemented.

The Council will need to review plans for future investment in the housing stock, how we deliver housing services and in particular how we will finance the development of new housing stock. Other RPs working in the District will also need to review their business plans.

Pay to Stay

Tenants on higher incomes will have to pay the market rate or near market rent for their homes. The threshold will be £30,000 in Mid Devon and will come into effect from 2017/18. Under the new, compulsory scheme, which the government estimates will save £365million in 2017/18, local authorities will have to pay the extra cash raised to the Treasury, therefore, contributing to deficit reduction. It is anticipated that around 340,000 renters out of England's 3.9 million social tenants are likely to be affected.

However, the implementation of higher earners paying market or near market rents is likely to be problematic. The Council cannot insist that our tenants provide information regarding household income. In fact, few RPs hold data on their tenants' earnings. The government will publish more details on how the scheme will work in due course.

Security of Tenure

A further review of security of tenure in social housing is planned. It will also look at whether certain groups of tenants could be exempted from proposals to limit lifetime tenancies; for example, those in supported housing. It is yet to be confirmed whether or not the policy could be applied to existing tenancies. The Council's strategic housing policy enables RPs to use flexible or fixed term tenancies in the District.

Welfare reform

Further changes to the welfare system were announced in July 2015:

- ❖ A four year freeze on welfare payments. Working age benefits will be frozen from 2016/17 for four years to 2019/20. This is forecast to save £4 billion a year by 2019/20. This will apply to Jobseeker's Allowance, Employment and Support Allowance, Income Support, Child Benefit, applicable amounts for Housing Benefit and Local Housing Allowance.
- ❖ The benefit cap will reduce from £26,000 to £20,000 in Mid Devon. Benefit for housing costs is the first payment cut if a household is affected by the cap. It should be noted that the date for implementation of the new policy was not included in the Budget report.
- ❖ The removal of the family premium. This is an extra payment for households with children.
- ❖ From April 2016, the Government will reduce the level of earnings at which a household's Tax Credits and Universal Credit award starts to be withdrawn for every pound earned. This will affect tenants in work on a low income.
- ❖ Tax Credit and Universal Credit support will be limited to the first two children from April 2017. Multiple births, for example, where there are triplets will be excluded from the limit. This will impact on larger families as this will limit the amount of benefits received therefore reducing their overall income.



- ❖ From April 2016, Housing Benefit claims will be backdated for a maximum of 4 weeks. This is a change from the current limit of 6 months, depending on the claimant's circumstances. These changes will put the onus on the claimant to take greater responsibility for paying their rent on time. This is likely to have an impact upon the revenue of the Housing Service and other RPs in the District as not every tenant is able to submit their claim for Housing Benefit on time, or to provide the necessary evidence when requested to do so.
- ❖ From April 2017, those out of work aged 18-21 who make a new claim for Universal Credit will no longer automatically be entitled to the housing element. There will be some exemptions to this rule; however this highlights a potential risk relating to increased rent arrears.
- ❖ There will be a further £800 million of funding available to local authorities to make Discretionary Housing Payments over the next 5 years, which can be used to support vulnerable claimants of Housing Benefit
- ❖ People aged 18-21 will be required to "earn or learn". However, there will be some exceptions to this rule. Those claimants in receipt of Universal Credit will have to apply for an apprenticeship or traineeship, gain work-based skills, or go on a work placement 6 months after the start of their claim.

Given the forthcoming changes, the challenge for the Council as the strategic housing authority and RP of social housing will be to assist social housing tenants and housing applicants with reviewing their household budgets. Many of these people may find their household incomes adjusted by these changes. There is a need to mitigate against the risk of an increase in the level of people approaching the Council as homeless; and a reduction in the level of income into the Housing Service.

From April 2016 the government will introduce a new National Living Wage of £7.20 for over 25's rising to £9.00 an hour by 2020. The government recognised that the new National Living Wage may increase costs for some businesses. This could have a detrimental impact upon small businesses, in particular, in Mid Devon. However, from April 2016, National Insurance Contributions (NICs) Employment Allowance will commence not from £2,000 but £3,000 with the aim of helping employers with additional wage costs.

Following the summer budget in 2015, the government published further details relating to its plans to improve the nation's productivity. The plans were explained in a document called: "Fixing the Foundations: Creating a More Prosperous Nation" which set out proposals designed to encourage long-term investment, and to promote a dynamic economy.

The plans focused on changes to the planning system and indicated a very clear shift to the provision of homes solely for home ownership. In particular, it was made

clear that the government is supporting the building of more new homes for home ownership. Low cost homeownership for first time buyers has become a priority. Reform of the planning system will support this. The extension of the Right to Buy to housing association tenants was also proposed.

Appendix 2 - Local Context



Mid Devon

Mid Devon is a sparsely populated area of 352 square miles (913 sq km) in an inland area of South West England. It extends from the edges of Dartmoor in the South West to Exmoor in the North East. It is a predominantly rural area and whilst the majority of the population (total: 77,500) is located in three main towns: Crediton Cullompton and Tiverton a large number of residents live in the rural areas outside these towns. The principal concentration of people is in the eastern part of the District, where the market towns of Tiverton and Cullompton lie within 6 miles of each other.

The significant urban areas of Exeter (total population: 137,087) and Taunton (total population: 60,479) are just beyond the Southern and Eastern boundaries of the District respectively. Major East-West lines of communication run through Mid Devon, including the M5, the A361, the A30 and the Great Western Mainline Railway. However, transport in rural areas can be a problem for some families.

The recently published Strategic Housing Market Assessment (SHMA) for the Exeter area established housing requirements in four local authority areas, over the twenty year period from 2013 to 2033 – East Devon, Exeter, Teignbridge and Mid Devon. This in-depth study, which reviewed housing issues in Mid Devon and the other local authority areas, enables the Partner Authorities to understand the nature and level of housing requirement within their local areas.

Population

Population change, 2001 – 2011

	Population 2001	Population 2011	Absolute change	% Change
Mid Devon	69,774	77,800	+8,026	+11.5
South West	4,928,434	5,288,900	+360,466	+7.3
England	49,138,831	53,012,500	+3,873,669	+7.9

Source: ONS Census (2001/2011)

The growth in the population of Mid Devon district rose by over 11% in the period from 2001 to 2011 from 69,900 to 77,500 people; 49% are male and 51% female. This rate of growth is significantly higher than the rates for England and the South West. Minority ethnic groups make up over 1% of the population. The proportion of those born in the UK decreased from 97% in 2001 to 95% in 2011.

Proportion (%) of the population by age, 2011

	Pop aged 0-14 (%)	Pop aged 15-24 (%)	Pop aged 25-44 (%)	Pop aged 45-64 (%)	Pop aged 65+ (%)	Average age (years)
Mid Devon	17.3	10.7	22.8	28.8	20.4	42.3
HMA* area	15.3	12.7	22.5	27.3	22.2	43
England	17.6	13.1	27.4	25.4	16.5	39.4

Source: Census 2011

*HMA: housing market assessment

Dwellings

The 2011 Census found that there are 33,990 dwellings in Mid Devon.

Existing stock by property type (%)

	Mid Devon	Devon	South West	England
Detached	38	35	30	22
Semi-detached	25	25	27	31
Terraced	20	23	23	25
Flat/ maisonette	16	16	19	22
Other	1	1	1	0

Source: Census 2011

Tenure Profile 2011

	Mid Devon	Devon	South West	England
Owner occupied	69.1	70.2	67.4	63.4
Shared ownership	0.9	0.8	0.8	0.8
Social rent	12.6	11.2	13.3	17.7
Private rent/ other	17.4	17.8	18.5	18.1

Source: Census 2011

Housing across all tenures is assessed against the Decent Homes Standard. This contains four criteria and all properties will have them if they are “decent”. To meet the criteria, a property will be in a good standard of repair, have a reasonably modern kitchen and bathroom and must have effective insulation and efficient heating.

The Housing Health and Safety Rating System (HHSRS) sets standards for acceptable accommodation and assesses hazards. Hazards may be categorised

into category 1 or category 2 hazards. If there are any category 1 hazards found within a property, the Council may take action to ensure that these are put right. The SHMA contains the following information derived from a 2009 study undertaken by the South West Regional Assembly: "The Condition of Private Sector Stock in the South West".

Meeting the Decent Homes Standard

Area	% Non-Decent	Reason for non-decency			
		Reasonable repair	Thermal comfort	Modern Amenities	Cat 1 Hazards
Mid Devon	42.8	9.9	35	0.7	29
Devon	32.8	11.5	23.9	1.6	20.2
South West	21.7	10.3	18.5	2.2	15.5

Economy

The 2011 Census showed that 17% of those employed in Mid Devon work in the wholesale or retail trade or in motor vehicle repair. This compares to 16% of people in Devon and 16% of people in England and Wales. Manufacturing is also important (employing 10% of people in the District compared to 8% in Devon and 9% in England and Wales). Although farming makes up only a small proportion of the economy as a whole, there is a higher proportion of people (6%) working in agriculture, forestry and fishing than in other Devon districts and in England and Wales, as a whole (both 1%).

The unemployment rate had increased to 3% of the working age population at the date of the Census in 2011 but unemployment remains low compared to national figures. Mid Devon shows a high rate of self-employment with 15% being self-employed compared to 14% in Devon and 10% in England and Wales. 16% of the population is retired compared to 18% in Devon and 14% in England and Wales.

According to the Census in 2011, 14,167 residents in Mid Devon work within the District. After that, the main place of work for local people in Mid Devon was Exeter, followed by East Devon.

Affordability and the Mortgage Market

The average house price in the South West in 2013, according to the NHF publication Home Truths 2014/15, was £228,420 which gives a house price to earnings ratio of 9.6 compared with the UK average ratio of 9.5. In Mid Devon the average house price was £223,632 and, mean annual earnings in 2013 were £21,554 making the ratio of house prices to incomes 10.4.

The income required for an 80% mortgage in Mid Devon in 2013 was £51,116. Mortgage as a percentage of income stood at 34.9% in the fourth quarter of 2012 in the South West compared to the UK average of 28.1%. The HCA considers a 45% household debt to net income ratio affordable in terms of home ownership yet not

over stretching in order to allow buyers to adapt to market changes in mortgage interest rates.

According to the SHMA, house prices grew by 121% in Mid Devon over the period from 2000 to 2013, compared with 124% across the housing market assessment area and 124% across Devon.

Nationally, there is concern that house price inflation in the last decade was driven by long-term chronic under-supply of housing to meet the needs of a growing population. As a result, the Government is now trying to stimulate house building activity and is also encouraging councils to build new homes.

Average monthly private rents – December 2014

Area	Median (£)	Lower Quartile (£)
Mid Devon	595	500
HMA* average	643	538
Devon	625	525
South West	650	525
England	595	475

Source: VOA report December 2014

*HMA: housing market assessment

Current housing need in Mid Devon

The SHMA provides an objectively assessed statement of housing need in Mid Devon. The lower end of the range is 359 per annum and the higher end of the range is 381 per annum; the mid-point is 370 per annum. The emerging local plan will take account of this projection.

The Council uses the countywide Choice Based Lettings scheme, Devon Home Choice, to allocate social housing. The scheme has been revised to reflect the bedroom occupancy changes made in the welfare reforms.



As at 1 April 2015, there were 2,131 applicants registered with Mid Devon on Devon Home Choice.

The applications are assessed and put into one of five bands, these being A, B, C, D, and E. Those in the 'A' band are those needing emergency accommodation. The 'B' band applicants have a high housing need and those in the 'E' band have no housing need.

Number of households in housing need (Bands A to D) as at 1 April 2015

	Band A		Band B		Band C		Band D		Total	Band E	
	No	%	No	%	No	%	No	%		No	%
Mid Devon	0	0	194	20	306	32	462	48	962	1,169	55
Total DHC	24	0	3,801	20	5,141	27	9,935	53	18,901	13,978	43

Source: DHC Quarterly Monitoring Report (April 2015)

Only 48% (962) of those cases registered on DHC are in housing need. 55% (1169) of cases registered have no housing need.

Bedroom need of applicants in housing need (Bands A to D) as at 1 April 2015

	1 Bed		2 bed		3 bed		4+ beds		Total
	No	%	No	%	No	%	No	%	
Mid Devon	490	51	280	29	121	13	71	7	962
Total DHC	10,887	58	4,872	26	2,018	11	1,124	6	18,901

The DHC scheme offers an assessment framework and, as previously stated, housing applicants are placed into five bands according to their need. Those with no housing need are placed into Band E. Other housing authorities in Devon no longer operate a Band E. As at July 2015, Members are reviewing the situation in Mid Devon and, as a result, the Council may well amend the DHC scheme and decide against placing those with no housing need on to the housing register.

During 2014/15, 280 general needs units and 30 homes for vulnerable people were let by the Council and other RPs in Mid Devon (making a total of 310). It would appear that there is a high proportion of housing applicants who have a need for one-bedroom accommodation and therefore RPs who are developing new homes for rent need to take this into account.

The present system allows some flexibility to give preference to certain groups, such as transferring applicants or existing tenants, who need to downsize. The removal of the spare bedroom subsidy for Housing Benefit claimants can be seen to have increased the number of people seeking one-bedroom accommodation in the District.

Affordable Housing

The SHMA assessed the social and affordable rented need by bedroom size:

	Bedroom size (%)			
	1 bed	2 beds	3 beds	4 beds +
Mid Devon	45	40	15	

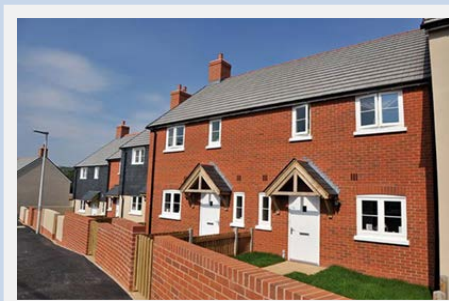
The SHMA also assessed under-occupation in the social rented sector in Mid Devon as 10.4%, which represents 429 units. It also found that 218 households, or 5.3%, were living in overcrowded conditions.

The SHMA contains an assessment of specific affordable housing needs. It established a need for 124 affordable homes each year.

It was noted that there is a shortage of larger homes available for families in the District and that new social/ affordable rented delivery should target under-occupied three/ four bedroom houses to help address the needs of larger families, especially those who are over-crowded and also be linked to the strategies for older people.

During 2014/15, 12 empty homes in the District were brought back into use to add to the overall level of housing supply.

The Council is currently working with 18 other RPs in the District (see Appendix 5) to provide affordable homes for those in housing need. Affordable housing is defined as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. The government definition contained within the NPPF states that: "Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision".



Deprivation

The Indices of Deprivation (2010) provide a relative measure of deprivation in small areas across England. They are based on the concept that deprivation consists of more than just poverty and that a lack of resources and opportunities also have an impact. All the district-level authorities in England were ranked and Mid Devon was ranked at 155 out of 326. It was found that there are three wards in Tiverton which are in the most deprived quartile.

Appendix 3 - Planning policies in Mid Devon

The Council has an adopted Local Plan which is in three parts. The adopted Local Plan covers the period 2006-2026 and sets the policy framework against which planning applications are determined within Mid Devon. The first part, the Core Strategy (adopted 2007) sets the spatial strategy and distribution of development across the District. The Allocations and Infrastructure Development Plan Document (adopted 2010) sets out the infrastructure requirements and allocates land to meet the need for housing, employment and other development. The Local Plan Part 3: Development Management Policies (adopted 2013) sets policies to guide development management decisions including design, housing standards, parking and environmental considerations.

National policy requires plans to be kept up to date to take account of the latest evidence and Government guidance. The Council has been preparing a new plan which once adopted will supersede the three parts of the existing Local Plan. The Local Plan Review covers the period 2013-33. A consultation on the version of the Local Plan Review proposed for submission concluded in the Spring of 2015. There were just fewer than 1,000 responses and where appropriate the draft document is being amended to take account of any significant issues raised. The plan is due to be submitted to the Secretary of State in early 2016 upon which an examination process will be initiated. It is anticipated that the document will be able to be adopted in 2016.

The Local Plan Review will set out the housing need for the period of the plan. The Housing Strategy will take account of the figures in the final Local Plan. The Local Plan Review reflects the Government's review of housing standards which introduced a new national standard for dwelling sizes, which has been incorporated into the document. Minimum standards for building accessibility are also included which will replace the Lifetime Homes requirements set out in the current adopted plan. Policies setting out a requirement for 5% of plots on sites of 20 or more dwellings to be made available for self-build and the provision of low cost self-build plots in rural areas are also proposed.

The Meeting Housing Needs Supplementary Planning document <http://www.middevon.gov.uk/CHttpHandler.ashx?id=18182&p=0> contains more guidance for developers who wish to build in the District and confirms the target of 2,000 or more affordable dwellings during the period from 2006-2026. It states that the Council will seek the majority of social rented housing (60%) where affordable housing is to be provided and 40% intermediate and affordable rent housing. New housing developments should contain a mix of dwelling sizes and this is specified. It is anticipated that this document will be reviewed following adoption of the Local Plan to ensure it is up to date and aligns with the Local Plan and latest Government policy.

Appendix 4 - Housing Strategy Action Plan

Priority /Action	By Whom	When?
Delivering affordable housing		
Exploiting opportunities to meet the overall demand for housing in the District:		
In partnership with other RPs and other partners to enable the delivery of new affordable homes	Housing Enabler & Business Support Manager	Ongoing until 2018
Working alongside the Planning Service, with registered providers and developers, to facilitate new development which delivers the right amount and type of affordable housing on site. Where off site contributions are necessary, make reference to the economic viability assessment.	Housing Enabler & Business Support Manager	Ongoing
Develop a strategy for the spend of S106 contributions or provide affordable housing and to achieve value for money	Head of Housing & Property Services	Ongoing
In partnership with Exeter City Council, work to address issues relating to empty homes	Private Sector Housing (Lead Officer)	March 2016
Provide pitches for gipsies and travellers to address needs identified in the GTAA 2015	Head of Housing & Property Services Head of Planning & Regeneration	Ongoing

Priority /Action	By Whom	When?
Continue to work with the Devon Rural Housing Enablers to undertake Housing Needs surveys in rural communities	Housing Enabler & Business Support Manager	Ongoing
Making better use of existing housing stock		
Undertake a stock condition survey and other investigations, as specified in the private sector renewal policy	Private Sector Housing (Lead Officer)	March 2016
Identify funding opportunities which can be used to assist home owners	Private Sector Housing (Lead Officer)	September 2014 ⁵ and ongoing collaboration with other Devon LAs
Use housing renewal powers to address poor conditions in the housing stock in the private sector	Private Sector Housing (Lead Officer)	Current and continual development
Review of provision of adapted social housing properties in the District	Housing Options Manager and Housing Enabler & Business Support Manager	December 2016
Implement recommendations made by Members in relation to DHC scheme & Band E	Head of Housing & Property Services	March 2016
Continue to deliver high levels of performance in relation to the management of the housing stock	Housing Services Manager & Building Services Manager	On-going
Continue to develop & review policy and procedure to take account of legislative changes and good practice	Housing Services Manager, Building Services Manager & Housing Policy Officer	On-going
Restructure the Building Service unit to ensure it is future-proof and fit for purpose	Building Services Manager	March 2016
Annually, review 5 year and 30 year Asset Management Strategy and implement adjustments to take	Building Services Manager	By March 2016, 2017, 2018, 2019,

Priority /Action	By Whom	When?
account of new data, legislative requirements and budgetary constraints		2020
Further development of the integrated housing management system to facilitate more efficiency and effectiveness	Housing Services Manager & Building Services Manager	March 2016
Implement an asbestos inspection regime to check the condition of the asbestos containing materials that have been deemed low risk and left in situ	Building Services Manager	March 2016
Ensure that the Housing stock remains 100% Decent year on year	Building Services Manager	Ongoing
Review policies relating to the management of former tenant arrears	Housing Services Manager	March 2016
Facilitate and support involved tenants to undertake one service review annually	Community Support & Initiatives Team Leader	Ongoing
Preventing homelessness		
Review downsizing scheme	Housing Services Manager & Housing Options Manager	March 2016
Update info relating to homelessness advice service and prevention	Housing Options Manager	March 2017
Work with partner agencies to identify gaps in provision and funding	Housing Options Manager	March 2017
Develop management systems to measure the impact of homeless prevention advice	Housing Options Manager	December 2015
Work with RPs on strategies	Housing Options Manager	Ongoing

Priority /Action	By Whom	When?
relating to tenancy sustainment to reduce evictions		
Working in partnership, further develop the approach to the prevention of youth homelessness to ensure that young people have a range of options open to them and also the support of statutory organisations	Housing Options Manager	Ongoing
Working with the Devon & Cornwall Housing Options Partnership to put in place strategies to ensure that flexible and fixed term tenants whose tenancies will not be renewed are supported whilst they find alternative accommodation	Housing Options Manager	March 2016
Work with private landlords with a view to investigating whether it would be possible to utilise the private rented sector for discharging the homeless duty	Housing Options Manager	March 2017
Continue attending MARAC meetings and develop a closer working relationship with MAPPA	Housing Options Manager	Ongoing
Review the use of temporary accommodation for homeless households and review alternatives to avoid the use of B&Bs	Housing Options Manager	March 2017
Managing the impact of an aging population		
Actions identified in the older person's strategy	?	
Further development of handyman service, especially in the private sector	Building Services Manager	Ongoing
Reducing the impact of welfare reform		

Priority /Action	By Whom	When?
Green initiatives WB to provide a couple of targets	Building Services Manager	
Review structure of the Neighbourhood teams to ensure that support is available for tenants experiencing financial difficult	Housing Services Manager	March 2017
Develop the service offered by the Community Housing Support Officers	Community Support & Initiatives Team Leader	Ongoing
Assist tenants affected by welfare reform who need to move to alternative accommodation by providing housing options advice	Housing Options Manager	Ongoing
Monitor the impact of the introduction of Universal Credit and also the changes to Housing Benefit which will affect those under 22	Housing Services Manager	March 2018

Appendix 5 - Registered Providers working in Mid Devon

Affordable Homes UK
Abbeyfield Society
Affinity Sutton
Aster Group
Cornerstone Housing
Devon and Cornwall Housing Group (Tor Homes manages Devon Stock)
Falcon Rural Housing
Guinness Hermitage
Heathcoat
Hastoe Housing
Housing 21
Magna West Somerset Housing Association,
Newcombes HA
Persimmons
Raglan Housing
Sanctuary Housing
Sarsen / Aster
Spectrum Signpost
South Western Housing Society
Sovereign
Tiverton Almshouse Trust
Twyford Trust Tiverton
Westcountry Housing
Yarlington Housing Group
William Sutton HA

**COMMUNITY WELLBEING PDG
13 OCTOBER 2015**

AGENDA ITEM:

**Regulation of Investigatory Powers Act 2000 (RIPA)
RIPA Policy and procedures**

**Cabinet Member Cllr Mrs M Squires
Responsible Officer Head of Communities and Governance**

Reason for Report: To review and make recommendation to Cabinet that they approve the Council's updated RIPA policy

RECOMMENDATION(S):

1. That the Cabinet approve the updated RIPA policy as attached as Appendix 1;

Relationship to Corporate Plan: To approve the RIPA policy on an annual basis is a requirement of being a well-managed Council.

Financial Implications: None

Legal Implications: As set out in the policy

Risk Assessment: None

1.0 Introduction

- 1.1 The Council's RIPA policy was considered by a Surveillance Inspector of the Office of Surveillance Commissioners during an inspection in April 2015. The comments of the Surveillance Inspector were that the policy is 'a succinct and thorough guide which will be of assistance to applicants and authorising officers alike'.
- 1.2 The Office of Surveillance Commissioners has stated that it is good practice to review and update the RIPA Policy on an annual basis. Therefore the policy has been reviewed in light of the Office of Surveillance Commissioner's report and in accordance with good practice.

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Circulation of the Report: Cllr Mrs M Squires and MT

MID DEVON DISTRICT COUNCIL

RIPA POLICY

USE OF DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES REGULATION OF INVESTIGATORY POWERS ACT 2000

1.0 INTRODUCTION

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the use of covert investigative techniques by public authorities. It provides for the application for and granting of authorisations for those techniques covered by the Act.
- 1.2 Article 8 of the European Convention on Human Rights provides a right to private and family life. This is not an absolute right; it may be infringed in certain circumstances. The RIPA is designed to provide a statutory regulatory framework, which will meet the requirements of the European Convention on Human Rights.

2.0 PURPOSE

The purpose of this policy procedure is to ensure that the Council complies with the requirement of RIPA and that appropriate authorisations are given for covert surveillance, the use of covert human intelligence sources and the acquisition and disclosure of communications data ~~are given when necessary.~~

3.0 ASSOCIATED DOCUMENTS

3.1 Background documents

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

3.2 Statutes and Statutory Instruments

- (a) Regulation of Investigatory Powers Act 2000
- (b) Human Rights Act 1998
- (c) Police and Criminal Evidence Act 1984
- (d) Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010
- (e) Protection of Freedoms Act 2012

3.3 Guidance

- (a) Explanatory Notes to RIPA
- (b) Code of Practice on use of covert surveillance and property interference
- (c) Code of Practice on for the use of covert human intelligence sources
- (d) Code of Practice on for the acquisition and disclosure of communications data
- (e) Home Office Web Site <http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers>
<https://www.gov.uk/guidance/surveillance-and-counter-terrorism#local-authority-use-of-ripa>

(f) — ~~LACORS List of frequently asked questions~~

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

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4.0 SCOPE

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

4.1 The Act covers the following investigatory powers:

- (1) Part I (Chapter I) - interception of communications
- (2) Part I (Chapter II) - the acquisition of communications related data e.g. telephone billing data
- (3) Part II deals with:
 - intrusive surveillance on residential premises or in private vehicles
 - directed surveillance i.e. covert surveillance in the course of a specific operation
 - the use of covert human intelligence sources e.g. agents, informants, undercover officers
- (4) Part III - deals with the power to seize electronic keys giving access to encrypted computer material
- (5) Part IV - provides for scrutiny, complaint procedures and codes of practice

4.2 This policy document relates to the **use of directed surveillance and covert human intelligence sources**. It does not cover the acquisition and disclosure of communications data as it is not anticipated that this power will be used by the Council. If authorisation is however sought for this type of activity, guidance must be sought from Legal Services before any operation or investigation is undertaken. It does not cover intrusive surveillance because local authorities are not allowed to do this. Intrusive surveillance is the covert (i.e. secret) surveillance of anything taking place in residential premises or a private car and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

4.3 RIPA sets out the purposes for which each of these powers may be used, the Agencies and authorities that can use them and who should authorise the use. Authorisation under RIPA gives lawful authority for the use of these methods of obtaining information provided there is compliance with the statutory requirements and procedures. Obtaining an authorisation will ensure that the action is carried out

in accordance with law and subject to stringent safeguards against abuse. It will also make the action less vulnerable to challenge under the Human Rights Act 1998.

- 4.4 For district councils, the Act does not allow directed surveillance or CHIS at all except for the purpose of preventing or detecting crime or preventing disorder. For example, this means that you cannot carry out these covert activities prior to the service of a statutory notice, unless you believe an offence may have been committed, may be about to be committed, or there could be public disorder. Your only option in other cases will be to carry out overt – open, non-secretive – surveillance.
- 4.5 Services likely to conduct investigations covered by this Act are Planning, Environmental Health, Housing, ~~Benefits~~ and Audit. However, any officer of the Council if he or she conducts an investigation using methods or techniques covered by this Act is required to seek the necessary authorisation, provided always that the purpose of the investigation is the one which the Act says can justify covered surveillance – see 4.4 above.

5.0 ACTIVITY REQUIRING AUTHORISATION

5.1 The following types of activity will require authorisation:

- directed surveillance
- the conduct and use of covert human intelligence sources
- obtaining communications data

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

5.3 A covert human intelligence sources (CHIS) is effectively an inside informant or undercover officer, i.e. someone who develops or maintains their relationship with the surveillance target, having the covert purpose of obtaining or accessing information for the investigator. Council officers may act as CHIS when undertaking social media research. For a more detailed definition see section 26 of the Act.

6.0 APPLYING FOR AUTHORISATIONS

6.1 The Head of ICT, ~~the Head of Environmental Services~~, the Head of Finance and the ~~Benefits Manager~~ Head of Communities and Governance are authorising officers for ~~officers in his/her Service~~the Council. In the absence of the nominated authorising officer, applications for authorisation should be submitted to Chief Executive who also has the delegated authority to issue authorisations in relation to any service of the Council. Authorising officers may authorise for any service within the Council.

6.2 Any officer intending to use directed surveillance or a CHIS shall apply for authorisation from the authorising officer or in their absence from the Chief Executive as Head of Paid Service or in his absence a Head of Service who is an authorising officer by completing the appropriate application form as set out at **Appendix DS/1 or CHIS/1**.

6.3 ~~In urgent cases an application may be made orally e.g. if the investigating officer is at Crediton and there is a pressing need to conduct directed surveillance immediately they can make an application by telephone. Where an officer has requested and received authorisation orally they must, as soon as is reasonably practicable, record~~

~~in writing a statement that the authorising officer has expressly authorised the action and pass it to the authorising officer for endorsement.~~

- 6.4 Special care needs to be taken with **confidential personal information**. This is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it. Such information, which can include both oral and written communications, is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, or information from a patient's medical records. This also includes legally privileged material, journalistic materials and information given to a Member of Parliament. Owing to the very sensitive nature of this type of information authorisations potentially involving confidential personal information must always be made by the **Chief Executive** or in his absence the Head of Communities and Governance ~~Head of Service who is an authorising officer.~~
- 6.5 When completing the application always include a full account of the steps to be taken in the investigation which require authorisation.

7.0 GRANTING OF AUTHORISATIONS FOR DIRECTED SURVEILLANCE

- 7.1 Section 28 provides that a person shall not grant authorisation for *directed surveillance* unless he believes that the authorisation is necessary on one of the statutory grounds and the authorised surveillance is proportionate to what is sought to be achieved by it. The applicant and the authorising officer must both consider whether it is necessary to use covert surveillance in the investigation. From 5 January 2004, only one ground applied to district councils and it is therefore the only one which can be used to justify an authorisation.

That ground is

- for the purpose of preventing or detecting crime or of preventing disorder

- 7.2 The authorising officer in determining whether the surveillance is proportionate will give particular consideration to any collateral intrusion on or interference with the privacy of persons other than the subject(s) of the surveillance. The Home Office Code of Practice has the following to say on the issue of proportionality:

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

3.5 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render intrusive actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.." Home Office Code of Practice on Covert Surveillance and Property Interference.

A useful prompt is to ask yourself “ Is there any other way of obtaining the evidence?”. There is a need to consider the following:

- (i) Whether the use of covert surveillance is proportionate to the mischief being investigated, and
- (ii) Whether it is proportionate to the likely intrusion on the target and others, and
- (iii) Whether all other reasonable means of acquiring the evidence have been considered.
- (iv) What other methods had been considered and why they were not implemented.

7.3 Authorisations must be given in writing ~~except as mentioned above where an urgent oral authorisation is required~~. It is possible that authorising officers may face cross-examination in court about the authorisation some time after it is granted— and memories fade. It is therefore important that a full written record of what you are being asked to authorise appears on the application form. If in doubt ask for more detail.

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

7.5 All RIPA authorisations must be approved by a Magistrate before an authorisation becomes effective, directed surveillance is undertaken, communications data is obtained or an application is made for a Covert Human Intelligent Source. Directed surveillance can only be authorised ~~where the offence investigated meets the seriousness test that is where the offence attracts a custodial sentence of 6 months or longer~~, where the following conditions apply;

(1) The first condition is that the authorisation under section 28 is for the purpose of preventing or detecting conduct which—

- (a) constitutes one or more criminal offences, or
- (b) is, or corresponds to, any conduct which, if it all took place in England and Wales, would constitute one or more criminal offences.

(2) The second condition is that the criminal offence or one of the criminal offences referred to in the first condition is or would be—

- (a) an offence which is punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months of imprisonment.

7.6 Duration of Authorisations and Reviews

An authorisation in writing ceases to have effect at the end of a period of 3 months beginning with the day on which it took effect. So an authorisation starting 1st January would come to an end on 31st March. ~~Urgent oral authorisations will cease to have effect after 72 hours, beginning with the time when the authorisation was granted.~~ Regular reviews of authorisations should be undertaken. The results of the review should be recorded on **Appendix DS/2** and a copy filed on the central record of authorisations. If the surveillance provides access to confidential information or involves collateral intrusion more frequent reviews will be required . The Authorising Officer should determine how often a review should take place.

7.7 Renewals

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

7.7.2 Applications requesting renewal of an authorisation are to be made on the appropriate form as set out at **Appendix DS/3** and submitted to the authorising officer. The renewal must be granted before the original authorisation ceases to have effect.

7.7.3 Applications for renewal will record:

- whether this is the first renewal, if not, every occasion on which the authorisation has previously been renewed
- the significant changes to the information in the initial authorisation
- the reasons why it is necessary to continue with the surveillance
- the content and value to the investigation or operation of the information so far obtained by the surveillance
- The results of regular reviews of the investigation or operation.

7.8 Cancellations

The person who granted or last renewed the authorisation **MUST** cancel it if he is satisfied that the directed surveillance no longer meets the criteria for authorisation. Requests for cancellation will be made on the appropriate form as set out at **Appendix DS/4** and submitted to the authorising officer for authorisation of the cancellation. All directed surveillance cancellations must include directions for the management and storage of any surveillance product.

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

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

8.2 Additionally the authorising officer shall not grant an authorisation unless he /she believes that arrangements exist for the source's case which satisfy the following requirements:

- there will at all times be an officer with day to day responsibility for dealing with the source and the source's security and welfare
- there will at all times be an officer who will have general oversight of the use made of the source

- there will at all times be an officer with responsibility for maintaining a record of the information supplied by the source
 - records which disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available
- 8.3 Similarly before authorising use or conduct of the source, the authorising officer must be satisfied that the conduct/use is proportionate to what the use or conduct of the source seeks to achieve, taking into account the likely degree of intrusion into privacy of those potentially effected for the privacy of persons other than those who are directly the subjects of the operation or investigation. Measures should be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those not directly connected with the operation.
- 8.4 Particular care is required where people would expect a high degree of privacy or where, as a consequence of the authorisation 'confidential material' is likely to be obtained.
- 8.5 Consideration is also required to be given to any adverse impact on community confidence that may result from the use or conduct of a source or information obtained from that source.
- 8.6 Additionally, the authorising officer should make an assessment of any risk to a source in carrying out the conduct in the proposed authorisation.
- 8.7 Authorisation for the use of a CHIS must be given in writing ~~with the same proviso for urgent cases as exists in the case of authorisations for directed surveillance~~. Only the Chief Executive or in his absence a Head of Service who is an authorising officer may authorise the use of a juvenile or vulnerable CHIS.
- 8.8 Ideally the authorising officers should not be responsible for authorising their own activities e.g. those in which they themselves are to act as a source or in tasking a source. However it is recognised that this will not always be possible especially in the case of small departments. Authorisations must be approved by a Magistrate, see paragraph 7.5. The Legal Services Manager will arrange the appointment before the Magistrate(s) and explain the procedure to the Authorising Officer. The Legal Services Manager and the Authorising Officer will be required to attend before the Magistrate(s) to seek the Magistrate's approval to the authorisation.
- 8.9 An application for authorisation for the use or conduct of a source will be made on the appropriate form as set out at **Appendix CHIS/1** and must record:
- Details of the purpose for which the source will be tasked or deployed.
 - The reasons why the authorisation is necessary in the particular case and on the grounds on which authorisation is sought (e.g. for the purpose of preventing or detecting crime or disorder).
 - Where a specific investigation or operation is involved details of that investigation or operation.
 - Details of what the source would be tasked to do.
 - Details of potential collateral intrusion and why the intrusion is justified.

- Details of any confidential material that might be obtained as a consequence of the authorisation.
- The reasons why the authorisation is considered proportionate to what it seeks to achieve.
- The level of authorisation required.
- A subsequent record of whether authorisation was given or refused by whom and the time and date.
- ~~Additional requirements are set out in paragraph 5.11 of the Code of Practice for urgent cases.~~

8.10 Duration of Authorisations

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

8.11 Renewals

As with authorisations for directed surveillance authorisations for the conduct and use of covert human intelligence sources can be renewed, the same criteria applying. However before an Authorising Officer renews an authorisation, he must be satisfied that a review has been carried out of the use of a CHIS and that the results of the review have been considered. Applications for renewal must be made on the appropriate form as set out at **Appendix CHIS/3** and submitted to the authorising officer. However an application for renewal should not be made until shortly before the authorisation period is coming to an end.

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

8.13 Reviews

Regular reviews of authorisations should be undertaken. The results of the review should be recorded on **Appendix CHIS/2** and a copy filed on the central record of authorisations. If the surveillance provides access to confidential information or involves collateral intrusion frequent reviews will be required. The authorising officer should determine how often a review should take place.

- 8.14 Before an authorising officer renews an authorisation he must be satisfied that a review has been carried out of:

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

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

8.16 **Cancellations**

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

- the use or conduct of the source no longer satisfies the criteria for authorisation, or
- that the arrangements for the source's case no longer exist

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

8.18 **Management Responsibility**

The day to day contact between the Council and the source is to be conducted by the handler, who will usually be an officer below the rank of the authorising officer. No vulnerable person or young person under the age of 18 should be used as a source.

8.19 **Security and Welfare**

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

8.20 **Confidential Material**

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

9.0 **MAINTENANCE OF RECORDS**

9.1 Each Service shall keep in a dedicated place

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

- 9.2 The records will be confidential and will be retained for a period of 3 years from the ending of the authorisation.
- 9.3 Each authorising officer shall ~~every two months send a report together with~~ original copies of all applications/authorisations, reviews, renewals and cancellations ~~granted during the preceding two months to the Legal Services Manager~~ RIPA Co-ordinating Officer when drafted who will maintain a central record of all authorisations. The report will include details of the level of compliance with the requirements for authorisation.
- 9.4 Authorising officers will ensure compliance with the appropriate data protection requirements and any relevant codes of practice produced by individual authorities in the handling and storage of material.
- 9.5 Where material is obtained by surveillance which is wholly unrelated to a criminal or other investigation or to the person subject of the surveillance and no reason to believe it will be relevant to future civil or criminal proceedings it should be destroyed immediately. The decision to retain or destroy material will be taken by the relevant authorising officer.

10.0 AWARENESS OF THE CONTENTS OF THE ACT AND TRAINING

It shall be the responsibility of each Service Manager or other Authorised Officer to ensure that all staff involved or likely to be involved in investigations receive a copy of the training document, and are aware of the requirements and implications of the Act. It shall be the responsibility of the Head of Communities and Governance ~~Legal Services Manager~~ to ensure that all relevant officers have received appropriate training and are aware of the requirements and implications of the Act.

11.0 CODES OF PRACTICE

A copy of each Code of Practice shall be kept in the reception area and be available to members of the public during usual working hours.

12.0 ~~Legal Services Manager~~ Senior Responsible Officer and RIPA Co-ordinating Officer

The Head of Communities and Governance ~~Legal Services Manager~~ is the Senior Responsible Officer for the Council whose role is:

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

The Legal Services Manager is the RIPA Co-ordinating Officer for the Council whose role is:

- (i) to collate all original applications/authorisations, reviews, renewals and cancellations; and
- (ii) to keep the Central Record of Authorisations; and
- ~~(iii) to be responsible for RIPA training throughout the Council, and~~
- ~~(iv) to be responsible for heightening RIPA awareness throughout the Council.~~

- (v) ~~to ensure that all authorising officers are of an appropriate standard~~
- (iiiv) to notify the Leader of the Council of the receipt of authorisations from authorising officers.

13.0 MEMBER INVOLVEMENT

~~Members of the Scrutiny Committee~~ Community Wellbeing PDG should review this policy annually to ensure that it remains fit for purpose. Cabinet will consider reports from the OSC. ~~The Scrutiny Committee~~ Cabinet should also consider reports on the use of the powers under the Act on a ~~half-yearly~~ regular basis which shall be at least every year to ensure that it is being used consistently with this policy. Members of the Council will not however be involved in making decisions on specific authorisations.

Inventory of Surveillance Equipment held by MDDC

1. Digital camcorder Canon serial number 0277B007AA
2. Digital camera Fujifilm serial number 5AL 24892.
3. Digital camera Fujifilm serial number 5AL 24898.
4. Prowler serial number G009809.
5. LTL Acorn 5210 serial number 106095816.

Standard Operating Procedure for use of Surveillance Equipment

1. The Council operates the surveillance equipment (Equipment) as set out in the Inventory.
2. The Equipment should be stored, when not in use, in a locked cabinet under the control of the Head of Communities and Governance ~~Benefits Manager~~.
3. Any Officer of the Council considering using the Equipment for covert surveillance in a public place must make a written request to the Head of Communities and Governance ~~Benefits Manager~~ or her delegate who will consider and decide in her absolute discretion whether the proposed use of the Equipment is appropriate bearing in mind the provisions of RIPA and the associated codes of practice.
4. Any Officer who uses the Equipment to record digital images may only view such images once captured and shall not download them on to a computer or other electronic storage facility.
- ~~5 The Benefit Fraud team undertake joint operations and investigations with the Department of Work and Pensions (DWP) and DWP officers are duly authorised to view, download and otherwise use the digital images captured by the Equipment solely for the purposes of considering whether a criminal prosecution ought to be brought and if so, for use of the images as evidence in the proceedings.~~

COMMUNITY WELL-BEING PDG 13 OCTOBER 2015

LOCAL GOVERNMENT DECLARATION ON TOBACCO CONTROL

Cabinet Member Cllr Colin Slade
Responsible Officer Simon Newcombe, Public Health and Professional Services Manager

Reason for Report: To provide information to members on the Local Government Declaration on Tobacco Control

RECOMMENDATION(S): That the Community Well-Being PDG support the principle of tobacco control and recommend to Cabinet that this Council to sign the Local Government Declaration on Tobacco Control

Relationship to Corporate Plan: Public health is not a specific objective in the current Corporate Plan, however the plan does note in its district profile and challenges that *“Although the health of Mid Devon residents is generally good, the provision of high-quality health services is still seen to be essential for people’s quality of life... There must be a focus on reducing preventable diseases, for example by tackling obesity, smoking, alcohol and substance misuse, improving sexual health and improving mental health and well-being.”*

Financial Implications: There are no specific financial implications from signing the Local Government Declaration

Legal Implications: Since 2005 the Council has been legally obliged to comply with the Framework Convention on Tobacco Control (negotiated through the World Health Organisation). Signing the Local Government Declaration explicitly commits the Council to abide by the Convention. Failure to comply with the requirements of the Framework Convention on Tobacco Control by the Council would place the UK in breach of its obligations to the Parties to the Treaty. The UK could be called to account for such breaches through Treaty mechanisms, although this risk is very small. The main risk would therefore be reputational.

Risk Assessment: There are no major risks arising from signing the Local Government Declaration. There may be adverse reputational risks from not doing so.

1.0 Background

- 1.1 In common with other areas, smoking is the single greatest cause of premature death and disease in Devon, and the single largest factor in health inequalities. It is also a major driver of poverty. The move of public health to local government presents an opportunity for local authorities at all levels to lead local action to tackle smoking, and to ensure that the tobacco industry is not able to influence local tobacco control policy.

1.2 The impact of smoking

Smoking and health

Every year in England more than 80,000 people die from smoking related diseases. This is more than the combined total of the next six causes of preventable deaths, including alcohol and drugs misuse. Smoking accounts for one third of all deaths from respiratory disease, over one quarter of all deaths from cancer, and about one seventh of all deaths from heart disease. On average a smoker loses 10 years of life.

Within Mid Devon, the latest health profile data available from Public Health England indicates that around 18% of the adult population smoke and there are 117 smoking related deaths per year, approximately one every three days.

1.3 **Reducing smoking in our communities significantly increases household incomes and benefits the local economy**

The annual cost of smoking to the UK national economy has been estimated at £13.7 billion equating to £200million in Devon alone. A smoker consuming a pack of twenty pre-rolled cigarettes a day will currently spend around £3,000 a year on their habit. Based on 2009 prices, poorer smokers proportionately spend five times as much of their weekly household budget on smoking than do richer smokers. With tobacco product prices rising faster than inflation and average income then this situation will have worsened. If poorer smokers quit they are more likely to spend the money they save in their local communities.

1.4 **Reducing smoking amongst the most disadvantaged in our communities is the single most important means of reducing health inequalities**

About half of all smokers in England work in routine and manual occupations. Workers in manual and routine jobs are twice as likely to smoke as those managerial and professional roles. The poorer and more disadvantaged you are, the more likely you are to smoke and as a result to suffer smoking-related disease. Ill-health caused by smoking is therefore much more common amongst the poorest and most disadvantaged communities.

1.5 **Smoking is an addiction largely taken up by children and young people**

Two thirds of smokers start before the age of 18, and across the UK more than 200,000 children aged between 11 and 15 start to smoke every year, even though it is illegal to sell cigarettes to anyone below the age of 18. Two thirds of smokers say they began before they were legally old enough to buy cigarettes. Research shows that by the age of 20, four fifths of smokers regret they ever started. Growing up around smoke puts children at a major health disadvantage in life. Children exposed to tobacco smoke are at much greater risk of cot death, meningitis, lung infections and ear disease, resulting in around 10,000 hospital admissions nationally each year.

1.6 The Smoking Epidemic

The tobacco industry needs to recruit 200,000 smokers a year in the UK to maintain current levels of consumption, replacing those smokers who have stopped or who have died from diseases related to their addiction. The great majority of these new smokers will be under 18 years old. Although tobacco advertising is now banned in the UK, the tobacco multinationals use packaging of their products to try to attract young people in general, with specific brands aimed at target groups such as young women.

1.7 The illicit trade in tobacco funds the activities of organised criminal gangs and gives children access to cheap tobacco

HM Revenue and Customs estimate that in 2012/13, the illicit market in cigarettes accounted for about 9% of the UK market, and the illicit market in hand-rolled tobacco accounted for about 36% of the UK market. The total amount of revenue lost to the Exchequer was estimated at £2 billion in total.

2.0 Framework Convention on Tobacco Control

2.1 The Framework Convention on Tobacco Control (FCTC) is the world's first public health treaty, negotiated through the World Health Organisation. It has been ratified by more than 170 countries, including the UK. Key provisions include support for: price and tax measures to reduce the demand for tobacco products; public protection from exposure to tobacco smoke; regulation of the contents of tobacco products; controlling tobacco advertising, promotion and sponsorship; measures to reduce tobacco dependence and promote cessation; tackling illicit trade in tobacco products; and ending sales to children.

2.2 Article 5.3 of FCTC commits Parties to protecting their public health policies from the commercial and vested interests of the tobacco industry and the UK has explicitly committed to live up to this obligation in chapter 10 of the Tobacco Control Plan for England (Dept. of Health 2011). The FCTC is binding on all levels of Government, including local government. The national tobacco control plan aims to reduce smoking prevalence, in line with the FCTC commitment "*to reduce continually and substantially the prevalence of tobacco use.*" Specifically, the national plan is to cut the number of smokers by 210,000 every year.

3.0 Local Government Declaration on Tobacco Control

3.1 The Local Government Declaration on Tobacco Control (Appendix A) is a response to the huge impact that smoking has on our communities. It is a commitment to take action and a statement about a local authority's dedication to protecting local communities from the harm caused by smoking.

3.2 This is a cross-party Declaration built on the same principles as the Nottingham Declaration on Climate Change. At the time of writing, the Tobacco Declaration has been signed by 100 authorities since inception in March 2013 including all other Devon Councils. The number of signatories is increasing on average by approximately four authorities per month nationally.

- 3.3 Everything contained in the Declaration has previously been committed to at a national level by all major political parties. The Declaration is also strongly supported by the wider public health community including the Chartered Institute of Environmental Health, Trading Standards Association and the Association of Directors of Public Health as well as Public Health England, the Public Health Minister and the Chief Medical Officer.
- 3.4 The declaration has key strategic support at County level with the Devon County Council Health and Wellbeing board signing the declaration in January this year. The Director of Public Health at Devon County Council subsequently wrote to all Devon districts stating *“We should be delighted if you could join us in this public statement of commitment to reducing smoking prevalence in the County. In essence the Declaration commits councils to take local action in reducing smoking reducing prevalence and health inequalities, develop plans with partners and local communities, participate in local and regional networks, support Government action at a national level, protect tobacco control work from the commercial and vested interests of the tobacco industry, monitor the progress of plans and join the Smokefree Action Coalition.”*
- 3.3 Much work is already being done at district level working with the Smokefree Devon Board. The declaration therefore strengthens and underpins initiatives within Mid Devon including the smoke-free play areas, support to the annual ‘Stoptober’ challenge and our corporate commitment to supporting staff through smoking cessation. Furthermore, one of four local health inequality priorities for action adopted by Mid Devon this year is working in partnership to address cardiovascular disease and cancer prevention which have clear links to smoking.
- 3.4 The FCTC is binding on local government, so strictly speaking there is no need for Council to sign up to the Declaration which makes that commitment explicit. This option is not recommended because the binding commitments are little known within local government. Signing the Declaration and the actions that follow will raise awareness and thus limit the likelihood of the Council breaching UK Treaty obligations. Signing the Declaration will also show strong leadership on a key public health issue in Mid Devon.
- 3.5 In signing the declaration, there is a specific commitment to review our current policies and strategies and develop plans. There is an opportunity to undertake this as part of our commitment to a temporary (two-year) Public Health Officer within the Public Health service (currently under recruitment) and the outline these findings in the production of a wider Mid Devon Public Health Strategy.

4.0 **Five steps to signing the Declaration**

The Local Government Declaration on Tobacco Control web page outlines five steps to signing the Declaration.

4.1 Step 1: Briefing our stakeholders

There are many tobacco control stakeholders who will have an interest in the Declaration. In terms of local decision making the local stakeholders at Mid Devon include:

- The Community Well-Being PDG
- The Cabinet Member for Community Well-Being
- The Corporate Management Team
- Devon County Council Director of Public Health/Public Health team

The commitment to the Declaration is led by Devon County Council locally and the purpose of this report is to brief the PDG.

The Declaration and this report are fully endorsed by the Cabinet Member for Community Well-Being and the Corporate Management Team/Chief Executive through consultation undertaken in August and September this year.

4.2 Step 2: Ensure all necessary signatories are familiar with the Declaration

The Declaration will need to be signed up to by:

- The Leader of the Council
- Chief Executive
- DCC Director of Public Health

The Chief Executive has endorsed signing up to the Declaration and the Cabinet Member for Community Well-Being has informally briefed the Leader of the Council ahead of formal review by this PDG.

4.3 Step 3: Identify the route the council will take to endorse sign-up

This will vary by local circumstances. At district level endorsement is typically achieved by an initial policy debate and recommendation to either Cabinet or Full Council. On the advice of the Head of Communities and Governance, it is confirmed this is not a key decision so the correct constitutional process in this instance is for the PDG to make a recommendation to Cabinet should it wish.

4.4 Step 4: Prepare notice of motion and table the Declaration

A councillor or senior officer in a leadership position will need to champion the Declaration through the democratic process. Accordingly, this report contains a recommendation to Cabinet and includes a copy of the Declaration in full (Appendix A). The Declaration is co-championed by Cllr Slade (Cabinet Member for Community Well-Being) and the Public Health and Professional Services Manager.

4.5 **Step 5: Sign-up**

This provides an opportunity to promote signing up to the Declaration with the local media. There is requirement to contact the Smokefree Action Coalition so that they update the Declaration website detailing this Council as a signatory.

5.0 **Other implications**

- 5.1 Councils which sign up to the Declaration are committing to taking action on smoking, and will develop plans in partnership to reduce smoking prevalence, monitor progress and publish the results. This work is largely on-going through working closely with Public Health at Devon County Council in respect of tackling health inequalities and joint working under the provisions of the Health and Social Care Act 2012.
- 5.2 There are also established smoking policies and information in place corporately in that demonstrate not only our compliance with workplace smoke-free legislation but also our commitment providing access to advice and support for staff who wish to cease smoking.
- 5.3 Councils will also need to ensure that the tobacco industry is not able to exert influence. This will require reviews of any relevant work programmes (see section 3.5) including any which the tobacco industry has an involvement. There are no such programmes identified however as Council we continue to support programmes such as the Keep Britain Tidy Group's 'Love Where You Live' campaign, which was sponsored by Imperial Tobacco until recently. We should also ensure therefore that there are safeguards against direct or indirect tobacco company influence through lobbying or other means.

Contact for more Information: Simon Newcombe, Public Health and Professional Services Manager, 01884 244615 or snewcombe@middevon.gov.uk)

Circulation of the Report:

Cabinet Member for Community Well-Being (Cllr Colin Slade)
Leader of the Council (Cllr Clive Eginton)
Management Team

List of Background Papers:

Mid Devon Health Profile

www.apho.org.uk/resource/view.aspx?RID=171867

World Health Organisation Framework Convention on Tobacco Control and guidance notes.

http://www.who.int/fctc/text_download/en/index.html and

http://www.who.int/fctc/guidelines/adopted/article_5_3/en/index.html

Health and Social Care Act 2012

<http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted>

Local Government Declaration on Tobacco Control
<http://www.smokefreeaction.org.uk/declaration/index.html>

Appendix A - Local Government Declaration of Tobacco Control

Local Government Declaration on Tobacco Control

We acknowledge that:

- Smoking is the single greatest cause of premature death and disease in our communities;
- Reducing smoking in our communities significantly increases household incomes and benefits the local economy;
- Reducing smoking amongst the most disadvantaged in our communities is the single most important means of reducing health inequalities;
- Smoking is an addiction largely taken up by children and young people, two thirds of smokers start before the age of 18;
- Smoking is an epidemic created and sustained by the tobacco industry, which promotes uptake of smoking to replace the 80,000 people its products kill in England every year; and
- The illicit trade in tobacco funds the activities of organised criminal gangs and gives children access to cheap tobacco.

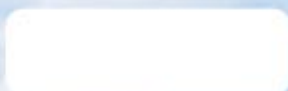
As local leaders in public health we welcome the:

- Opportunity for local government to lead local action to tackle smoking and secure the health, welfare, social, economic and environmental benefits that come from reducing smoking prevalence;
- Commitment by the government to live up to its obligations as a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC) and in particular to protect the development of public health policy from the vested interests of the tobacco industry; and
- Endorsement of this declaration by the Department of Health, Public Health England and professional bodies.

We commit our Council from this dateto:

- Act at a local level to reduce smoking prevalence and health inequalities and to raise the profile of the harm caused by smoking to our communities;
- Develop plans with our partners and local communities to address the causes and impacts of tobacco use;
- Participate in local and regional networks for support;
- Support the government in taking action at national level to help local authorities reduce smoking prevalence and health inequalities in our communities;
- Protect our tobacco control work from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services, monetary or in kind or research funding offered by the tobacco industry to officials or employees;
- Monitor the progress of our plans against our commitments and publish the results; and
- Publicly declare our commitment to reducing smoking in our communities by joining the Smokefree Action Coalition, the alliance of organisations working to reduce the harm caused by tobacco.

Signatories



Leader of Council



Chief Executive



Director of Public Health

Endorsed by

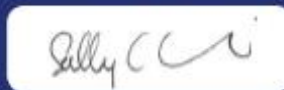
Jane Ellison, Public Health Minister,
Department of Health



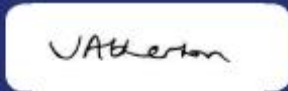
Duncan Selbie, Chief Executive,
Public Health England



Professor Dame Sally Davies, Chief
Medical Officer, Department of Health



Dr Janet Atherton, President, Association
of Directors of Public Health



Dr Lindsey Davies, President, UK Faculty of
Public Health



Graham Jukes, Chief Executive, Chartered
Institute of Environmental Health



Leon Livermore, Chief Executive, Trading
Standards Institute



CABINET
22ND OCTOBER 2015

LOCAL DEVELOPMENT SCHEME AND LOCAL PLAN REVIEW UPDATE

Portfolio Holder Cllr Richard Chesterton
Responsible Officer Head of Planning and Regeneration

Reason for Report:

To propose a revised timetable for the review of the Local Plan in the Local Development Scheme (LDS) for Mid Devon and to seek funding approval for additional technical work to inform the submission document.

RECOMMENDATIONS

1. That the new LDS (as shown at Appendix 1) be approved; and
2. That financial approval be given to undertake additional technical work as set out below in the report.

Relationship to Corporate Plan: The new LDS, appended to this report, sets out a revised timetable for the delivery of the Mid Devon Local Plan 2013-2033. The new Local Plan will set the strategy for the provision of new development in the district, allocating sites for housing, employment and retail, as well as protection of the environment. This meets the Corporate Plan objectives of delivering a 'Thriving Economy', 'Better Homes' and 'Caring for the Environment'.

Financial Implications: Additional funding approval is sought from Cabinet to finance additional technical work to address issues raised following the local plan consultation and as a result of ongoing liaison with statutory consultees.

Legal Implications: There is a statutory duty to produce and maintain a LDS, as set out by the Planning and Compulsory Purchase Act 2004.

Risk Assessment: The allocation of resources to deliver a new Local Plan in an accelerated timescale has previously been agreed. The additional funding invested in the production of the reviewed Local Plan will not guarantee the plan is found sound at examination or that the predicted timetable for adoption can be met.

1.0 Introduction

- 1.1 Local Planning Authorities are required to prepare and keep up to date a development plan for their area. It is important that the Local Plan is kept up to date to ensure that it reflects recent changes in the planning system, the Council's current corporate objectives and provides a sound basis for decision making. Therefore a project plan needs to be put in place to ensure the review is completed efficiently.
- 1.2 The Planning and Compulsory Purchase Act 2004 requires local authorities to prepare and maintain a LDS for the district. The LDS provides interested people and organisations with the Council's project plan for the preparation of

local development documents. The Council's adherence to the LDS is part of the tests of soundness applied to Local Plans at their examinations.

- 1.3 The purpose of this report is to present a revised version of the LDS which reflects the continuing need to prepare a new Local Plan as quickly as possible, but takes account of a delay in reaching the submission stage owing to the need to acquire additional technical evidence. This delay also provides an opportunity to ensure the plan is still up to date following changing national guidance.
- 1.4 During the consultation period of the Local Plan (February – March 2015) 2,429 comments were received by 970 respondents. Comments were received with respect to general policies, allocated development sites and alternative site suggestions such as at Junction 27. There were comments for and against development proposals, with the larger sites generally attracting more interest. In response to these representations, and as a result of ongoing discussions with statutory consultees, additional technical work is now required prior to submission of the Local Plan to the Secretary of State to ensure that our position is robust.
- 1.5 This technical work primarily relates to access arrangements to the proposed East Cullompton Urban Extension and related motorway access improvements. This would involve a topographical survey, preparation of detailed highway designs and related flood modelling assessments. Detailed work of this nature is not normally required at this stage in the planning process, however because of previous flood events, the Environment Agency wishes to understand in more detail the implications of any scheme crossing the floodplain at Cullompton in terms of the floodplain and flood flows. To this end detailed design and flood modelling work is required and must be completed to their satisfaction. The Environment Agency will not support the plan as proposed without the detailed design and flood modelling work being undertaken on the Cullompton highway arrangements, in so far as they cross the flood plain.
- 1.6 The requirement for detailed design work at the development plan stage of the planning process was not anticipated and the time required to complete this complex work is estimated to delay the submission of the plan by about 6-7 months. The work would be commissioned by Devon County Council. Mid Devon District Council's contribution towards this work is being finalised, but estimated to be between £80,000 and £90,000. An update will be provided at the meeting. Further additional work will also be undertaken within existing budgets to update our technical evidence base and ensure the plan reflects the latest government policy position. The technical work needed to inform the submission document is due for completion by April/May 2016.
- 1.7 The Cabinet Report of 9th May 2013 'Planning policy documents for consideration by the Planning Policy Advisory Group, Cabinet and Council' (Agenda Item: 7), states that Cabinet is the only body that needs to give approval to the adoption of a new LDS. There is no longer a requirement for the LDS to be signed off by the Secretary of State. If approved, the new LDS will be made available on the Council's website.

Contact for more Information: Adrian Welsh, Forward Planning Team Leader
01884 234344

Circulation of the Report: Councillor Richard Chesterton

List of Background Papers: The previous LDS can be viewed on the Mid Devon website by following this link:

<https://new.middevon.gov.uk/planning-policy/local-development-scheme-future-page/>

Mid Devon District Council Local Development Scheme 2015

1. INTRODUCTION

1.1 Mid Devon District Council is required to prepare and maintain a Local Development Scheme (LDS) for the district. The LDS provides interested people and organisations with the Council's project plan for the preparation of local development documents. The Planning and Compulsory Purchase Act 2004 states that the LDS must specify:

- The local development documents which are to be 'development plan documents'
- The subject matter and geographical area to which each development plan document relates
- The timetable for preparation and revision of the development plan documents

1.2 Local authorities can update their LDS at such times as considered appropriate. The previous Mid Devon version has been in place since October 2014. Since this time the Council has followed an accelerated timetable for the review of the Local Plan.

2. THE LOCAL PLAN

2.1 The National Planning Policy Framework (NPPF) states that Local Plans are key to delivering sustainable development and that local authorities should produce a Local Plan for their area. The Local Plan can then be reviewed in whole or in part to respond flexibly to changing circumstances.

2.2 Mid Devon's Local Plan is currently made up of three parts, all of which are development plan documents. The three documents are:

Document	Adopted	Scope	Subject matter
Local Plan Part 1 - Core Strategy 2006 to 2026	July 2007	Mid Devon	The Core Strategy is part 1 of the district's Local Plan. It was adopted in accordance with the timetable set out in the Council's first Local Development Scheme. It sets out a spatial strategy and strategic policies for Mid Devon and its settlements.
Local Plan Part 2 – Allocations and Infrastructure Development Plan Document (AIDPD)	October 2010	Mid Devon	The AIDPD is part 2 of the district's Local Plan. It allocates sites for housing, retail and employment development, whilst setting necessary infrastructure requirements, with policies on the Community Infrastructure Levy, public open space, affordable housing, education provision, green infrastructure and carbon footprint reduction.
Local Plan Part	October	Mid	LP3 is part 3 of the district's Local Plan. It provides

3 – Development management policies (LP3)	2013	Devon	the detailed development control policies to deal with the specifics of planning applications
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2.3 Supplementary Planning Documents (SPDs) are not part of the Local Plan, nor are they considered to be development plan documents. Therefore, information on their production is not set out within the LDS. Instead, such information can be found on the Mid Devon website at <https://new.middevon.gov.uk/planning-policy/supplementary-planning-documents/>.

2.4 The former Devon Structure Plan 2001-2016 (adopted October 2004) and the South West Regional Spatial Strategy (draft, never adopted) have both been revoked by the Government so their provisions no longer apply.

3.0 NEW LOCAL PLAN

Local Plan Review (Core Strategy, AIDPD and LP3)

Adoption Target: 2017

3.1 The existing Core Strategy has been in place for eight years and the AIDPD for five years. A review process began prior to the adoption of LP3 in October 2013 to reflect the need to adhere to the provisions of the National Planning Policy Framework. This review process includes all strategic policies and allocations for the district, and incorporates development management policies such as those in LP3. The updated document will replace the existing Core Strategy, the AIDPD and LP3 to produce a single Local Plan for the district (effectively a review of parts 1, 2 and 3 of the current Local Plan). The new document will extend the time period of the plan to 2033.

3.2 The reviewed Local Plan will contain:

- Strategic policies guiding housing, employment and retail distribution across the district;
- The development focus for each of the three towns of Tiverton, Crediton and Cullompton, the villages of the district and the open countryside;
- Site allocations for housing, employment, retail development, community facilities and infrastructure; and
- Development management policies.

3.3 The evidence base for the Local Plan will include a Strategic Housing Land Availability Assessment, Strategic Housing Market Assessment, Open Space and Play Area Strategy, Viability Assessment, Gypsy and Traveller Accommodation Assessment, Renewable and Low Carbon Energy Screening Study, Landscape Character Assessment, Habitat Regulations Assessment, Transport Assessment, Town and Village Character Assessment, Retail Study, Employment Land Review, Infrastructure Delivery Plan and Strategic Flood Risk Assessment. A Community Infrastructure Levy charging schedule is also being produced alongside the Local Plan review.

3.4 Coverage: Mid Devon

3.5 Conformity: the document will be produced in conformity with the National Planning Policy Framework.

3.6 The following table sets out the timetable for production and adoption of the document:

Stage	Date
Sustainability Appraisal Scoping	May 2013 (completed)
Preparation Stage Consultation	January 2014 (completed)
Publication Stage Consultation	February – April 2015 (completed)
Submission	June 2016
Hearings	September 2016
Adoption	January 2017
Revision	2020

4.0 PROGRESS REPORTING

4.1 The Council produces an Annual Monitoring Report (AMR) in December each year, covering the 'monitoring year' (of the preceding April-March period). The AMR sets out the list of documents that are included within the LDS, their timetable for preparation, the stage they are currently at, and if they are behind schedule the reasons for this.

4.2 The AMR is made available on the Mid Devon website and can be seen at:

<https://new.middevon.gov.uk/planning-policy/monitoring/>

5.0 REVIEW OF THE LOCAL DEVELOPMENT SCHEME

5.1 The Planning and Compulsory Purchase Act 2004 states that local authorities can revise their LDS at such times as they consider appropriate. The Mid Devon District Council website will be updated to set out if the LDS has been subject to further revision. Proposed changes are subject to ratification by Cabinet.

Appendix 2 – Local Plan Preparation Schedule

Local Plan Preparation schedule	April/May 2016	June 2016	July 2016	September 2016	January 2017
Complete additional technical work and consider need for modifications					
Submission to Secretary of State					
Position statements, revise Schedule of Minor Mods					
Examination hearings					
Cabinet and Council for adoption					

NB – Completed stages of the Local Plan Preparation Schedule have been deleted from the schedule.

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CABINET
22 OCTOBER 2015

CULLOMPTON ARTICLE 4 DIRECTION REVIEW

Cabinet Member	Cllr Richard Chesterton
Responsible Officer	Head of Planning and Regeneration

Reason for Report: To report on the outcome of the public consultation on the review of the existing Cullompton Article 4(2). To seek approval for the making of a new Article 4(1) Direction with immediate effect for 6 categories of permitted development currently restricted by an existing article 4(2) Direction made and confirmed in 2009. To seek approval for the making of a new Article 4(1) Direction covering an additional category of permitted development namely the installation of solar and photovoltaic panels subject to the relevant periods for representations to be made. To seek approval for the removal of the existing Cullompton Article 4(2) Direction upon the Article 4 (1) Direction coming into force.

RECOMMENDATIONS:

That Cabinet recommend to Council:

1. To approve the making of an 4(1) Direction with immediate effect in respect of the following categories of permitted development:
 - To control insertion of roof lights to front roof slopes for almost the whole conservation area as indicated in Map 1 (within the area outlined in orange).
 - To protect chimneys from demolition as indicated in Map 2.
 - To control the addition of porches to 5 terraces of houses as indicated in Map 3.
 - To control the demolition of boundary walls within discrete areas as indicated in Map 4 (within the area outlined in green).
 - To control the replacement of doors in discrete areas as indicated in Map 5 (within the area outlined in green).
 - To control the replacement of windows in discrete areas as indicated in Map 6 (within the area outlined in green).
2. To approve the making of an Article 4(1) Direction without immediate effect in respect of installation of solar and photovoltaic panels to front roof slopes for almost the whole conservation area as indicated in Map 1 (within the area outlined in orange).
3. To approve the removal of the current Article (2) Direction subsequent to the new Article 4(1) Direction coming into force.
4. That the Design Guide Windows and Doors be approved for publication.
5. That the Design Guide Roofs and Chimneys be approved for publication.

Relationship to the Corporate Plan: To assist in improvement of market towns and caring for the environment.

Financial Implications: None. Cullompton Conservation Area currently has an Article 4 Direction covering it.

Legal Implications: Article 4 Directions remove specific permitted development rights from residential properties within the conservation area. The proposals will reduce the number of properties affected and focus control on the properties / areas where most benefit to the retention of the character and appearance of the conservation area can be gained. The existing Article 4(2) Direction will be removed upon the new Directions coming into effect.

Risk Assessment: The introduction of such legal controls requires review / monitoring and enforcement where warranted in order to be effective. The geographical reduction in control proposed will reduce the resources needed to undertake future review / monitoring and reduce the potential for a large number of breaches of the Article 4 Direction and therefore associated enforcement. This reduction in control in certain parts of the conservation area has been carefully considered in order to ensure that the conservation area's character and appearance is still safeguarded from the cumulative impact of incremental and unsympathetic changes that would otherwise be allowable under permitted development rights.

1.0 Introduction

- 1.1 In 2009 as part of the Cullompton Conservation Area Management Plan, an Article 4(2) Direction was introduced. This Direction covered dwellinghouses in the whole conservation area and removed certain categories of permitted development meaning that householders were required to obtain planning permission for those particular property alterations. The categories of permitted development removed were insertion of rooflights to front roof slopes, removal of chimneys, demolition of walls, the addition of porches and replacement of windows and doors to elevations fronting highways, waterways and open spaces. The Article 4 Direction covers only dwelling houses. Flats, commercial premises and listed buildings do not have these permitted development rights.
- 1.2 The Article 4 Direction was intended protect and enhance the character and appearance of the conservation area by controlling the loss of important features and securing better quality new or replacement features on unlisted dwelling houses.
- 1.3 On 8 May 2014 Cabinet received a report on issues arising from the application of the Article 4(2) Direction. It was decided to commission a review of the Article 4 Direction by private consultants.
- 1.4 The brief required the consultant to carry out a survey of the conservation area to assess which parts or properties, if any, should continue to be included in an Article 4 Direction.
- 1.5 The consultant's review was required to produce a dated photographic survey, maps and a written report based on the survey. The report was required to set out which categories of permitted development should be covered for areas or properties proposed for inclusion within an Article 4 Direction if any.

This review also considered additional categories of permitted development introduced since the current Article 4 Direction was made.

- 1.6 The brief also enabled the consultant to consider the possibility of excluding some parts of the conservation area from any Article 4 Direction or deleting them from the conservation area boundary if considered no longer worthy of inclusion.
- 1.7 The consultancy Nils White Conservation was appointed and following survey work the review was completed at the end of August 2014.
- 1.8 The consultant looked at three options namely to remove the Article 4 direction entirely, to apply it only to the central area or to target it by means of a series of schedules covering different classes of permitted development applied to individual properties.
- 1.9 The consultant's report analysed the existing doors, windows, boundary walls, porches, chimneys and rooflights. The conservation area was considered by character areas. It was concluded that the roofscape with its historic chimneys and general absence of rooflights or solar panels on front roof slopes was generally well preserved; that due to the predominance of terraced houses built up to the street that porches and boundary walls were not common; that the area had a high level of window and door replacement.
- 1.10 With regard to the character areas these were looked at to see if some parts of the conservation area were more vulnerable or worse affected than others. Whilst there were differences between the character areas it was concluded that the additional planning controls of an Article 4 Direction were beneficial.
- 1.11 The consultant's recommendation was to have a series of revised Article 4 Schedules targeted at individual properties according to the potential for harm from the different categories of permitted development. The consultant's report concluded that the Article 4 Direction is beneficial to the historic built environment and to remove it was not recommended. The option of taking the peripheral areas out of the Article 4 direction retaining it only in the core of the conservation area would result in continuing decline of the outer areas, which though simpler are still of architectural and historic importance was not recommended. The consultant also recommended that permitted development rights to install solar panels on front roof slopes should be removed.
- 1.12 The consultant's review including a recommended option was considered by the Head of Planning, development management staff and conservation staff with the following conclusions:
 - The detailed analysis of current appearance of the conservation area by character area and the detailed recording of the presence of chimneys, rooflights and boundary walls, together with information on the type of windows and doors present was considered useful.
 - The conclusion that the roofscape of the conservation area was largely intact with many chimney stacks surviving and with few rooflights or

solar panels to the front roof slopes was considered to be good justification for restrictions on these particular permitted developments across the most of the conservation area. The exceptions to this are roof lights and solar panels in most of New Street (where front roof slopes are not seen) and Middle Mill Lane (where rooflights and solar panels are already in place on most properties).

- With regard to porches very few properties have any scope to construct a porch so it was proposed that the Article 4 direction be applied to the few terraces where the architectural rhythm could potentially be harmed by the addition of a variety of porches.
- With regard to boundary walls it was proposed that restrictions should apply to small areas with a concentration of boundary walls.
- Similarly with regard to doors and windows it was proposed to apply restrictions to discrete areas where there are distinct concentrations of historic and good quality modern joinery. It was considered that if the Article 4 direction was only applied to parts of the conservation area where there are discernible concentrations of quality features such as groups of properties with historic joinery or good quality modern joinery retention of such features is justified because the loss would impact on the quality of the particular part of the conservation area.

1.13 In proposing the discrete area approach it was acknowledged that there would be some properties covered by the Article 4 direction that have no relevant boundary walls, have existing uPVC or aluminium windows and / or doors which would still need to apply for planning permission under the requirements of the Article 4 Direction.

1.14 The recommended approach was approved for consultation by Cabinet on 30th October 2014. Members also asked that design guidance be prepared to help those who need to make planning applications and also to provide others living in the conservation area with advice on what to consider when replacing windows and doors or when doing work to roofs and chimneys. It was also requested that when the revised Article 4 Direction had been approved that individual letters be written to each affected property to set out for which particular works the owner would need to get planning permission.

2.0 The Consultation

2.1 The public consultation included both the consultant's original recommendations and the alternative option approved by Cabinet. The consultation ran for a six week period from 10th November 2014 to 22nd December 2014. The consultation included letters to the Cullompton Town Council, the Town Team, residents and businesses in the conservation area, a press release and subsequent press articles. An exhibition in the Hayridge Centre included two days when staff were available to answer questions.

2.2 The consultation drew a total of 10 responses including 8 from the public together with comments from the Town Council and the Town Team. A summary of the responses is contained within the consultant's final report

attached at **Appendix 1**. The responses did not result in any opposition to the proposal for discrete areas in which the individual classes of permitted development are restricted.

- 2.3 The responses were forwarded to the consultant who considered these before completing a final report including schedules of properties for the individual categories of permitted development being restricted at the end of March 2015.
- 2.4 The resultant schedules have been cross checked to ensure that the properties shown as affected on Maps 1-6 of the report to Cabinet in October 2014 are all included. The schedules have also been checked and amended so that as far as possible properties known to be flats, including flats over shops, (which have no permitted development rights for these types of works), listed buildings and properties where the property has no frontage on to a highway, waterway or open space have been excluded.

3.0 **Proposed Article 4 Directions**

- 3.1 Changes to the Town and Country Planning (General Permitted Development) (England) Order came into force on the 15th April 2015 and revised procedures for making Article 4 Directions. Now referred to as Article 4(1) Directions (rather than Article 4(2)), two categories of such directions were introduced: those that can be applied with immediate effect and those without immediate effect.
- 3.2 The Article 4(1) Direction with immediate effect relates to all the categories of permitted development controlled by the original Article 4(2) Direction: namely the insertion of rooflights to front roof slopes, removal of chimneys, demolition of walls, the addition of porches and replacement of windows and doors to elevations fronting highways, waterways and open spaces. It would come into effect on the date the required notice is first published and or displayed. It must be confirmed by the Local Planning Authority within 6 months of the date it came into effect. If it is not confirmed within this time the Direction will expire.
- 3.3 The Article 4(1) Direction without immediate effect relates to the installation of solar photovoltaic panels on front roof slopes. This was not controlled by the existing Article 4(2) Direction and is a new, proposed area of control. The required notice in this case must allow for a period of 21 days within which representations about this Direction can be made to the Local Planning Authority. The Direction can be brought into force after a minimum of 28 days from the time the required notice is posted. The Authority must take into account any representations received within the 21 day period before deciding whether to confirm the Direction.
- 3.4 Once the new Article 4 (1) with immediate effect is approved, the existing Article 4(2) Direction will need to be removed. The areas to be covered by the proposed Article 4 Directions are identified within Maps 1-6 attached at **Appendix 1**.

4.0 Design Guides

- 4.1 Two design guides have been prepared: one covering windows and doors, the other dealing with roofs and chimneys. They have been written so that they can be used by all residents in the district not just for those living in Cullompton conservation area. The design guide on windows and doors is attached at **Appendix 2**. The design guide on roofs and chimneys is attached at **Appendix 3**.
- 4.2 It is intended that the design guides will be made available online with hard copies available at Council offices. Their availability will be referred to in letters sent out to residents. A copy will be sent out to Town and Parish councils for information.

5.0 Consideration by the Planning Policy Advisory Group

- 5.1 The Planning Policy Advisory Group (PPAG) met on 7th October 2015. The meeting was also attended by certain Elected Members for Cullompton. Members considered the report on the consultant's review and the results of the subsequent consultation on the existing Article 4(2) Direction. PPAG recommended the new Article 4(1) Directions to Cabinet for approval together with the subsequent removal of the existing Article 4(2) Direction. This removal would take place upon the new Article 4(1) coming into force.
- 5.2 The two design guides were also considered and received the full support of PPAG.

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Circulation of the Report: Cllr Chesterton, Management Team

List of Background Papers: Cabinet report 30 October 2014

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1. Executive Summary

The Cullompton Article 4 Direction was made in 2009, following adoption of the Conservation Area Management Plan

A review of the Direction was requested by the Planning Committee in 2013, due to the amount of harmful change that had already occurred. Recent appeal decisions have supported the need for change.

A photographic survey of each of the properties in the Article 4 Schedule was carried out in July 2014; the type of windows and doors, and presence of boundary walls, chimneys and rooflights were recorded at the same time. The potential harm caused by changes to each of these categories was also noted.

The survey found a very high level of window and door replacement had occurred in the conservation area. Seventy per cent of properties had uPVC or aluminium windows and, in some streets, that figure was nearly 90%.

Most historic chimneys are still standing throughout the conservation area and there is a general absence of rooflights – the roofscape is therefore well-preserved.

Due to the predominance of terraced houses built up to the street, boundary walls and porches are not common.

The conservation area was divided into character areas to see if some parts were more vulnerable or worse affected than others. Although there were clear differences between them, it was concluded that all these areas could benefit from the additional planning controls conferred by an Article 4 Direction.

The possibility of removing the Article 4 Direction altogether was considered; however, it is considered to be clearly beneficial to the historic built environment and it would be a mistake to do so.

The possibility of taking the peripheral streets out of the Article 4 Direction area and to retain it only in the core of the conservation area was considered; however, this would lead to two classes of protection and allow decline to continue in these outer parts – which are simpler, yet still of architectural and historic importance .

The preferred option is to have a series of revised Article 4 Schedules, targeted to individual properties according to the potential harm caused by each category of development controlled.

The possibility of revising the conservation area boundary was considered; however, in order to do so in an informed and consistent way, a revised conservation area appraisal would be needed. At this stage they should be left as they are.

Following submission of this report, officers of the Council recommended that the additional controls should be applied in areas based on the findings of the survey. Following approval of this approach by the Cabinet, public consultation took place at the end of 2014.

The report has been amended to take account of these changes.

2. Background

The Cullompton Conservation Area Management Plan was adopted in 2009. This document included a proposal that an Article 4 Direction should be made, affecting all those properties in the conservation area that had permitted development rights (domestic dwelling houses). The Article 4 Direction was made and confirmed later that year.

An Article 4 Direction is a tool used by Local Planning Authorities to remove permitted development rights. This means that for certain properties (identified in a schedule) planning permission would be needed to carry out a range of identified works that otherwise would not have needed it.

In the case of Cullompton, all of the properties in the conservation area that would normally enjoy permitted development rights were included in the Article 4 Direction Schedule; for them, the following works now required planning permission:

- Replacement of windows and doors fronting a highway, waterway or open space.
- Insertion of rooflights on slopes fronting a highway, waterway or open space
- Removal or lowering of boundary walls in whole or in part.

- Erection or construction of a porch outside any external door of a dwelling where this fronts a highway, waterway or open space.
- Removal or lowering of boundary walls in whole or in part.
- Removal of chimney stacks.

In a subsequent survey, carried out in 2012, breaches were identified at 17 properties, where one or more of the above works had been carried out without planning permission.

These cases were discussed by the Mid Devon District Council Planning Committee in November 2013. While it was resolved to take enforcement action in two of these cases, it was decided that no further action should be taken in the remainder.

At the same meeting, it was resolved that this review of the Cullompton Article 4 Direction be commissioned by the Council.

Subsequently, the owners of the two properties where enforcement action was agreed successfully appealed against the Enforcement Notices served.

3. Brief

In May 2014, Nils White Conservation was commissioned to carry out a review of the Article 4 Direction in Cullompton. The brief was as follows:

'To survey the Cullompton conservation area to assess which parts or properties, if any, should continue to be included in an article 4.2 Direction. The current Article 4 Direction has blanket coverage of all dwelling houses in the conservation area. (Flats and commercial premises were excluded from the 2009 Direction).'

It went on to state that the review should comprise a photographic survey of the relevant dwelling house frontages, chimneys and boundary walls, maps showing the various categories of properties and a written report. If appropriate, it could be proposed that the conservation area boundary should be redrawn to exclude the worst affected parts.

4. Methodology

In line with the requirements set out in the brief, a photographic survey of all properties in the conservation area was carried out and, for each of them a series of categories was recorded. These were:

- a. Type of Property (dwelling house, flat, commercial property, institution, etc)
- b. Age and Material of windows (historic timber, modern timber, aluminium, uPVC, steel and combinations thereof).
- c. Potential Harm caused by replacement of windows (assessment based on b and what is in surrounding properties).
- d. Age and Material of Doors (same categories as for windows)
- e. Potential Harm caused by replacement of Doors (as c.)
- f. Presence of significant chimney (small, modern chimneys, that do not enhance the conservation area were excluded).
- g. Potential Harm caused by removal of Chimney (as c.)
- h. Presence of significant Boundary enclosure. (some modern, low walls were excluded)
- i. Potential Harm caused by removal of boundary (as c.)
- j. Presence of a porch (traditional pediments over front doors were not included)

- k. Potential harm caused by erection of a porch.
- l. Presence of rooflights
- m. Potential harm caused by insertion of rooflights (assessment based on prominence of roof slope, surroundings and presence of existing rooflights).

Definition of Harm

Potential harm was identified where changes to that element (normally permitted) could be detrimental to building character. For example, replacement of timber windows or doors with UPVC would normally be considered harm, as would demolition of a chimney or significant boundary wall.

While potential harm was mainly based on impact on the individual house, the conservation area was also taken into account. In some areas, where the windows of all neighbouring properties had already been replaced for example, the harm caused by replacement of timber units might be much less than in an area where this had not happened.

Potential harm was recorded where ownership of land at the front of a house would allow the construction of a porch, where there was a prominent roof slope uninterrupted by rooflights or where there was a significant, chimney or boundary wall that could be vulnerable to removal.

Potential harm is not the same as a *threat*, which is a measure of the likelihood of harmful works taking place.

5. Summary of Findings

Below, is an overview of the results of the survey for the entire conservation area.

Type of Property

The Article 4 Direction is intended to affect only unlisted houses with permitted development rights. This excludes commercial premises, flats, institutions, clinics etc., as well as listed buildings.

The survey found that the Schedule of properties covered in the Article 4 Direction included 10 listed properties and 79 others that, due to their use (being flats, commercial or institutional premises), do not appear to benefit from permitted development rights.

Windows



The replacement of windows is normally permitted development in dwelling houses in conservation areas. Where this involves removal of historic windows and their substitution with uPVC or aluminium units, it can have a devastating impact on the character and appearance of the conservation area and tends to be the most common reason why Article 4 Directions are made. The 2009 Cullompton Conservation Area Management Plan placed special emphasis on the harm caused by introduction of inappropriate windows.

In the 2014 survey about 70% of the properties in the schedule had already had inappropriate uPVC or aluminium windows installed and, in 65% of them, all the visible windows in the property had been replaced with uPVC.



In certain streets, the percentage of properties with uPVC or aluminium replacement windows was still higher; for example, 87% in the Higher Street area; 85% in Middle Mill Lane and 87% in New Street. In areas like this it was less likely that replacement of windows would be judged to cause harm (even, in some case, where the existing ones were timber). By contrast, historic windows survive in less than 10% of the properties surveyed.

It was considered that replacement of the existing windows could result in potential harm in 27% of the properties surveyed.

Doors

The use of plastic and aluminium for doors, was not as prevalent as for windows but still very common; 48% were found to be uPVC or aluminium in the survey, while the historic front door survived in only 13% of properties.

It was judged that door replacements could cause harm in 45% of properties surveyed.



Chimneys



Chimneys play an important part in defining and providing verticality to an historic roofscape and their removal can harm the character and appearance of a conservation area.

In the survey, 63% of properties had a surviving chimney (simple flues and small, modern stacks were not included) and in most of these cases, it was judged that to remove it would cause harm to the character and appearance of the conservation area. In many cases a single chimney stack is shared between 2 properties. Where this was the case, it was counted as belonging to both of them.

In areas where the roofscape is less prominent, the loss of a chimney would be less likely to be judged as harmful to the character and appearance of the conservation area.

Rooflights

Where the roofscape is prominent, a profusion of rooflights can have a disruptive effect on historic and architectural character. Only 6% of the properties in the schedule were identified as having rooflights on principal elevations and the potential harm caused by their insertion was judged to be significant in more than 50% the properties surveyed because of the prominence of the principal roof slopes.

Interestingly, only two of the properties on the Schedule had had solar panels installed.

Boundary Walls

In many conservation areas walls play an important part in defining the space and their removal, often to create car parking spaces, is detrimental to the character and appearance. In Cullompton, most houses are terraced and have no front yard space or prominent boundary walls. However, in the 20% of properties where they do exist, their removal was generally judged to be potentially harmful.

Porches

As with boundary wall removal, porch construction does not represent a significant threat in most of the conservation area. Potential harm was identified on off-street terraces such as Belle Vue or Wishcroft Terrace (Area 2 in Section 5, below), where introduction of porches (or alteration of the existing open porches) is possible as land at the front falls within the property. It was judged that this could harm the rhythm of the terrace as a whole.

6. Level of Threat by Character Area

For the purposes of further analysis, the conservation area was divided into 8 rough character areas comprising streets or courts with certain characteristics in common. For each area, the percentage of properties to which works controlled by the article 4 Direction could cause harm is shown below.

Area 1. Higher Street; Station Road; Tiverton Road; Exeter Road; Exeter Hill.



These streets are all located on the principal approach routes to the town. Most of the properties are small cottages with doors opening directly on to the pavement.

• Properties where window replacement could cause harm	18%
• Properties where door replacement could cause harm	28%
• Properties where chimney removal could cause harm	63%
• Properties where boundary removal could cause harm	16%
• Properties where rooflight insertion could cause harm	77%
• Properties where erection of a porch could cause harm	11%

Within this sub area, the existence of unsympathetic modern windows varies between 50% in Tiverton Road and 86% in Exeter Hill. In many cases, this has resulted in such a significant change to the character and appearance of these streets that further replacement would not cause additional harm. The rate of survival of the original, historic windows and doors, whose loss would be most unfortunate, is very small.

Where chimneys survive, their removal would generally harm the character of the streets, which due to their width, have a fairly prominent roofscape. As elsewhere in the conservation area, there are very few rooflights and, while widespread insertion could be harmful, this is perhaps less likely due to the limitations in roof space. With a few exceptions, porches do not present a major threat in these streets, as the front doors generally open directly on to the street.

Exeter Hill is notable for ornate, 19th century shopfronts at numbers 7, 9 and 4. Sadly, the shops themselves have gone, but the majestic shopfronts are an important survival.

Area 2. Pen-y-Dre Terrace; Wishcroft Terrace; Belle Vue Terrace; Garden Terrace



The first three of these terraces date from the 1900s, while Garden Terrace is slightly later and plainer. All are brick-built and are set off the main road.

- | | |
|---|-----|
| • Properties where window replacement could cause harm | 14% |
| • Properties where door replacement could cause harm | 14% |
| • Properties where chimney removal could cause harm | 97% |
| • Properties where boundary removal could cause harm | 34% |
| • Properties where rooflight insertion could cause harm | 72% |
| • Properties where erection of a porch could cause harm | 86% |

These terraces are fundamentally different in form and situation from the more traditional houses in the conservation area, but are affected by similar issues. As with other terraces, attempting to preserve a sense of

unity and rhythm is fundamental. As such, further chimney removal, the addition of porches, or sporadic rooflight insertion all have the potential to cause harm where these works have not already occurred. As elsewhere, however, most windows and doors have already been renewed and the potential for replacement to cause harm is low.

Area 3. Middle Mill Lane; Higher Mill Lane.



Many of the houses in these lanes are set back from the pavement and sit within their own garden. Where this is the case, the impact of changes to them on the overall character and appearance of the conservation area was therefore judged to be less significant than elsewhere.

- | | |
|---|-----|
| • Properties where window replacement could cause harm | 17% |
| • Properties where door replacement could cause harm | 13% |
| • Properties where chimney removal could cause harm | 30% |
| • Properties where boundary removal could cause harm | 25% |
| • Properties where rooflight insertion could cause harm | 13% |
| • Properties where erection of a porch could cause harm | 0% |

Area 4. Church Street; Gravel Walk; Queen Square

These streets, arranged around St Andrews Church, might be seen as the historic heart of the conservation area, with high quality spaces and some larger dwellings. Due to the quality of this space and the prominence of the buildings, it is considered to be especially sensitive.

- | | |
|---|-----|
| • Properties where window replacement could cause harm | 56% |
| • Properties where door replacement could cause harm | 61% |
| • Properties where chimney removal could cause harm | 61% |
| • Properties where boundary removal could cause harm | 56% |
| • Properties where rooflight insertion could cause harm | 72% |
| • Properties where erection of a porch could cause harm | 28% |



Area 5. Cockpit Hill; Pound Square; Duke Street; Ways Lane



This area is again largely composed of terraced cottages, their building line following the pavement. Most windows and doors have been replaced, boundary walls are few and there is usually no potential to add a porch. Once again, chimney survival is quite high and their removal would often be detrimental.

- Properties where window replacement could cause harm 10%
- Properties where door replacement could cause harm 20%
- Properties where chimney removal could cause harm 59%
- Properties where boundary removal could cause harm 16%
- Properties where rooflight insertion could cause harm 61%
- Properties where erection of a porch could cause harm 15%

Area 6. Crow Green; New Street

These two streets are again made up of terraced cottages and have the highest level of window and door replacement in the conservation area. New Street is fairly narrow, level and straight and for that reason, roofs are not prominent. Rooflight insertion would therefore often not result in significant harm.

- Properties where window replacement could cause harm 5%
- Properties where door replacement could cause harm 10%
- Properties where chimney removal could cause harm 80%
- Properties where boundary removal could cause harm 21%
- Properties where rooflight insertion could cause harm 29%
- Properties where erection of a porch could cause harm 11%



Area 7. High Street and Fore Street



Together, these streets comprise the commercial centre of the town. Buildings here are grander and taller than elsewhere and typically have commercial premises on the ground floor with flats above them. Fifty four of the 80 properties on the Article 4 Schedule with High or Fore Street addresses do not appear to have permitted development rights, as they are flats – window and door replacement, rooflight insertion and porch erection for these properties would all therefore need planning permission even in the absence of an Article 4 Direction.

Due to the width of the street and the prominence of the roofs, many properties would be sensitive to rooflight insertion or chimney removal.

- Properties where window replacement could cause harm 62%
- Properties where door replacement could cause harm 69%

- Properties where chimney removal could cause harm 46%
- Properties where boundary removal could cause harm 12%
- Properties where rooflight insertion could cause harm 57%
- Properties where erection of a porch could cause harm 3%

Area 8. The Courts



These historic alleys off the main street have suffered as much as the rest of the conservation area from inappropriate changes. Chimneys here have often already been removed and again, there is a general absence of boundary walls. The high level of harm predicted from timber and door replacement reflects a significant number of new dwellings with modern timber joinery.

- | | |
|---|-----|
| • Properties where window replacement could cause harm | 37% |
| • Properties where door replacement could cause harm | 58% |
| • Properties where chimney removal could cause harm | 23% |
| • Properties where boundary removal could cause harm | 11% |
| • Properties where rooflight insertion could cause harm | 18% |
| • Properties where erection of a porch could cause harm | 10% |

It is clear that there are significant differences between these sub-areas; for example, while window replacement would cause harm in 64% of properties in Fore Street and High Street, the figure for New Street and Crow Green is only 5%; or while chimney removal could cause harm in 80% of New Street properties, the figure for Middle and Higher Mill Lanes is 30%.

More than anything, these figures demonstrate that while different parts of the conservation area have varying characteristics and threats, all are vulnerable in some way. There is not considered to be an overriding case to remove the Article 4 Direction from any one of these areas.

7. Discussion and Recommendations

The survey results give a snapshot of a conservation area whose buildings have suffered a particularly savage ransacking of historic windows and doors in recent decades. The sparkle of hand-blown glass or subtleties of hand-planed mouldings are notoriously difficult to re-create even in the best new timber windows. Sadly, in Cullompton, these are the exception, the more usual replacements being dreary white plastic. Clearly, it would be desirable, in conservation terms, to undo what has been done and start again. However, an Article 4 Direction, by itself, will not achieve this; it can neither apply retrospectively, nor prevent subsequent replacement of uPVC or aluminium units with more of the same.

Other elements of the conservation area are well-preserved. The form of the streets themselves and the characteristic roofscape have apparently changed little in the last centuries and there continue to be significant threats as seen above.

The English Heritage guidance ***Understanding Place – Conservation Area Designation, Appraisal and Management*** (2011) clearly states that Article 4 Directions should only be made where there the works brought under planning control pose a *real and specific threat* to the character and appearance of the conservation area. The same guidance states that stricter planning controls are most effective if combined with grant aid, or other incentives.

While some tightening of planning controls in Cullompton conservation area using an Article 4 Direction is considered to be desirable for the historic environment, it does also generate additional work for the local planning authority, usually attracting no fee, and can make even beneficial alteration to properties an onerous task. It is essential, therefore that it is used in a way that is proportionate to the threat.

Implications of Recent Appeal Decisions

The success of the Article 4 Direction in Cullompton has been mixed. In a few cases, the need for planning permission has directly led to improvements in materials and detailing of replacement windows and doors; while an enforcement notice requiring reinstatement of timber windows in one Fore Street property was upheld at appeal.

However, two more recent appeals against Enforcement Notices have been allowed in the last year, the Inspector reasoning that the overall character of New Street and Queen Square respectively had been transformed to such an extent that replacement of non-original timber doors with uPVC was not considered to cause harm. In the case of the former, he stated that the character and appearance of the conservation area was now defined by uPVC windows.

These latter decisions have challenged the legitimacy of the Article 4 Direction in its current form and underline the need for this review.

Options

To leave the Article 4 Direction unchanged is not considered to be an option. The survey shows that many of the properties covered by its schedule have already undergone so much inappropriate change, that the blanket imposition of additional planning controls is excessively onerous and unnecessary. In these cases, some or all of the works covered by the Article 4 Direction pose no real and specific threat to the character and appearance of the conservation area, as what it is intended to preserve is already lost. This conclusion is reinforced by recent appeal case history, the instruction by the Planning Committee to carry out this review and the findings set out in this report. There are therefore 3 possible ways forward:

A. Do away with the Article 4 Direction entirely

While this option may appear legitimate – most conservation areas do not have an Article 4 Direction in place, and Cullompton's was the first in Mid Devon – it would be tantamount to an admission of defeat and is therefore not recommended. Cullompton is a significant historic town which still contains much to preserve or enhance in its conservation area. In spite of the large amount of modernisation, the survey revealed numerous surviving historic features that, if planning controls reverted to their pre-Article 4 state, could be removed or altered under permitted development rights and that this would result in harm to the character and appearance of the conservation area. Therefore, in the light of the time and money spent preparing and reviewing the Direction and the clear inadequacy of normal planning controls to address the threats, it is strongly recommended that a modified Article 4 Direction be retained in the conservation area.

B. Retain a blanket Article 4 Direction for a reduced Area where Threat is Greatest.

Section 5 of this report explores the differences between the potential for harm in different parts of the conservation area. Based on these, the possibility of reinstating permitted development rights in the more peripheral areas was considered, applying the Article 4 Direction only in the core of the town. While this approach would have the advantages of clarity and simplicity, it would still be a fairly blunt instrument to help achieve preservation and enhancement.

The figures suggest that all the different parts of the conservation area are vulnerable – albeit to different kinds of development. There is a danger,

therefore that this option would have the effect of relegating much of it to second best when, in fact, each street has a part to play in defining the historic and architectural character of the town yet subject to a threat from inappropriate works. The concentration of planning controls in the town centre while letting surrounding streets go to seed would not be a desirable outcome.

C. Have a reduced Article 4 Direction, targeting properties where threat is greatest.

Having gathered the data and made a photographic record, there is an opportunity to have a targeted Article 4 Direction, where the extension of planning controls would vary for each property according to potential harm.

This option would be slightly more complicated – an individual schedule of properties would be needed for each category of works brought into planning control; however, it would enable a more focused and agile response to the threats faced by the historic built environment.

The advantage of this approach is that there would be a clear rationale for having the additional controls in each case and this would support the development management process. The additional work for the planning department would be concentrated where the threat was greatest.

This was the option that was recommended for Cullompton. Accordingly, six draft schedules were prepared, one for each kind of works to be brought under planning control, identifying properties where permitted development rights should be removed. Listed buildings were not included; neither were buildings that do not have permitted development rights for the works in question. The number of addresses on each

schedule ranged between 63 (windows) and 259 (chimney demolition) compared with 466 for all works on the existing Article 4 Schedule.

It was recommended, furthermore, that solar panels (which are permitted development on roofs in conservation areas) should be added to the rooflight Schedule

8 .Conservation Area Boundary

The brief included a suggestion that it may be appropriate to review the conservation area boundary. While carrying out the survey, the author took this possibility into account and various adjustments were considered. However, given that the boundary was changed in 2009, further changes were not thought to be appropriate at this stage. Overall, there is a clear rationale for the existing conservation boundary despite significant levels of degradation.

While there are different approaches to drawing conservation area boundaries, changes should always be justified by carrying out a full appraisal. Levels of inappropriate change or identified threats cannot on their own form the basis of a sound judgement. For these reasons, it is recommended that the conservation area boundary be left as it is.

9. Public Consultation

Following submission of the Draft Article 4 Review report, officers of the Council considered the recommendations above. Their conclusion was that a hybrid approach would be desirable, whereby areas of additional control for each of the operations covered by the Article 4 Direction would be defined based on the greatest concentration of properties identified in the draft report. In this way the revised schedules would be

loosely area-based, rather than targeting individual properties according to their exact characteristics.

This proposal was approved at the Cabinet meeting and public consultation ran from 10th November till 22nd December. Both the Town Council and the Town Team were supportive of the proposals, the latter seeking reassurance that every effort would be made to publicise the controls by notifying owners and tenants of properties affected and ensuring that they clearly appear in local searches. They also suggested that design guidance should be provided for the conservation area.

Otherwise, just 8 responses from the public were received. These were broadly supportive of the relaxation of controls. The issues raised are summarised below.

1. Solar panels should be exempted from the controls due to their importance in combatting climate change.

Response: While every effort should be made to encourage renewable energy developments where appropriate, solar arrays can be unsightly and look particularly out of place in a historic roofscape. The objective of planning controls in a conservation area is to preserve or enhance the character and appearance; therefore this additional control is justified.

2. There should not be relaxation of controls for replacement doors and windows. Where in appropriate units have been installed, restoration of traditional ones should be enforced.

Response: The objective of the Article 4 Review was to identify potential harm and target the controls accordingly. After careful consideration, the chosen approach is considered the best one.

3. Replacement of doors and windows should be permitted throughout in order to make homes weather-tight and energy-efficient.

Response: As identified in the report, window and door replacement has been thorough in Cullompton and the character of the conservation area has deteriorated as a result. Traditional windows can be made energy-efficient with proper draught-proofing and the use of secondary glazing, thermal blinds etc.

4. The controls are still excessive.

Response. This was the criticism of the original Article 4 Direction for Cullompton; consideration of this in the report has led to these revised proposals.

5. There should be some relaxation regarding the use of modern materials for doors and windows due to the difficulty in maintaining timber.

Response: Traditional timber doors and windows made of durable timber require relatively little maintenance and last many times longer than their plastic substitutes.

10. Conclusion

The revised proposals are considered to offer a fair and focussed approach to controlling inappropriate development in the conservation area.

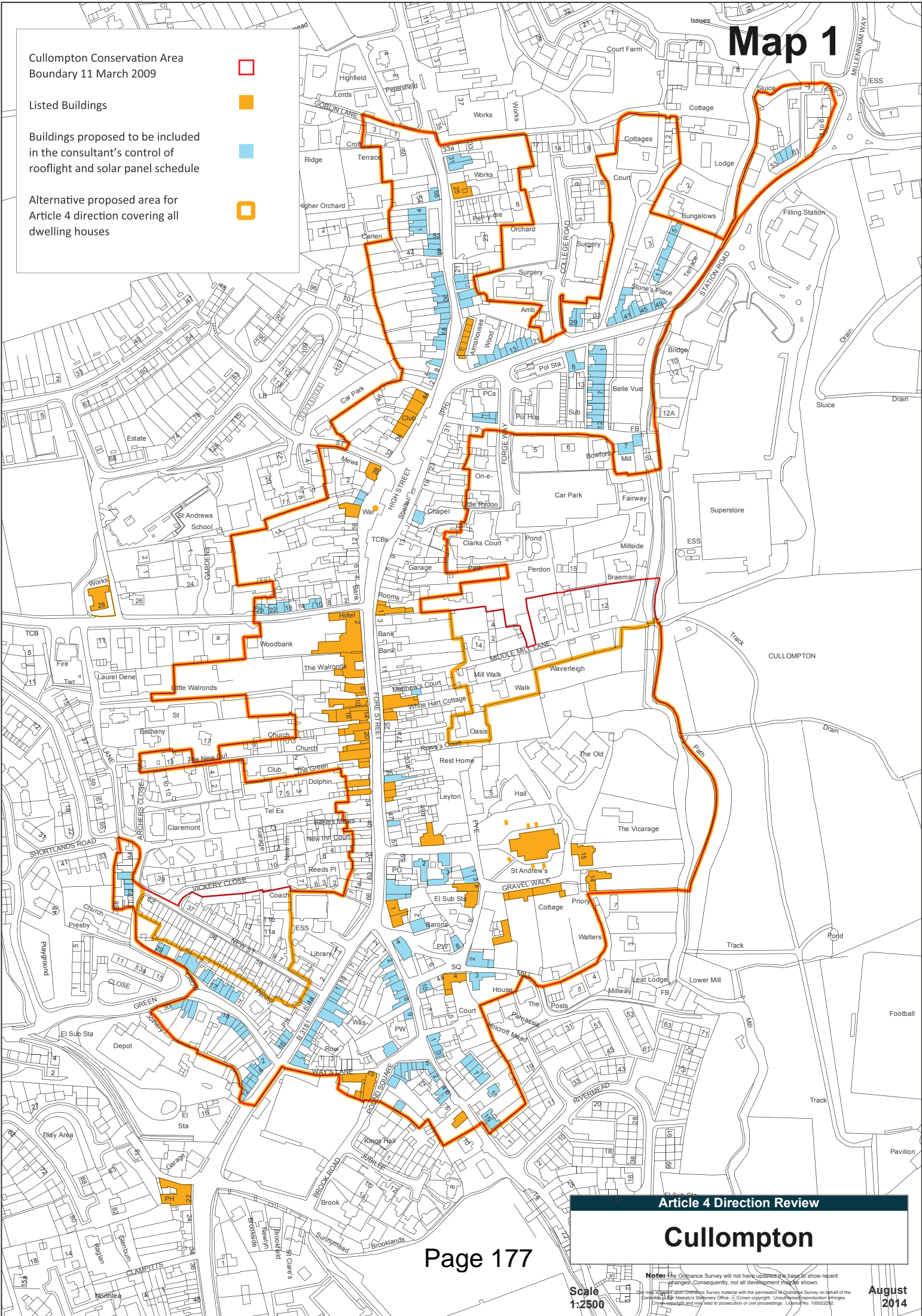
Map 1

Cullompton Conservation Area
Boundary 11 March 2009

Listed Buildings

Buildings proposed to be included
in the consultant's control of
rooflight and solar panel schedule

Alternative proposed area for
Article 4 direction covering all
dwelling houses



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Scale
1:2500

Notes: The Ordnance Survey will not have updated the base to show recent changes. Consequently, not all development may be shown.
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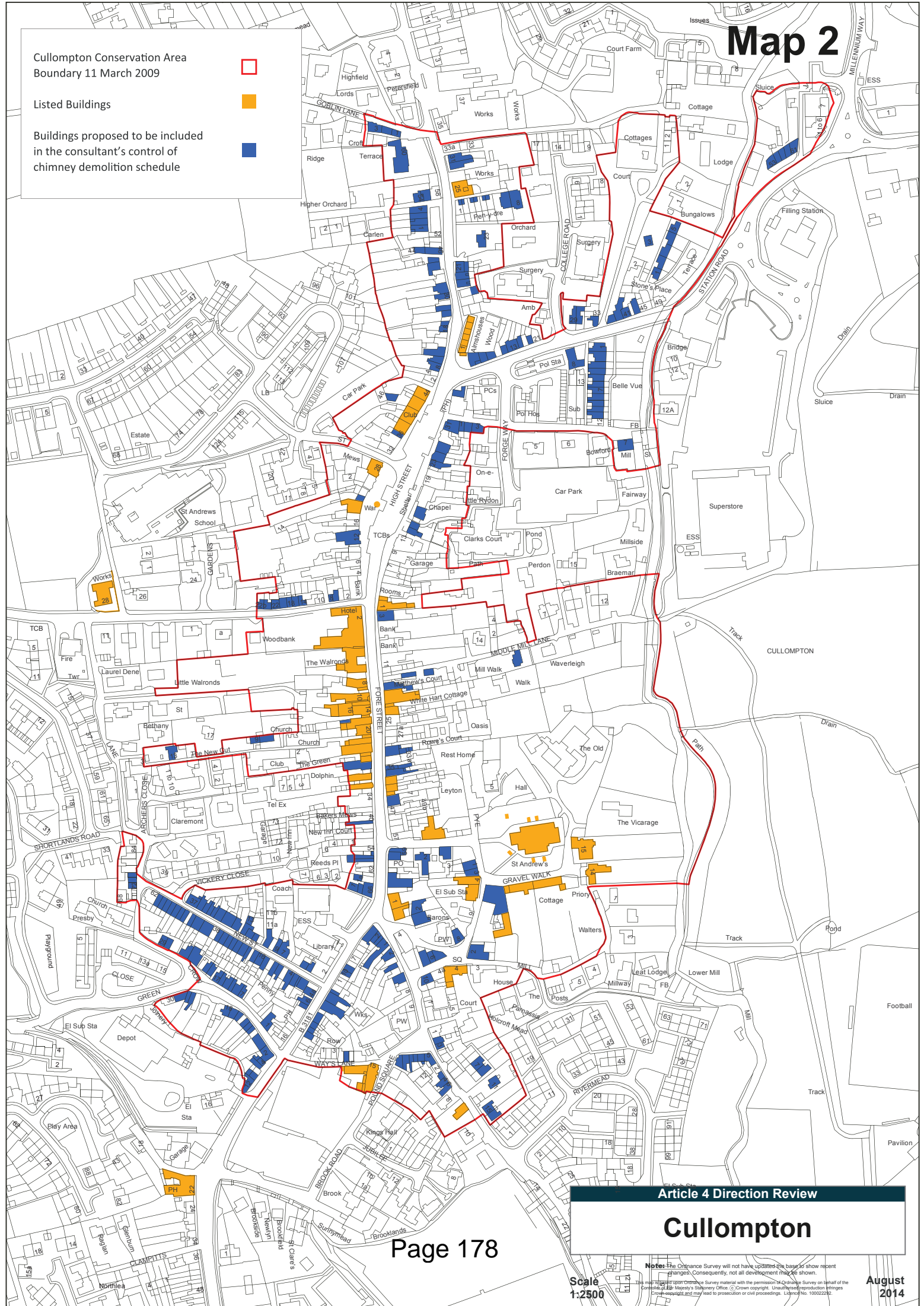
August
2014

Map 2

Cullompton Conservation Area
Boundary 11 March 2009

Listed Buildings

Buildings proposed to be included
in the consultant's control of
chimney demolition schedule



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Scale
1:2500

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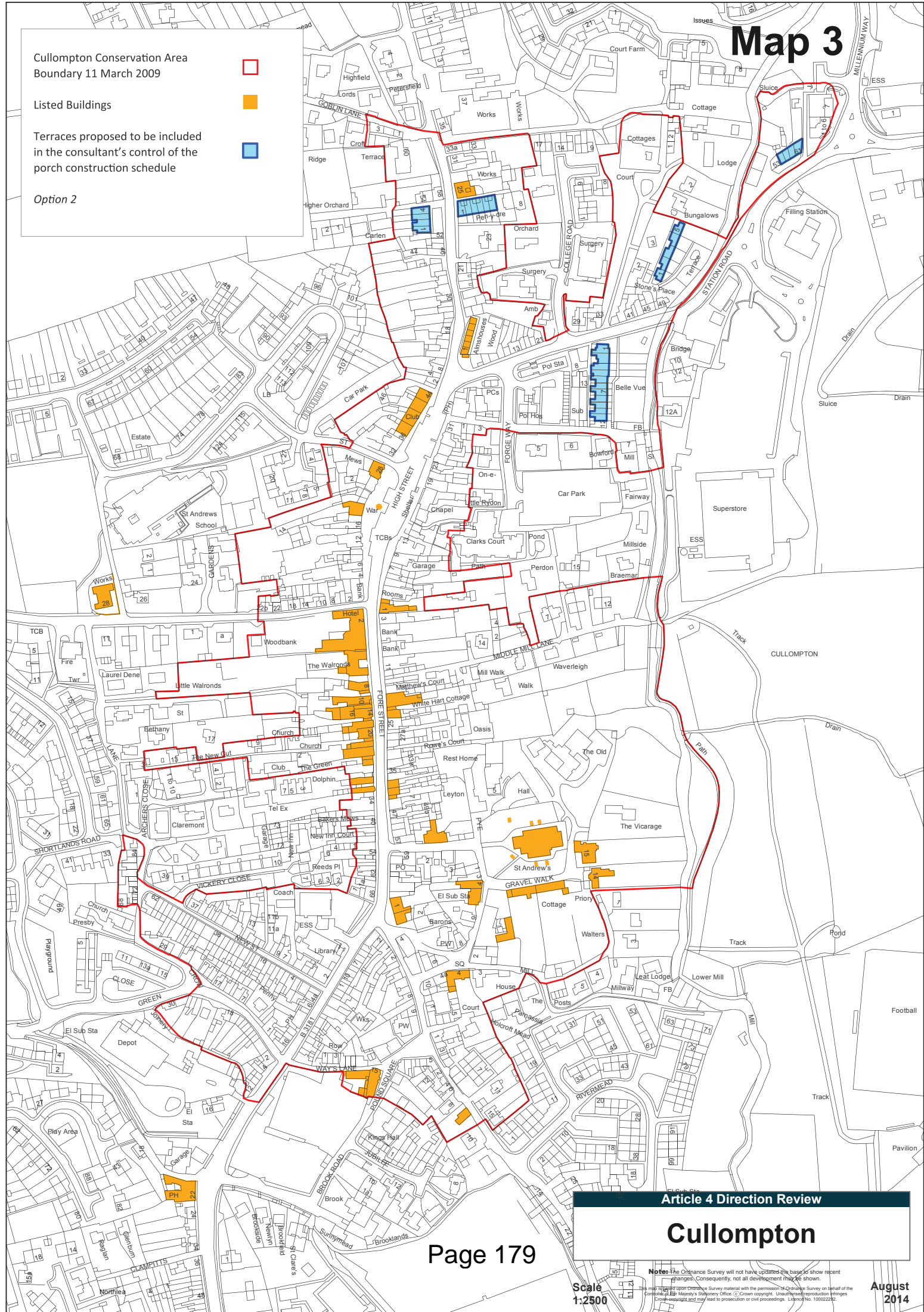
Map 3

Cullompton Conservation Area
Boundary 11 March 2009

Listed Buildings

Terraces proposed to be included
in the consultant's control of the
porch construction schedule

Option 2



Article 4 Direction Review

Cullompton

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Scale
1:2500

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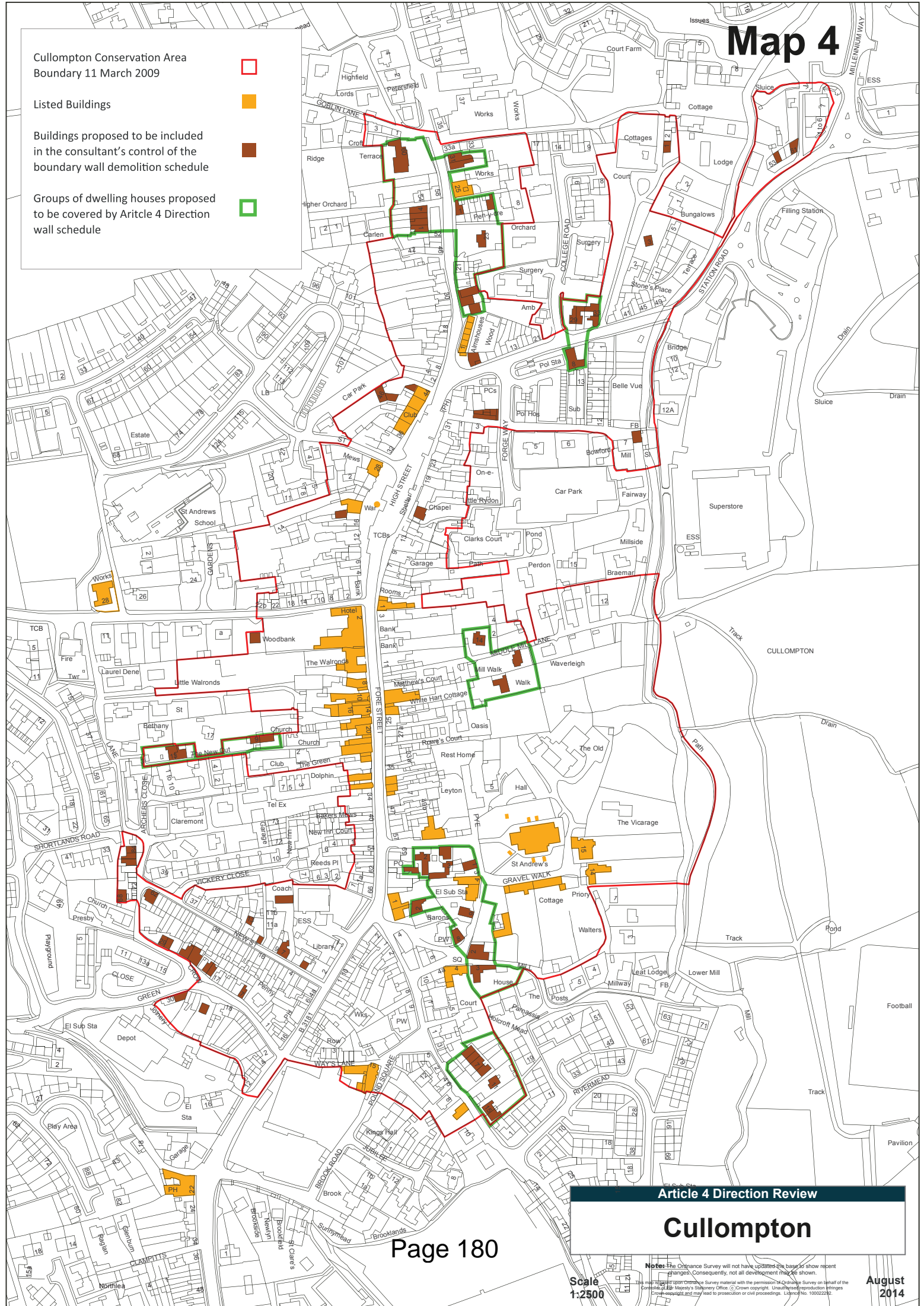
Map 4

Cullompton Conservation Area
Boundary 11 March 2009

Listed Buildings

Buildings proposed to be included
in the consultant's control of the
boundary wall demolition schedule

Groups of dwelling houses proposed
to be covered by Article 4 Direction
wall schedule



Article 4 Direction Review

Cullompton

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Scale
1:2500

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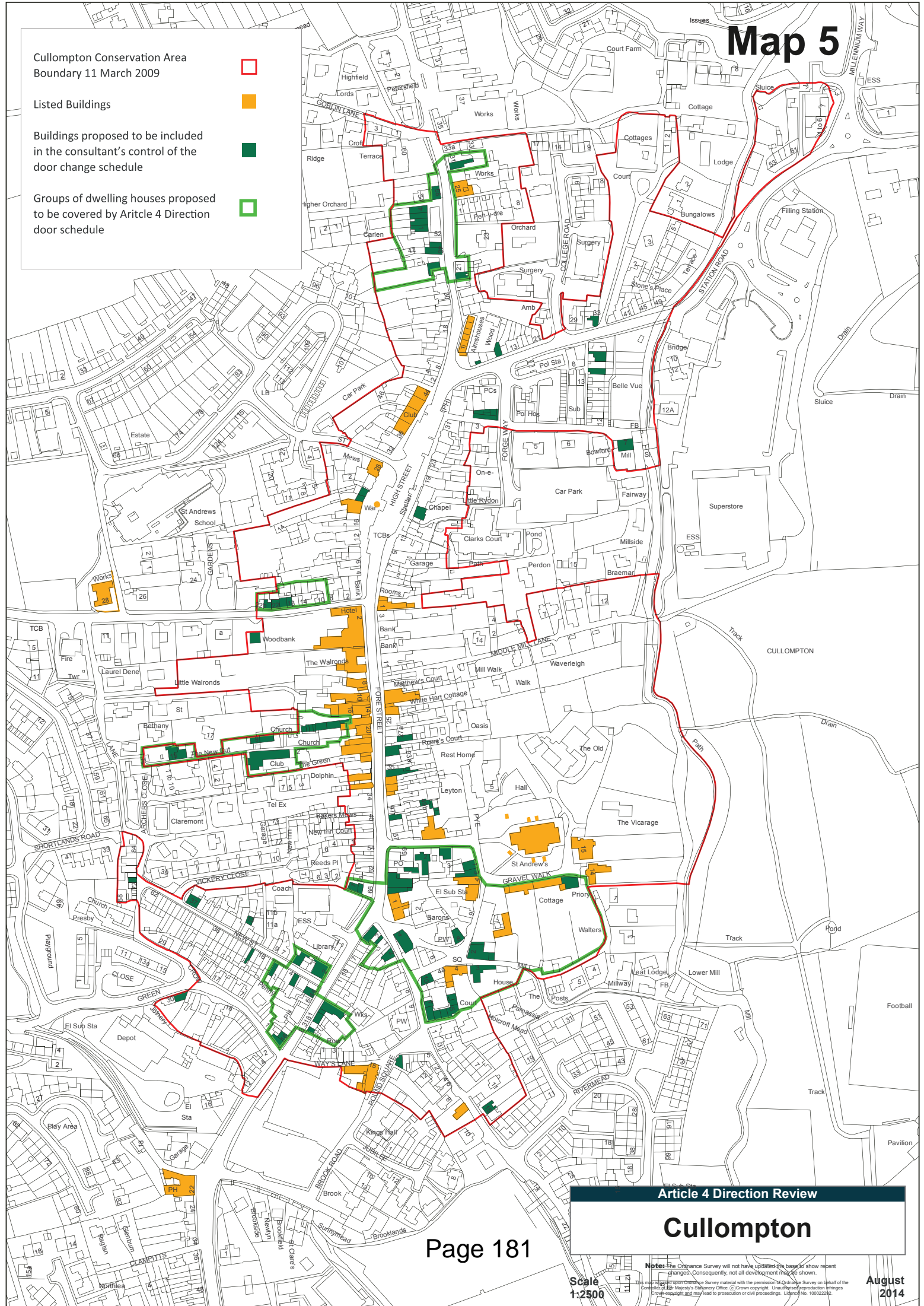
Map 5

Cullompton Conservation Area
Boundary 11 March 2009

Listed Buildings

Buildings proposed to be included
in the consultant's control of the
door change schedule

Groups of dwelling houses proposed
to be covered by Article 4 Direction
door schedule



Article 4 Direction Review

Cullompton

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Scale
1:2500

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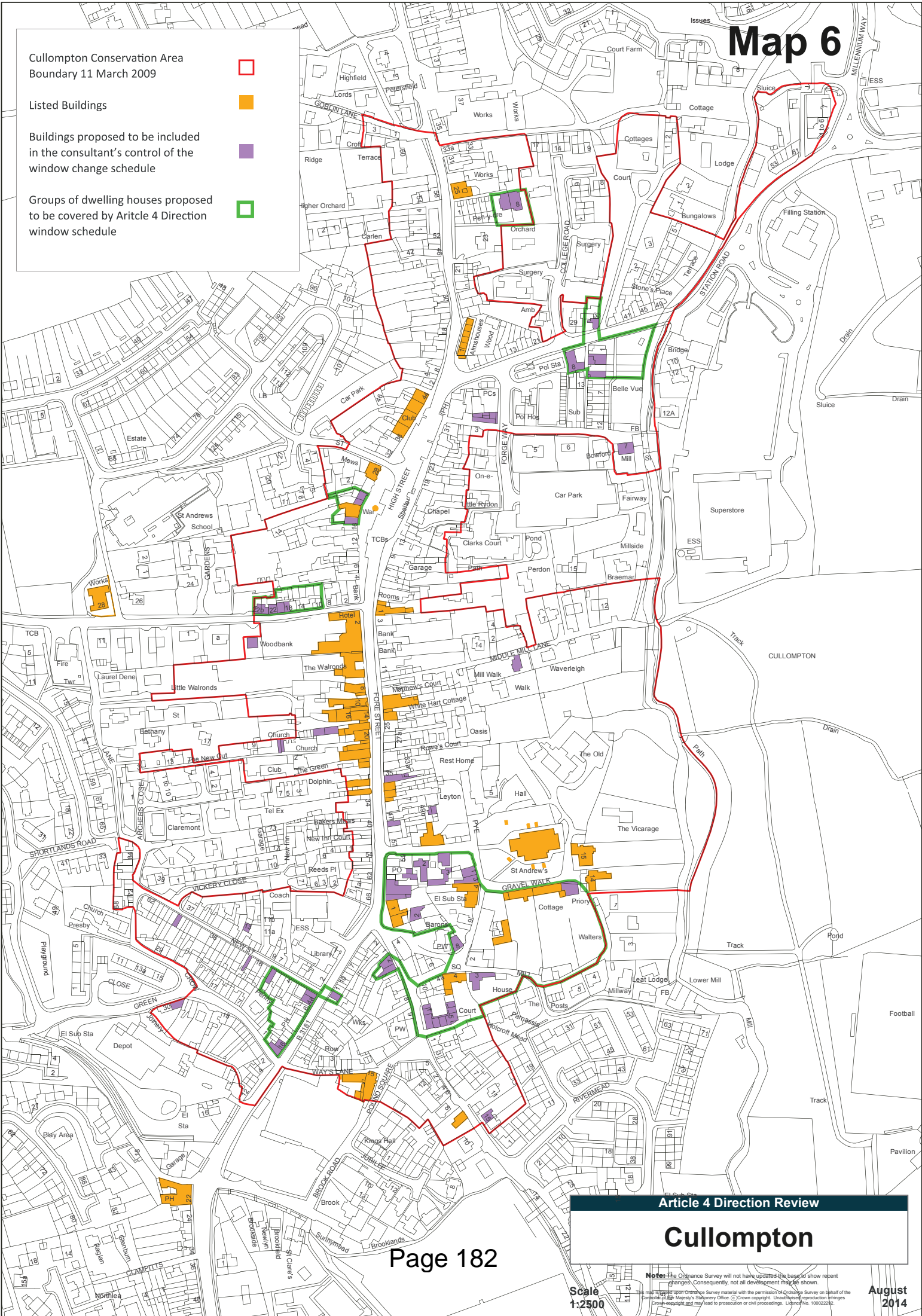
Map 6

Cullompton Conservation Area
Boundary 11 March 2009

Listed Buildings

Buildings proposed to be included
in the consultant's control of the
window change schedule

Groups of dwelling houses proposed
to be covered by Article 4 Direction
window schedule



Article 4 Direction Review

Cullompton

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Scale
1:2500

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August
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► Windows and doors

Replacement or alteration of windows and doors does not normally require planning permission. However, there are some buildings that will require either planning permission or listed building consent.

Listed buildings

These are buildings recognised as being of special architectural and historic interest. Listed building consent is normally required for internal and external works including any replacement windows and doors. Retention or like for like repair of historic fabric and features is the expectation rather than replacement.

Buildings requiring planning permission to replace windows and doors

- a) Commercial premises and flats.
- b) Properties where an Article 4 Direction relating to replacement of windows and doors applies
- c) Properties where permitted development rights have been removed in respect of windows and doors

Windows and doors are important features of all types of building. The original windows and doors of a building were designed to reflect the use of the building, locally available materials and the style fashionable at the time. Groups of buildings constructed around the same time particularly terraces (picture 1) or pairs of semi detached houses (pictures 2a and 2b) would usually have matching windows and doors resulting in design harmony.



1 Harmonious terrace with matching windows and doors



2a Pair of Georgian houses with original windows



2b Pair of Victorian houses with original windows



3 Terrace with an inappropriate mix of replacement windows and doors in contrast with one property retaining its original frontage design (including unpainted and unrendered brick)

Where older timber windows and doors remain these should be retained wherever possible since they represent the style and materials designed to complement the particular buildings. In addition timber windows and doors are normally capable of repair, and subject to regular maintenance including painting, will have a longer life than aluminium or uPVC.



- 4 Pair of houses one with traditional timber sliding sash windows (left) the other with poorly detailed uPVC replacement windows (right)

An experienced joiner can normally repair old timber windows and doors using matching materials and methods.

There are various nationwide companies manufacturing strips, rods and brushes which can be used to draught proof any part of a sash window. This type of draught proofing can pay for itself in reduced energy bills in 2-5 years.

Where there is rot in timber windows and doors, the cause needs to be identified and tackled. Main causes are frequent soaking due to overflowing gutters that need clearing and/or repairing, inadequate fall on the sill to direct water away from the lower part of the window, water trapped behind hard cement render next to the window frame, surface water or other flooding. Dealing with the causes of timber decay is also likely to benefit the rest of the fabric of the property.

There is clearly a desire to imitate the traditional appearance of historic windows and doors as indicated by the use of small paned cottage style windows or glazing bar patterns added to larger windows, the incorporation of stick on beading to create the illusion of panels on doors or the use of fanlight shaped glazed inserts into doors. It is unfortunate that the resulting doors and windows so often fail to achieve an appropriate appearance. However because there is a recognition that period features on an older house may well increase its appeal and because many

manufacturers of doors and windows are recognising that there is a market for more accurate replication of details, there is now a wider choice of more accurately designed quality replacements in both timber and uPVC. Complete accuracy is difficult to achieve with double glazed units as frames need to be larger to support the additional weight of the glazing units. This guide looks at the typical styles of windows and doors found on a range of buildings in Mid Devon, illustrating appropriate and inappropriate designs.

If you need to replace windows or doors please take into account the following advice.

Replacement of original windows and doors in older properties with either inaccurate replicas or ones of completely different design will usually result in harm because they do not fit with the age and appearance of the building and will harm the character and appearance of an area as the altered building will not harmonise with neighbouring buildings. As noted previously where a property is part of a terrace or one of a pair of semi detached houses it is

particularly important to get the design details right. It is acknowledged that apart from listed buildings, commercial premises, flats and dwellings subject to an Article 4 Direction, replacing windows and doors would not normally require planning permission. However the council offers the following advice to encourage all property owners particularly those within conservation areas to achieve appropriate design for replacement windows and doors.

► Windows

In Mid Devon domestic windows range from the metal casements with tiny leaded panes set in stone, to timber vertical sliding sashes or timber side hung casements typically seen in late 18th, 19th and early 20th century.

Typical historic window details



5 Metal casements in stone surround



6 Side hung timber flush fitting balanced casement windows showing two typical glazing bar patterns



7 Vertical sliding sash

8 Vertical sliding sash with Gothic detail

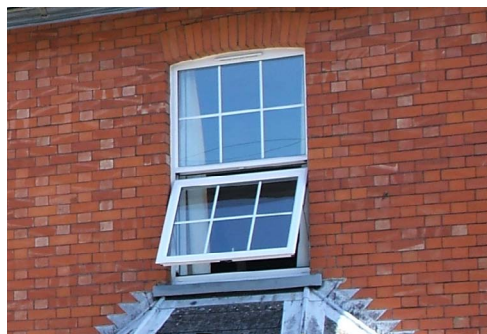


Modern replacement windows are predominantly in aluminium and uPVC but none accurately replicate the design of the older windows replaced; this can be equally true of modern timber replacement windows. The usual obvious differences in the case of replacement side hung casement windows include; the overlap of storm windows rather than casements being flush within the frame; casements not being balanced and or the inclusion of opening top fanlights, so the glazing of the opening parts of the window are different in size to the glazing of the fixed parts; in double glazed windows glazing bars sandwiched between the two panes of glass or added as flat stick on strips. In the case of replacements for vertical sliding sashes, these are often not sliding sashes but tilt and turn to the top part, with a very thick horizontal centre meeting rail and again any glazing bars are often sandwiched between the panes of glass, or are stuck on flat strips.

Typical examples of poorly designed modern replacements



- 9 Small paned modern replacement side hung casement. Not balanced so the shape and size of the opening parts on right side, do not match the frames and panes on the left.



- 10 Modern replacement window imitating a small paned sliding sash

However there are a number of companies producing more accurately detailed and higher quality replacement windows incorporating double glazing in timber and uPVC.

Examples of better designed double glazed modern replacements.



11 Flush fitting casement

12 Vertical sliding sash



► Doors

Older doors may be solid timber plank doors often found in rural cottages and on rear elevations of more formal houses. On Georgian, Victorian and Edwardian houses they may be timber 4 or 6 panel doors some with glazing.

Traditional timber door styles



13 Solid timber plank door



14 Typical Georgian 18th - early 19th century panelled door with fanlight above

Traditional timber door styles



15 Georgian door in panelled door case



16 Typical Victorian 4 panelled door case



17 Early 20th Century door with stained glass panel

Modern doors



18 uPVC door with mock Georgian fanlight inserted in the door



19 Aluminium door lacking any features

Some manufacturers are producing doors with more historically accurate details both in timber and composite materials as shown in picture to right (20).



20 Modern timber door

Replacement windows and doors

If your existing windows and /or doors, whether made of timber, metal or uPVC, are beyond repair consider carefully the design and appearance of the replacement taking into account the age and style of your property.

- Are there any cottages or houses nearby that have old windows or doors that could guide you in the choice of replacement?
- Terraced cottages normally have ledge and brace timber plank doors and small side hung casement windows or simple vertical sliding sash windows with one over one or two over two panes.
- Terraced houses normally have timber panelled doors and vertical sliding sash windows.
- Older windows will be single glazed. It is normally difficult to replicate the exact style and proportions of traditional windows in double glazed units although the availability of slimmer double glazing can give a reasonable likeness where the window has few or no glazing bars.
- Whatever style of window or materials any glazing bars should be either structural wherever possible or be planted on the outer faces of the glass with spacer bars to visually link them.
- Apart from some 19th and 20th century bay windows and 1930s windows flush to the outer face of the wall, older windows are normally recessed within the window opening.
- Replacement windows should also be set back at least 100mm within the opening. This is a traditional detail and will also assist in protecting the window from the elements.

Replacement windows and doors may require Building Regulation approval using a Building Notice. If the window installer is FENSA registered however you will not need to submit a Building Notice.

There is a lot of detailed advice on the Historic
England (formerly English Heritage) website
www.historicengland.org.uk/advice/your-home

Society for Protection of Ancient Buildings (SPAB)
provide online advice on a range of repairs and
maintenance of older buildings
spab.org.uk/advice/technical-q-as

For more information please contact

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Paul Dadson

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► Roofs and chimneys

Re roofing of a house, the installation of rooflights, the installation of solar panels including solar PV and the fitting , alteration or replacement of a chimney or flue do not normally require planning permission subject to various conditions being met. However there are some buildings that will require planning permission or listed building consent.

Addition of dormers to a roof often requires planning permission particularly to front roof slopes in conservation areas.

Listed buildings

These are buildings recognised as being of special architectural and historic interest. Listed building consent is normally required for internal and external works including reroofing, alterations to the roof, installation of rooflights , installation of solar panels and the fitting, alteration or replacement of a chimney or flue.

Buildings requiring planning permission for works to install rooflight and fit, alter or replace chimneys or flues

- a) Commercial premises and flats.
- b) Properties where an Article 4 direction relating to rooflights applies.
- c) Properties where permitted development rights have been removed in respect of rooflights and chimneys or flues.

Buildings requiring planning permission to install solar panels

- a) Properties where an Article 4 direction applies relating to solar panels including solar PV
- b) Properties where permitted development rights have been removed in respect of solar panels including solar PV.

Some work to roofs and chimneys will require building regulation approval. These works can include the following

- Replacement of more than 25% of roof timbers
- Insertion of any dormer window
- Insertion of roof lights
- Construction of a new chimney with foundations
- Lining of an existing chimney unless carried out by a HETAS register contractor
- Installation of solar panels/ photovoltaic panels. Assessment of structural adequacy of the roof is required.
- Replacement of any windows in existing dormers unless carried out by a FENSA registered contractor .
- Installation of a woodburner or chimney liner where the roof is thatched as the chimney height may need to be increased.

Please check with the Building Control officers at Mid Devon District Council to see if the work you wish to carry out to the roof or chimney requires approval.

► Roofs

Whilst large modern buildings frequently have flat roofs domestic properties still typically have either hipped or gabled roofs. Both these roof shapes with local variations have been used over many hundreds of years. The steepness of the roof slopes vary according to the type of material used to cover the roofs. The shapes colours and textures of roof materials are often an important part of the character and appearance of both individual buildings and the grouping of buildings in towns and villages.



Shapes and pitch

The shape and pitch (steepness of the slope) can indicate the age of a roof and the type of original covering. Whilst some roof shapes and roof materials are seen throughout the UK others are more particular to Devon or even parts of the county. It is important that alterations to existing roofs and the construction of new roofs whether as extensions or on new buildings respect and reflect local characteristics. This will ensure that new work sits happily against the surrounding roofs.

Generally in Mid Devon front roof slopes are uninterrupted by rooflights, solar or photovoltaic panels. (Photograph 1) Some properties have dormers particularly rows of Victorian villas and some thatched properties have eyebrow dormers often an indication of a later insertion of an upper floor within the roofspace.

Rooflights

As noted above the front roof slopes in Mid Devon are generally free of rooflights and these clean lines are an important part of the appearance of many of the local towns and villages. Installation of rooflights requires planning permission where the property is a flat including a flat over a shop or other commercial premises and in situations where the right to install rooflights has been removed by either an Article 4 Direction or by a condition attached to a planning permission whilst listed building consent is required for installation in any listed building. In the case of buildings in conservation areas, historic buildings and listed buildings the use of flush fitting conservation rooflights would be the most appropriate option if their installation is acceptable in principle.



2 Small eyebrow dormer

Shapes and pitch

The shape and pitch (steepness of the slope) can indicate the age of a roof and the type of original covering. Whilst some roof shapes and roof materials are seen throughout the UK others are more particular to Devon or even parts of the county. It is important that alterations to existing roofs and the construction of new roofs whether as extensions or on new buildings respect and reflect local characteristics. This will ensure that new work sits happily against the surrounding roofs.

Generally in Mid Devon front roof slopes are uninterrupted by rooflights, solar or photovoltaic panels. (Photograph 1) Some properties have dormers particularly rows of Victorian villas and some thatched properties have eyebrow dormers often an indication of a later insertion of an upper floor within the roofspace.



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3 Early 20th century with variety of dormers including large gables and small hipped dormers

► Chimneys

Chimneystacks and the chimney pots on them are often prominent features of the rooflines in a conservation area. The shape, the height and the materials vary according to the location and the type of property.



4 Massive external end stack with haunching



5 Massive external stone stack with brick extension



6 Distinctive chimney stack profile with attractive brick pattern and square chimney pots typical in Cullompton

On early houses that originally had an open hearth and a smoke hole, the chimney stack was often a later massive addition built against an outside wall (photograph 4). By the 17th century chimney stacks were being built inside and emerged through the roof often at the ridge to allow flues from different rooms to be included.

Grand houses displayed their wealth with often several chimney stacks each with several chimney pots. The stacks and pots displayed a range of designs with some very ornate examples. In contrast early cottages often had only one stack serving a single fireplace used for heating and cooking. Chimneys stacks on terraces and on semi detached houses often serve two houses so are quite substantial with a large number of pots.

In Devon historically chimneys can be of stone, cob, brick or a mix of these materials (photograph 5). Some may have had a lime render applied. Brick chimneys sometimes incorporate locally distinctive patterning with some notable examples in Cullompton (photograph 6).





- 7** Stacks with matching details despite different size and most retaining matching pots



- 8** Profiled brickstack and matching tall round chimney pots



- 9** Banded stacks with chimney pots all matching style of pot generally found in Crediton

The shape of a stack may indicate its age particularly the early external stone stacks which often rise in steps with slopes between each rise (haunching). Later stacks emerging through the roof often reflect a local tradition in the profile especially to the top of the stack where there may be projecting bands of stone or brick (photograph 7)

Pots can also be locally distinctive with tall slim rounded pots typically seen in Bampton (photograph 8), crown pots in Crediton (photograph 9) and square pots in Cullompton as seen in photograph 6 above.

Retention of existing stacks is important in maintaining the historic appearance of the roofline and also ensures that even if not in use now there is the option in the future of using the chimney stack for accommodating flues for either open fires or multi fuel stoves. Use of pots that match those already on your building or on the neighbouring properties will also maintain the character and appearance of your house and the surroundings.

► Roof covering



10 Simple wrap over ridge

Thatch

Thatch is the oldest type of roof covering with a variety of plant material used depending on what was available locally including heather wheat reed and water reed. The traditional roofing material in Devon was wheat reed (also known as combed wheat reed or Devon reed). This is the straw from local wheat crops or sometimes rye. It is locally produced and a sustainable renewable material. Water reed is increasingly widely used to rethatch roofs. If your building is listed and has a wheat reed roof listed building consent will be required to rethatch in water reed and this consent may not always be given.

The local style of thatching gives a distinctive roof shape particularly notable is the rounded outline arising from wheat reed thatch rather than the more sharply defined outline arising from the rather stiffer water reed. The Devon tradition is to take off the top coat of decayed thatch and apply a new top coat. This leaves the underlying historic thatch in place thereby retaining an important layer of building history.

The ridges locally are very simple wrap overs (photograph 10). The cut ridges typical of the east side of England are not appropriate in Devon as they are not part of the local thatching tradition.



11 Classic hipped roof with covering of red clay tiles



12 Profiled red tiles

Clay tiles

Plain flat clay tiles sometimes called Rosemarys are typically seen on mid 19th century to mid 20th century houses throughout the United Kingdom reflecting wide availability due to mass production. These tiles are usually red and weather down quickly to give a mellow appearance (photograph 11).

Flat clay tiles can be made in a range of shapes to add ornamentation to roofs as part of the overall building design although this kind of ornamentation is rarely seen in Mid Devon.

Bridgewater clay tiles usually have a Double Roman profile (photograph 12). This type of tile is most often found in the north east part of Mid Devon including in the Blackdown Hills Area of Outstanding Natural Beauty. Other profiles such as Triple Roman and pantile are sometimes seen but these are not part of the local palette.

Replacement clay tiles for repair or reroofing should match the type, colour, texture, size and thickness as the existing tiles on the property.

Slate

Slate was used from the 18th century in slate producing areas but did not come into wider use until the coming of the railways. In Mid Devon Cornish slate was used on some high status buildings before this time for example at The Walronds in Cullompton evidence of early slates were found during the recent restoration works. Slate from both Cornwall and Wales came into widespread use locally in the 19th century particularly in the larger towns and villages where following numerous disastrous fires the use of thatch fell out of favour and was even banned in some places.

In Tiverton there are some fine slate roofs with corner properties displaying the skill of the slater in their sweeping curves (photograph 13). Where such properties are reroofed then it will be important to ensure that this appearance can be replicated.



13 Example of curved slating
a particular feature in Tiverton

In the 20th century many quarries ceased production and there has been a rapid expansion of imported slates from countries such as Spain and China. The colour, texture, thickness and quality of these imported slates vary considerably. It is therefore important that when using these for re-roofing or roof repairs that a good match with the existing old slates is found. It is often possible to salvage a significant proportion of the old slates for reuse. Use of the reclaimed slates on prominent roof slopes and new slates on other roof slopes will reduce the visual impact of re-roofing.

Shingles

Although not a common roofing material in the Mid Devon area where these timber tiles exist repairs and reroofing should be carried out using new shingles to match the type of timber and shape. Shingles are commonly made of split oak, with sweet chestnut and cedar being alternatives.

Corrugated iron

Although most commonly used on agricultural buildings, corrugated iron is also commonly seen in use as a roof covering to rear extensions on some dwellings and also as a cover to deteriorating thatch roofs. It may be that in some situations for some barn conversions or outbuildings that corrugated iron sheets may still be an appropriate roofing material.

Concrete tiles

These tiles come in a wide variety of sizes shapes and profiles although they are generally thicker and heavier than the equivalent slate or clay tile. They do not weather down to any significant degree and have a uniformity of appearance not seen in natural materials.

Artificial slate

A wide variety of materials come in this description from interlocking tiles made of recycled slate and resin to cement fibre and asbestos tiles. All are grey in colour and flat but their appearance varies with few replicating the texture, shape and surface appearance of natural slate. They rarely sit happily against existing natural slate roofing but the better quality products can be a good option for new build in areas where slate roofs predominate.

Asbestos slates are no longer available but remain on many roofs in the area.

Ridge tiles and hip tiles

Ridge tiles provide a cover where roof slopes meet. Such tiles can be plain clay or concrete or may incorporate decoration (photograph 14) They may be grey, black, red or other colours. Some match the colour of the roof slates or tiles. Use of matching decorative ridge tiles will be appropriate where they replace existing or reinstate what has been lost damaged or removed. In the case of new development consideration should be given to the style, colour and material typical of the immediate locality.



14 Ridge tiles with pierced pattern typical of Bradninch. Plain ridge tile on adjoining property

Gutters and downpipes

Traditionally these were round and half round cast iron with simple hoppers or joints where gutters fed into the downpipes. Where cast iron gutters and downpipes exist on a building replacement of missing or broken sections with new or salvaged cast iron to the same pattern and painted to match will always give a better appearance than using plastic particularly if it is a different colour. If wholesale replacement of gutters and downpipes is necessary then a good substitute would be powder coated zinc. There are also some plastic products that mimic the design of traditional cast iron gutters, downpipes and hoppers that may be suitable for unlisted buildings in conservation areas.

Plastic gutters and downpipes particularly if made of white plastic and with a square section look out of keeping on old buildings.

Ridge tiles and hip tiles

Ridge tiles provide a cover where roof slopes meet. Such tiles can be plain clay or concrete or may incorporate decoration (photograph 14) They may be grey, black, red or other colours. Some match the colour of the roof slates or tiles. Use of matching decorative ridge tiles will be appropriate where they replace existing or reinstate what has been lost damaged or removed. In the case of new development consideration should be given to the style, colour and material typical of the immediate locality.

Gutters and downpipes

Traditionally these were round and half round cast iron with simple hoppers or joints where gutters fed into the downpipes. Where cast iron gutters and downpipes exist on a building replacement of missing



15 Fascia board carrying the gutters



16 Ornate bracketed eaves

Bargeboards and verges

On gable ends where the roof joins the wall a variety of finishes are used ranging from a line of slates, tiles or bargeboards to slate or tile hanging. Where the roof projects out for some distance rafter ends may project out to form a decorative feature (photograph 17).

Victorian buildings often incorporate attractive pierced or carved timber barge boards to adorn both gable ends and on gabled dormers (photograph 18). These were often used to tie together the design of various buildings on large estates or were part of the corporate style of railway companies or other industrial concerns. Their retention and maintenance are important to the character and appearance of the individual buildings and groups of buildings.



17 Deep overhanging verge detail



18 Ornate barge boards



19 Array of rooflights and solar panels



20 Roof covered in PV panels

Solar panels including photovoltaic panels.

Whilst there is normally no requirement for planning permission to install solar panels on unlisted buildings even in most conservation areas their impact on the appearance of prominent front roof slopes can be visually harmful both to the individual building and to the wider area (photographs 19 and 20). Consideration should be given to alternative siting on less prominent roof slopes including on outbuildings. Solar slates are a less obtrusive option for properties with slate roofs as they are integral rather than mounted over the roof slope.

There is a lot of detailed advice on the Historic England (formerly English Heritage) website
www.historicengland.org.uk/advice/your-home

Society for Protection of Ancient Buildings (SPAB)
provide online advice on a range of repairs and
maintenance of older buildings
spab.org.uk/advice/technical-q-as

Further information and advice on thatching
can be found in a publication by Devon County
Council

Thatch in Devon. This can be downloaded from
Devon county Council's website

www.devon.gov.uk

See also the Planning Portal for guidance on
the need for planning permission under the
interactive house.

For more information please contact

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Agenda Item

Cabinet

22 October 2015

Medium Term Financial Strategy

Cabinet Member Cllr Peter Hare- Scott
Responsible Officer Head of Finance

Reason for Report: To produce an updated Medium Term Financial Strategy (MTFS) which takes account of the Council's key strategies (i.e. Service Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrates it has the financial resources to deliver the Corporate Plan. Included within this over- arching strategy is a Medium Term Financial Plan (MTFP) which models potential changes in funding levels, new initiatives, unavoidable costs and proposed service savings.

RECOMMENDATION: Members approve the updated MTFS and fully endorse the proposals outlined in paragraphs 6.2, 6.3, and 9.4

Relationship to Corporate Plan: The Medium Term Financial Plan (MTFP) sets out the financial resources available to deliver the Council's ongoing Corporate Plan pledges/objectives.

Financial Implications: By undertaking an annual review of the MTFP the Council can ensure that its Corporate Plan pledges/objectives are affordable.

Legal Implications: None.

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 and due to this fact, appendix 1, included within this report, shows the financial effect on key items in the plan if assumptions were to change (this is referred to as sensitivity analysis).

1.0 Introduction & Purpose of a Medium Term Financial Strategy

- 1.1 The main purpose of the MTFS is to show how the Council will strategically manage its finances over the next 5 years, in order to support the delivery of the pledges/objectives detailed in the new Corporate Plan.
- 1.2 The MTFS links the financial requirements, constraints and objectives included in all the key planning documents of the Council (i.e. Asset Management Plan, Treasury Management Strategy, Work Force Plan, and Service Plans) and ultimately the Corporate Plan.
- 1.3 The MTFS requires an annual update of the MTFP. This has been a key corporate requirement for a number of years and is an essential part of the budget setting process. The MTFP provides a financial model which forecasts

the cost of providing Council services over a rolling 5 year period, together with an estimate of the financial resources that will be available. This model provides an early warning mechanism if there is a significant budget gap between estimated costs and resources.

- 1.4 Therefore, the MTFP helps strategically plan for next years annual 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/charges, asset investment or disposal, etc.
- 1.5 In addition to considering the General Fund financial position the MTFP also reviews the affordability of the Council's capital programme over the same 5 year period. Again it predicts required capital projects (in the main focusing on essential asset replacement and health & safety items) matched against potential capital receipts and grant funding. This plan focuses on "known" capital commitments, however, at some point in the future we may well have to consider new items which will be subject to formal prioritisation (including spend to save capability).
- 1.6 In addition to these two key areas of Council expenditure we also prepare a MTFP for our Housing Revenue Account. This shows a five year programme, based on costs and income streams for our 3,065 properties as at 31/3/15. The plan will be tabled at the meeting of the Decent & Affordable Homes PDG on the 1 December 2015.

2.0 Framework for the Medium Term Financial Plan

- 2.1 The starting base for the MTFP is the 2015/16 approved budget, this 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.
- 2.2 This base then has to be adjusted for unavoidable costs, such as, pay increases, inflation, service pressures associated with new legislation, a growing property base or improving performance, etc. The MTFP will also consider forecasts for investment receipts and fee/charges levels.
- 2.3 Finally the MTFP considers and makes assumptions regarding future levels of Council Tax (including the potential growth in Tax base) and the likely level of future Central Government funding.
- 2.4 The MTFP models an overall aggregated position for the Council based on a range of assumptions. This then predicts an overall budget position, which can highlight a potential budget gap and then propose remedial action which can be taken to resolve it. Clearly, these assumptions can be challenged and will vary due to changes in the local, national and international economic position. As a consequence, I have included Appendix 1, which attempts to shows risks within the plan and the potential financial sensitivity to changes in the assumptions.

- 2.5 The development of a 5 year financial model is based on a number of assumptions and perceived risks which clearly are more difficult to predict the further into the life of the plan they go. In general terms a prudent/reasonable approach has been taken regarding forecasts, professional accounting guidance has been followed and external technical opinion has been sought where necessary.
- 2.6 The following underlying caveats have been adopted as a base assumption during the life of the MTFP:
- Each year the Council will target a balanced revenue budget without the use of balances.
 - We will attempt to ensure that the General Fund Balance does not fall below our current minimum agreed level (25% of net expenditure = £2.2m).
 - Resources will be directed to high priority services and hence away from low priority services. 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.
 - Council Tax increases will be kept within Government set guidelines. In reality this now gives the Council very little scope to significantly increase Council Tax levels as the current nationally prescribed referendum rate is 2% for the 2015/16 financial year. This plan assumes that the current rate will remain unaltered throughout the five year cycle.
 - Further efficiency/procurement savings will be secured and then factored into future spending plans.
 - We will continue to explore new commercial opportunities (as a business as usual model is clearly no longer deliverable).
 - Prudential borrowing will only be made during the life of the MTFP after the production of a fully costed business case with a reasonable “pay back” period.
- 2.7 With regard to the Capital Programme, the Council will continue to prioritise schemes. The draft capital programme will also be reviewed / challenged by the Capital Strategy Asset management Group (CSAG). In addition we will also 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 we achieve the maximum market value when disposing of assets.
- 3.0 Current status and strategy for the Medium Term Financial Strategy**
- 3.1 The Medium Term Financial Strategy (MTFS) has been developed to provide a financial framework within which the Council can deliver the pledges/objectives in the Corporate Plan. This strategy focuses on the forward

financial issues/pressures facing the General Fund and Capital Programme. The Housing Revenue Account (HRA) will be covered by a separate report to the December meeting of the Decent and Affordable Homes PDG.

- 3.2 The Government maintains its commitment to the existing deficit reduction programme and continues with its stance on making further reductions in Public Sector funding. Therefore, this MTFP has estimated further year on year reductions in Government funding, in fact incorporating the elimination of the Revenue Support Grant by 2019/20, a reduction of £1.7m.
- 3.3 The financial forecast is explored in detail in the MTFP, which forms part of this strategy. It also shows the strong inter-relation between the General Fund and delivering a sustainable capital programme. The MTFP model predicts an estimated cumulative shortfall on the General Fund budget of £3,332k. Without any action the General Fund reserve of £2,380 would become overdrawn by £952k, a movement of £3,332k. The deficit in 2016/17 is £508k, which increases annually, peaking at £1,247k in 2019/20. These predictions have included amounts to fund our future capital programme and all of the proposed savings which total £1,811k, and cost pressures of £608K, associated with the detailed service savings review carried out by the Chief Executive, Finance and Service Managers over the summer months, which will be reported and reviewed at the November and December PDG and Cabinet meetings.
- 3.4 The detailed savings exercise referred to in paragraph 3.3 has been extremely helpful in shaping this MTFP and Service Managers should be commended on their continued pro-active role in this process. This is the fourth year of this process and it is acutely evident that some services are finding it very hard to find additional savings without compromising service delivery. However, Members must realise that some of the proposed savings will require political support and therefore if some suggestions are deemed to be unacceptable then other savings will need to be proposed.
- 3.5 At this juncture it is extremely important for Members to focus on the summary of this year's savings exercise shown as Appendix 4. The 2016/17 savings total £1,066k (however offset by inescapable cost pressures of £458k) has made a significant inroad into balancing the 2016/17 budget, there are very little in the way of savings shown for future financial years. This fact clearly highlights the "tipping point" officers have been stressing for the last year or so that looking forward the Council has some very difficult decisions to make over what services and levels of service it will be able to afford. Once we have concluded the detailed budget setting process for 2016/17, Management Team and Members will need to start considering the shape of future service provision that is deliverable within a much reduced funding envelope. This exercise will need to provide a financial reality check and needs to be mapped against our new Corporate Plan's aspirations and goals.
- 3.6 At this point it is still worth stressing that against a backdrop of an aggregate cut in Central Government Formula Grant of approximately £2.5m since 2010/11 the Council continues to deliver a wide range of well performing services.

4.0 Summary of the Medium Term Financial Plan

- 4.1 Table 1, shown below, gives a summary position for the MTFP, over the next 5 years (the details making up this summary are shown on Appendix 2, which includes information relating to in year cost pressures – Appendix 3 and savings – Appendix 4). This shows an overall deficit totalling £3,332k over the life of the plan. This is clearly a growing challenge based upon a number of assumptions, caveats and decisions and is now made even harder by the volume related risks that the Government has transferred to Councils with the changes to Council Tax Benefit and Business Rate localisation. As well as cuts direct to the Council's budget from central government we have and will continue to suffer indirectly from cuts to Devon County Council's budget and from other public sector bodies such as the Department of Work and Pensions.
- 4.2 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.
- 4.3 Table 1 shown below gives an overall summary of the Council's General Fund MTFP position (which includes a wide range of assumptions that have been realistically decided upon based on external advice and the most up to date information available to us).

Table 1 – MTFP General Fund Summary

	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000
Total Gross Expenditure	35,865	36,286	36,387	36,601	36,992
Total Income	(27,832)	(28,777)	(29,042)	(29,396)	(29,746)
Net Cost of Services	8,033	7,509	7,345	7,205	7,246
Interest Payable	68	147	146	144	143
Interest Receivable	(134)	(171)	(178)	(154)	(191)
Capital Financing	375	361	354	353	430
New Homes Bonus	0	(1,613)	(1,810)	(2,055)	(2,114)
Net transfers to Earmarked reserves	424	2,396	2,592	2,837	2,896
Loan principal adjustment	0	0	0	0	28
Total Budget Requirement	8,766	8,629	8,449	8,330	8,438
<i>Funded by:</i>					
Revenue Support Grant	(1,705)	(1,108)	(665)	(332)	0
Non Domestic Rates	(2,062)	(1,962)	(1,962)	(1,962)	(1,962)
Council Tax Freeze Grant	(50)	0	0	0	0
Collection Fund Surplus	(43)	(40)	(40)	(40)	(40)
Council Tax	(4,971)	(5,066)	(5,116)	(5,172)	(5,223)
Reduction in CTR grant to TC/PCs	65	55	47	40	34
Total Funding	(8,766)	(8,121)	(7,736)	(7,466)	(7,191)
Cumulative Surplus)/Deficit	0	508	713	864	1,247

- 4.4 The above plan shows a summarised position on the General Fund which predicts a growing general fund deficit peaking at £1,247k in the final year of the MTFP assuming no remedial action is taken year on year to set a balanced budget. Due to the cumulative nature of this plan, if we balance our revenue spend to our available funding, each subsequent year will only then need to find the difference (i.e. if we cut our level of spend by a further £508k in 2016/17 we will only need to find £207k in 2016/17 – e.g. £713 - £508 = £205k).
- 4.5 A key point shown at the bottom of Appendix 2 is that if no remedial action is taken to reduce our overall level of spend our General Fund Balance would be eliminated sometime during 2019/20. So clearly “business as usual” is an unsustainable option.

Capital Overview

- 4.6 There is no revenue contribution to the capital programme as the new Homes Bonus is earmarked for funding elements of the capital programme.
- 4.7 After excluding the HRA capital projects, the Council now has a much reduced capital programme, which in the main is due to a significant reduction in available funding. Indeed much of the predicted New Home Bonus monies has had to be utilised to fund all of the projected capital programme. (Circa £2,356k over the next 4 years)
- 4.8 Table 2 below, shows the capital funding position during the life of the MTFP. A more detailed analysis of the overall schemes and potential funding is attached as Appendix 5.
- 4.9 The capital programme includes “rolling” items already highlighted in the current year capital programme (i.e. housing/DFG grants, the Major Repairs Account and the 30 year modernisation programme). The available receipts are based on a prudent basis, with no major asset sales factored into the model. If additional receipts are generated we could revisit our capital prioritisation list and bring forward new schemes into the programme.

Table 2 – MTFP Capital Programme

	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000
Total Capital Requirement (A)	8,781	11,379	15,517	13,640
<i>Funded by:</i>				
Existing Funds				
Capital Grants Unapplied Reserve	533	533	533	533
Capital Receipts Reserve	715	714	1,714	714
Earmarked Reserves	2,284	1,658	6,036	1,982
Other	3,209	3,209	3,209	3,208
Total from Existing Funds (B)	6,741	6,114	11,492	6,437

New Funds				
Finance Lease loans				
Public Works Loan Board loans	2,000	5,000	4,000	4,000
Revenue Contributions	40	265	25	80
Total from New Funds (C)	2,040	5,265	4,025	4,080
Total Funding (B + C) (D)	8,781	11,379	15,517	10,517
(Surplus)/Deficit (A-D)	0	0	0	3,123

General notes:

- It should also be noted that previous discussions with Devon County Council regarding the funding of all of the infrastructure assets that will not be fully covered by estimated future receipts from the Community Infrastructure Levy (CIL) may need to be part funded from the District's NHB receipts.
- It is highly likely that we will have to reduce or rephrase our Council House building aspirations in light of the recent rent legislation cutting housing rent levels.
- The Capital Programme has only included known Housing projects that the HRA have planned to deliver. It is highly likely that other building schemes will come forward during the life of this MTFP cycle.
- Only a rough estimate has been provided for a consolidated depot site. At this point in time no detailed costs are available.

5.0 Balances and Reserves

5.1 The Council started 2015/16 with an available General Fund Balance (GFB) of £2,380k (i.e. just over the minimum agreed level) and on that basis it is imperative that we look to match on-going spending plans to our available in-year resources.

5.2 A Council holds a GFB for a number of reasons, firstly to deal with any short term cash flow or funding issues, secondly to provide a contingency for exceptional one-off acts (i.e. flooding, fire, terrorism, business rate failure etc.) and thirdly to provide a buffer for known circumstances whose final affect is unknown (i.e. changes in legislation or major funding changes). Obviously, when there are more of these events that are likely and there predictability is harder to estimate, then the higher the level of GFB is required.

5.3 Here is just a flavour of the operational, financial and legislative uncertainties facing the Council moving forward:

- A revenue funding deficit of circa £3,332k by the end of 2019/20 including and capital deficit of circa £3,123k by the end of 2019/20
- Volume risks of CTSS and Business Rates localisation

- Recent Appeal Tribunal case involving business rates on GP surgeries
- The Chancellor's announcement that local authorities will be able to retain non domestic rates and determine the NNDR charge
- Introduction of Universal Credit
- Growth of property and commercial base – stepped cost impact but additional revenue based on current government incentives (payment by results of delivery)
- Government funding reductions – how much and for how long? At least 4 years as a minimum, but 25-40% and what will be cut, formula grant, non domestic rates, New Homes Bonus, Housing Benefit Admin Grant etc.
- Further cuts to Welfare system
- Risk of spend to save projects – will projected savings materialise?
- Future tenure and location of depot site(s)
- Changes to DCC funding provision of specific services that could have a knock-on effect to Mid Devon (e.g. Grounds maintenance contributions, support for recycling activities and changes to municipal tips). The removal of the 3.4% rebate on the employer's contracted out national insurance rate commencing in 2016/17
- Any upfront revenue costs associated with the Eastern Urban Extension / new properties in Cullompton
- Possible changes to the referendum limits, which could be reduced to 1.5%
- "Spend to save" costs associated with the digital transformation project and ongoing savings delivered in subsequent years
- Levels of Council Tax going forward
- Inflows and outflows of monies in respect of substantial property transactions including the provision of a new consolidated depot
- New commercial opportunities that may arise
- Potential future partnership working with other authorities
- The success of the new waste scheme including garden waste

All of the above items highlight once again just how difficult it is to forecast ahead with any degree of accuracy. Nevertheless the medium term financial plan helps us examine the likely trends to assist in setting realistic capital and revenue budgets going forward.

6.0 How to Manage the Budget Deficit

- 6.1 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 Formula Grant reductions. However, strategic decisions have been ongoing to reduce our current and future operational costs. Again this summer we repeated a detailed saving exercise which was chaired by the Chief Executive and the Head of Finance and has identified potential service savings of £1,811k which could be delivered over the next 4 financial years. This review process has gone a long way to balancing the 2016/17 budget but a more structured review will be required to shape budgets from 2017/18 onwards based upon the projections contained in this MTFP.

6.2 It is fair to say that the Council is currently in a relatively strong financial position (evidenced by a recent report by our external auditors) however, it is now at a funding tipping point – i.e. the previous methodology of salami slicing budgets by x% and expecting managers to continue to deliver the same level of service will not work any longer. The MTFP shows an overall funding gap of £3,332k (£3,332k revenue and a deficit on the capital programme of £3,123k) up to 2019/20. In order to reduce this deficit the Council will strive to constantly manage its costs and revenues by:

- A continued reduction of employee costs – which may incur short term upfront costs
- Ensure fees/charges are revisited regularly and that we are charging for all items possible – are there areas of service provision that we could charge for?
- Continue and expand partnership working where practical
- Investigation of a number of spend to save projects
- Review our current and future property asset requirements
- Maximise procurement efficiencies
- Explore new commercial opportunities
- Examine different ways of delivering services to reduce costs
- Continued benchmarking and learning from best practice
- Consideration of growing the commercial property base to align delivery with government funding priorities

6.3 Ultimately it remains unrealistic to assume that the suggestions listed in paragraph 6.2 will enable the Council to balance its service delivery aspirations against the backdrop of the very substantial cuts in both current and future sources of local government funding. Looking ahead we now need conceptual ideas to feed into the new Corporate Plan that will shape prioritised service delivery which is affordable.

6.4 The above plans will require all service areas to play an active role in securing future savings and we will also continue to consult with all of our major stakeholders, especially the tax payers, to ensure all future budgetary decisions accord with their priorities.

7.0 The Corporate Plan

7.1 The MTFS and MTFP will set the financial parameters within which the Council's Corporate Plan must operate and in turn any amendments to the Corporate Plan will drive future revenue and capital budgets and will also shape our Work Force Planning requirements. This shows how interlinked these three key Corporate documents are to the future provision and direction of all Council services.

8.0 On-going Delivery of a MTFP

8.1 Financial and service output/outcomes has been much improved and is now routinely reported to the Cabinet and PDGs, which includes staffing numbers and costs which evidence the continuing commitment to reduce this overhead.

The MTFS, including the MTFP will continue to be updated on an annual basis. This will ensure that the MTFP will be a “live” document, subject to amendment and review by Management Team and Members and will provide a clear guide prior to commencing the annual budget setting process in future years.

- 8.2 Clearly there is a very strong link between finance and corporate/service performance. By integrating the MTFP, the Work Force Plan and the Corporate Plan the Council can demonstrate how it will afford to deliver its key objectives. This will also shape the ongoing priorities of the Council, as with finite resources, it will need to decide on what its key priorities are, and more importantly, what are not.

9.0 Conclusion

- 9.1 Like all Councils, Mid Devon is facing on ongoing and very challenging financial future, but with a clearly shaped Corporate Plan which will need to be aligned to available financial resources (which will include a regularly updated Work Force Plan) the District will be well placed to continue delivering a wide spectrum of cost effective services that are valued by its residents.
- 9.2 It should also be noted that Management will continue to play a pro-active role in both reducing ongoing service costs and exploring new possibilities to raise additional income.
- 9.3 Having a realistic financial plan for the next 4 years will enable the Council to ensure it is allocating its limited financial resources to its key priorities. Our updated Corporate Plan setting out our goals/objectives over the next four years must clearly be matched by the financial resources that are available. Note that the Government has introduced a lot more uncertainty and volatility for the future of our funding streams, which make the medium term financial planning an even more challenging process.
- 9.4 Like any strategic plan, the MTFP, has been compiled based upon all available information at a fixed point in time. Clearly, as time moves on assumptions will change, Central Government will set new targets, bring in new legislation and adjust funding levels, residents expectations will change, Member priorities will alter and therefore any plans must be flexible enough to cope with major changes. As we are still in a period of major financial uncertainty it is imperative that reserve levels are held at a prudent level (£2.2m in the short to medium term) and that Members are provided with regular updates on the financial impact of any variations to what has been previously assumed.

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Background Papers:

File Reference:

Circulation of the Report: Cllr Peter Hare-Scott
Management Team
Audit Team for Data Quality

Key Assumptions used in Medium Term Financial Plan

As mentioned in the main body of the MTFS a number of assumptions have been made in formulating the MTFP. Clearly some of these are harder to predict than others and in addition the magnitude of the “error” of prediction may be greater in certain specific areas. Detailed below are the main assumptions made and importantly an analysis of the sensitivity to variance.

Formula Grant

The Chancellor continues to reiterate his pledge to carry forward austerity measures and that they will last well beyond the current spending review.

Therefore, Central Government funding will undoubtedly be reduced further during the life cycle of this MTFP.

We are estimating further cuts eliminating the revenue support grant received from the government by 2019/20.

It should also be noted at this stage that we are unclear with regard to how Central Government will deal with previous and future Council tax Freeze grant funding.

Inflation

In the revised format of the medium term financial plan the inflationary rates used in the model are shown on the face of the summary sheet. Forecasts by the Bank of England and others that inflation is not expected to rise substantially in the near future have been reflected within the model

General comment – RPI stood at 1.0% at July 2015.

The Pay inflation also includes an increase to National Insurance and Pensions. 2015/16 will be the second year a triennial pension fund valuation which set new pension contribution rates fixed at 24.2%. The Fund Manager at DCC has not only advised of % rates for superannuation, they have also given us guidance over how much cash will need to be raised by these new contribution rates. So we will need to ensure that the rates we are applying are generating the target levels of contribution into the pension fund. A small increase in contribution rates has been estimated from 2016/17 onwards.

Investment Return

The model assumes that interest rates will remain low but gradually increase to 2.0% by 2019/20. This has been confirmed by looking at a broad spectrum of advice from a number of treasury specialists.

Council Tax Income

The Coalition Government set the Referendum level for District Councils at 2% for 2014/15 and for 2015/16 there has been speculation that they may be further reduced to 1.5%. It has also suggested that there may well be another Council Tax freeze grant on offer – but this is yet to be confirmed. For illustrative purposes only, an increase of 1.0% has been included for Council Tax on a rolling year on year basis. We have also assumed a relatively small growth in properties throughout the life of the MTFP. Clearly if any major residential building projects are agreed over the next 2-3 years they will then be factored into future MTFPs (but it should be noted that extra housing also affects the Council's cost base too).

Sensitivity Analysis

As previously mentioned, many of the assumptions could be subject to challenge and may well alter during the life of the MTFP. Therefore, it is important to show the magnitude (or sensitivity) in financial terms of minor alterations to assumptions made. A change in the inflation factors causes the following movements:

	Budget in 2015/16 £'000	Change by 1.0% £'000	Change by 5.0% £'000
Employee costs	11,341	113.41	567.05
Premises	1,711	17.11	85.55
Transport	979	9.79	48.95
Income ⁽¹⁾	(8,157)	(81.57)	(407.85)
Supplies & Services ⁽¹⁾	3,245	32.45	162.25
Council Tax Income	(4,971)	(49.71)	(248.55)
Revenue Support Grant	(1,705)	(17.05)	(85.25)
Non Domestic Rates	(2,009)	(20.09)	(100.45)

Note (1) – income and supplies & services both exclude housing benefit payments and subsidy of £20m.

Risk

All of the assumptions made in the MTFP have been examined for risk and estimates of expenditure and income have been made on a prudent/most likely occurrence. This has been based on previous experience, evidence in the current financial year, consultation with specialist advisers and taking account of all known market factors at the time of finalising the plan.

**MID DEVON DISTRICT COUNCIL GENERAL FUND
MEDIUM TERM FINANCIAL PLAN 2015-16 TO 2019-20**

	Current Base 2015-16 £	Infl %	2016-17 £	Infl %	2017-18 £	Infl %	2018-19 £	Infl %	2019-20 £
Employee costs									
Cost pressures	0		261,000		45,000		50,000		55,000
Savings	0		(2,000)		(25,000)		(50,000)		0
Base budget	11,340,560		11,453,966		11,830,095		12,027,847		12,268,404
<i>Inflation base</i>	11,340,560	1.0%	11,712,966	1.0%	11,850,095	1.5%	12,027,847	2.0%	12,323,404
One off initiatives	0		0		0		0		0
Total in year cost	11,340,560		11,712,966		11,850,095		12,027,847		12,323,404
Premises costs									
Cost pressures	0		20,000		0		0		0
Savings	0		(70,000)		0		0		0
Base budget	1,711,040		1,723,873		1,693,959		1,721,063		1,755,484
<i>Inflation base</i>	1,711,040	0.75%	1,673,873	1.2%	1,693,959	1.6%	1,721,063	2.0%	1,755,484
One off initiatives	0		0		0		0		0
Total in year cost	1,711,040		1,673,873		1,693,959		1,721,063		1,755,484
Transport related costs									
Cost pressures	0		0		0		0		0
Savings	0		0		0		0		0
Base budget	979,250		986,594		998,434		1,014,408		1,034,697
<i>Inflation base</i>	979,250	0.75%	986,594	1.2%	998,434	1.6%	1,014,408	2.0%	1,034,697
One off initiatives	0		0		0		0		0
Total in year cost	979,250		986,594		998,434		1,014,408		1,034,697
Supplies and services									
Cost pressures	0		120,000		0		0		0
Savings	0		(53,000)		(90,000)		(40,000)		0
Base budget	3,244,520		3,268,854		3,375,884		3,338,458		3,364,427
<i>Inflation base</i>	3,244,520	0.75%	3,335,854	1.2%	3,285,884	1.6%	3,298,458	2.0%	3,364,427
One off initiatives	0		0		0		0		0
Total in year cost	3,244,520		3,335,854		3,285,884		3,298,458		3,364,427
Housing Benefit payments	19,812,630	0%	19,812,630	0%	19,812,630	0%	19,812,630	0%	19,812,630
Sub total	37,088,000		37,521,917		37,641,002		37,874,406		38,290,642
Support services	(1,223,440)	1%	(1,235,674)	1.5%	(1,254,210)	1.5%	(1,273,023)	2.0%	(1,298,483)
Recharge adjustments									
Total gross expenditure	35,864,560		36,286,242		36,386,793		36,601,383		36,992,158
Fees, charges and grants									
Cost pressures	0		57,000		0		0		0
Savings			(940,700)		(155,500)		(204,500)		(155,500)
Base budget	(8,157,150)		(8,218,329)		(9,211,253)		(9,516,621)		(9,915,543)
<i>Inflation base</i>	(8,157,150)	0.75%	(9,102,029)	1.2%	(9,366,753)	1.6%	(9,721,121)	2.0%	(10,071,043)
One off initiatives	0				0		0		0
Total in year cost	(8,157,150)		(9,102,029)		(9,366,753)		(9,721,121)		(10,071,043)
Housing benefit subsidy	(19,675,020)	0%	(19,675,020)	0%	(19,675,020)	0%	(19,675,020)	0%	(19,675,020)
Total income	(27,832,170)		(28,777,049)		(29,041,773)		(29,396,141)		(29,746,063)
NET COST OF SERVICES	8,032,390		7,509,194		7,345,020		7,205,242		7,246,095
Interest Payable	68,390		147,000		146,000		144,000		143,000
Capital Financing	375,490		361,134		353,668		351,905		429,268
Interest Receivable	(134,090)		(170,865)		(177,719)		(153,613)		(191,124)
Contribution to Capital	0		0		0		0		0
New Homes Bonus	0		(1,612,725)		(1,810,000)		(2,055,000)		(2,114,000)
Net transfers to / (from) earmarked reserves	424,170		2,395,415		2,592,690		2,837,690		2,896,690
Principal Adjustment			0		0		0		28,000

**MID DEVON DISTRICT COUNCIL GENERAL FUND
MEDIUM TERM FINANCIAL PLAN 2015-16 TO 2019-20**

	Current Base 2015-16 £	Infl %	2016-17 £	Infl %	2017-18 £	Infl %	2018-19 £	Infl %	2019-20 £
TOTAL BUDGET EXPENDITURE	8,766,350		8,629,152		8,449,659		8,330,225		8,437,929
Funded by:									
Revenue Support Grant	(1,704,850)	-35%	(1,108,153)	-40%	(664,892)	-50%	(332,446)	-100%	0
Non NDR	(2,062,630)		(2,062,630)		(2,062,630)		(2,062,630)		(2,062,630)
NNDR movement (NNDR Appeals)			100,000		100,000		100,000		100,000
Council Tax Freeze Grant - 15/16	(49,710)		0		0		0		0
Collection fund surplus	(43,330)		(40,000)		(40,000)		(40,000)		(40,000)
Council tax	(4,970,830)	1.0%	(5,020,538)	1.0%	(5,070,744)	1.0%	(5,121,451)	1.0%	(5,172,666)
Average property growth			(45,000)		(45,000)		(50,000)		(50,000)
Reduction in CTR grant to TC/PCs	65,000	-15%	55,250	-15%	46,963	-15%	39,918	-15%	33,930
TOTAL FUNDING	(8,766,350)		(8,121,071)		(7,736,303)		(7,466,609)		(7,191,365)
Budget (Surplus) / Deficit	0		508,082		713,356		863,616		1,246,564
Opening balance 01 April	(2,380,180)		(2,380,180)		(1,872,098)		(1,158,742)		(295,126)
(Add to) / take from balances	0		508,082		713,356		863,616		1,246,564
Closing balance 31 March	(2,380,180)		(1,872,098)		(1,158,742)		(295,126)		951,438
Savings to be found	0		508,082		713,356		863,616		1,246,564
Deficit year 1			508,082	1.2%	514,179	1.6%	522,405	2.0%	532,854
Deficit year 2					199,177	1.6%	202,364	2.0%	206,411
Deficit year 3							138,846	2.0%	141,623
Deficit year 4									365,676
IN YEAR SAVINGS TO BE MADE			508,082		199,177		138,846		365,676

* **Approved Council policy is maintain General Fund balance at 25% of the net budget requirement (i.e. total funding) which equates to £2.2m. The above table indicates that the Council's General Fund balance would be fully utilised during 2019/20 if no additional remedial budget action was taken during the 5 year life of this MTFP. Total in year savings of £3,332k need to be made to retain the current level of reserves. (£508K+£713k+£864k+£1,247k)**

Notes:

I have included a 1.0% increase in Council Tax year on year purely for illustrative purposes - please note a 1% increase in Council Tax generates circa £50k per annum.

There has been talk of another Council Tax freeze payment for 2016/17 - but no confirmation yet (regarding the % to be paid)

Property growth based on figures quoted in Forward Planning's housing supply data - obviously if achieve higher level we receive more Council Tax income but some of our costs will increase and some on a stepped basis (e.g. refuse/recycling, etc.).

Most of the New Homes Bonus, i.e. £2,356k, is used to support current and future Capital Programmes - mainly this money is earmarked towards Private Sector Housing.

The Council Tax reduction grant passed to Town and Parish Council's will be reduced in line with the level of central government grant cuts received by Mid Devon.

Too early to model impact of new NNDR announcements - need to see what detailed legislation comes forward.

**MID DEVON DISTRICT COUNCIL GENERAL FUND
MEDIUM TERM FINANCIAL PLAN 2015-16 TO 2019-20
COST PRESSURES SUMMARY**

	2016-17 £		2017-18 £		2018-19 £		2019-20 £
Employee costs							
Service cost pressures (JE/restructures new pension contributions)	81,000						
Additional employers NIC re contacted out pensions	140,000						
Pension backfunding	40,000		45,000		50,000		55,000
Employees total to summary	261,000		45,000		50,000		55,000
Premises costs							
Service cost pressures (New recycling costs)							
Future car park maintenance	20,000						
Premises total to summary	20,000		0		0		0
Service cost pressures							
Transport total to summary	0		0		0		0
Supplies and services							
Service cost pressures							
Extra provision for local plan	20,000						
Economic development initiatives	100,000						
Supplies and Services total to summary	120,000		0		0		0
Fees, charges and grants							
Service cost pressures	2,000						
Reduction in Admin grant	30,000						
DCC cut in grass cutting	25,000						
Fees, charges and grants summary	57,000		0		0		0
Other cost variances highlighted in the 15/16 budget monitoring process							
Other income to summary	0		0		0		0
Net Total	458,000		45,000		50,000		55,000

**MID DEVON DISTRICT COUNCIL GENERAL FUND
MEDIUM TERM FINANCIAL PLAN 2015-16 TO 2019-20
SAVINGS SUMMARY**

	2016-17 £	2017-18 £	2018-19 £	2019-20 £
Employee costs	(2,000)			
Establishment reductions				
Digital strategy		(25,000)	(50,000)	(25,000)
Employees total to summary	(2,000)	(25,000)	(50,000)	(25,000)
Premises costs				
Lower premises spend on maintenance	(70,000)			
Premises total to summary	(70,000)	0	0	0
Transport related costs				
Transport total to summary	0	0	0	0
Supplies and services				
Reduced grants	(20,000)			
Reduced postage & overheads	(16,000)			
Reduced audit fee	(17,000)			
North Devon DC ICT Partnership (Software/servers etc)		(90,000)	(40,000)	
Supplies and Services total to summary	(53,000)	(90,000)	(40,000)	0
Fees, charges and grants				
Service increases	(74,200)			
Pre application fee income	(30,000)			
Parking increases	(58,000)		(49,000)	
New waste scheme	(250,000)			
Lowman Green Unit	(10,000)			
Leisure centre income	(155,500)	(155,500)	(155,500)	(155,500)
Fees, charges and grants summary	(577,700)	(155,500)	(204,500)	(155,500)
Other income				
Other income variances highlighted in the 15/16 budget monitoring process			0	0
Market Walk income	(363,000)			
Other income to summary	(363,000)	0	0	0
Total Initiatives	(1,065,700)	(270,500)	(294,500)	(180,500)

Cabinet

22 October 2015

Half Year Investment Performance & Review of Treasury Management Strategy 2015/16

Cabinet Member: Cllr Peter Hare Scott

Responsible Officer: Head of Finance

Reason for Report: To inform the Cabinet of the treasury performance during the first six months of 2015/16 and agree the ongoing deposit strategy for the remainder of 2015/16 and a review of compliance with key Treasury and Prudential Limits for 15/16 (Appendix 1).

Recommendation: To agree a continuation of the current policy outlined at 6.2.

Relationship to Corporate Plan: Maximising investment return whilst minimising risk of credit default enables the Council to finance the delivery of its Corporate Plan pledges.

Financial Implications: Good financial management and administration underpins the entire strategy. The Council's Treasury Management Strategy should attempt to maximise investment return commensurate with the minimum risk to the principal sums invested.

Legal Implications: Compliance with the CIPFA Code is a statutory duty.

Risk Assessment: The Council considers deposit security as the paramount function in any treasury dealings or activities. It should be noted that any investment decisions will always be subject to a degree of risk. However, in complying with an agreed Treasury Management Strategy, these risks would be kept to a minimum acceptable level.

1.0 Introduction

1.1 CIPFA's Code of Practice for Treasury Management recommends the annual setting of a Treasury Management Strategy and best practice dictates a half yearly update of treasury performance. This report will not only update members on the treasury performance over the first six months of 2015/16, it will also seek approval for the ongoing deposit strategy.

2.0 Treasury Performance 1/4/15 to 30/09/15

2.1 The table below shows our overall Treasury Management position for the first six months of 2015/16.

	Average Interest %	Total Interest as at 30/9/15	Gen Fund Budget Income	HRA Budget Income
Temp Invests & Deposits	0.73%	£63k	£45k	£30k
Nat West a/c	0.50%	£10k	£20k	£10k
Total		£73k	£65k	£40k

- 2.2 UK Bank interest rates continue to remain at historically low levels. It is currently estimated that the Council will generate an investment return of approximately £120k. Members should note that historically we are able to invest significantly more monies in the first half of each financial year. A further sum of approximately £69k has been budgeted from the Housing Revenue Account in respect of monies drawn down to assist the financing of the housing building programme.

3.0 Current Portfolio Position

- 3.1 The Council's Treasury Portfolio position as at 30 September 2015 was made up of short-term investments/deposits to the value of £22.28m. These investments comprised:

£15.5m in fixed term investments
£ 4.28m in Natwest bank call accounts
£ 2.50m with CCLA (see 3.2)

- 3.2 Detailed list of deposits/short term investments:

Institution	Principal: (£)	Interest Rate:	Start Date:	Maturity Date:
Lloyds	500,000	1.00000%	06/02/2015	08/02/2016
Leeds	3,000,000	0.71000%	01/04/2015	22/10/2015
Lloyds	500,000	0.70000%	07/04/2015	19/10/2015
Barclays	500,000	0.86000%	21/04/2015	17/03/2016
Leeds	1,000,000	0.80000%	27/04/2015	11/02/2016
Barclays	1,500,000	0.86000%	29/04/2015	17/03/2016
Barclays	1,000,000	0.87000%	06/05/2015	29/03/2016
Barclays	1,000,000	0.74000%	15/05/2015	06/01/2016
Nationwide	1,500,000	0.76000%	01/06/2015	11/02/2016
Standard Chartered	1,000,000	0.78000%	10/06/2015	10/03/2016
Lloyds	500,000	0.80000%	15/06/2015	17/03/2016
Coventry	500,000	0.69000%	15/06/2015	17/03/2016
Lloyds	1,000,000	0.57000%	15/07/2015	15/10/2015
LLoyds	1,000,000	0.70000%	14/08/2015	22/02/2016
LLoyds	1,000,000	1.05000%	17/09/2015	16/09/2016

- 3.3 **Property Fund:** At the Cabinet on 30 July 2015 it was agreed that the Council's investment strategy could be adjusted to include deposits with the CCLA (Churches, Charities and Local Authorities) commercial property fund,

up to a value of £2.5m. As a result of this, an investment of £2.5m commenced from 1 September 2015. Dividends will be paid quarterly. It is estimated, given recent Fund performance, that returns of just under 5% can be achieved.

- 3.4 The Council received an average return of 0.73% on investments during the first six months and base rate (0.50%) on current account balances.
- 3.5 During 2014/15 an average rate of investment return of 0.59% was earned at the mid-year point.
- 3. **Heritable Bank:** The Council received a 15th and, in the view of the administrators, final dividend towards the repayment of the £1.1m investment made in 2008. This dividend of £43,958 brings the total dividend payments received to £1.082m.

4.0 Borrowing Requirements

- 4.1 The Council has no short term borrowing but has existing PWLB loans of £46,480m as at the end of September 2015 in addition to £626k in finance leases.
- 4.2 The Council has not undertaken any new borrowing during 2015/16. The most recent undertaking was on 27 March 2015 when £4.17m was borrowed for the purchase of Market Walk and 30-32 Fore Street, Tiverton.

5.0 Annual Investment Strategy

- 5.1 Any fixed term investments in the market place (except Debt Management Office [DMO]) are restricted to a maximum term of one year (this may exceed 364 days). The Council's substantial commitments (particularly the monthly precepts to the Devon County Council and the Police and Fire Authorities) constrain the term of investments. The Cabinet of 9 February 2012 resolved to a continuation of the policy to invest all surplus funds with the main UK banks and building societies, subject to strict lending criteria.
- 5.2 The Council will continue to have regard to the DCLG's Guidance on Local Government Investments ("the Guidance") issued in March 2004 and CIPFA's Treasury Management in Public Services Code of Practice and Cross Sectorial Guidance Notes ("the CIPFA Treasury Management Code").

6.0 Lending Criteria and Counterparty Limits

- 6.1 The current policy has been very slightly relaxed over time and at present the policy allows the lending of funds to be deposited with major UK banks and building societies with an investment period no longer than one year and where the counter party is required to meet the following ratings requirements: Banks (Fitch F1, F1+) and for building societies based upon a minimum Fitch rating of F1 and an asset base level of at least £1bn. The maximum lending

limit to any group counterparty is £5m. The policy includes investments with CCLA property fund (see 3.2) with no individual investment exceeding £2.5m.

6.2 Officers would recommend a continuation of the existing policy for investments with banks and building societies.

6.3 In addition to these fixed term deposits, the Council also uses an instant access liquidity account with the National Westminster Bank (the Council's own banker) to sweep any small surplus funds which can not be placed by our brokers. Again, this account will be subject to the same £5m maximum deposit level.

6.4 The Council will also continue to lend to:

Local Authorities, Police and Fire & Rescue Authorities
DMOADF

6.5 None of the investments made to organisations stated in paragraph 6 will be constrained to a maximum deposit of £5m due to the level of attached risk.

7.0 Future Outlook

7.1 It is envisaged that the average return will improve within the next 12-18 months as a result of future base rate rises.

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Circulation of the Report: Management Team, Cllr Peter Hare-Scott

ANALYSIS OF PRUDENTIAL INDICATORS AT END OF SEPTEMBER 2015
AGAINST APPROVED TARGETS FOR 2015/16

	2015/16 Original £'000	2015/16 Mid Year £'000
Authorised Limit for External Debt		
Borrowing	70,000	47,106
Other Long Term Liabilities	0	0
TOTAL	70,000	47,106
Operational Boundary for External Debt		
Borrowing	55,024	47,106
Other Long Term Liabilities	0	0
TOTAL	55,024	47,106
Upper Limit for Total Principal Sums Invested for over 364 days ¹	0%	0%

Note ¹

Our policy states no investments over one year, however this may take us over 364 due to weekends and bank holidays.

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CABINET
22 OCTOBER 2015

FINANCIAL UPDATE FOR THE SIX MONTHS TO 30 SEPTEMBER 2015

Cabinet Member Cllr Peter Hare-Scott
Responsible Officer Head of Finance

Reason for Report: To present a financial update in respect of the income and expenditure so far in the year.

RECOMMENDATION(S): The Cabinet note the financial monitoring information for the income and expenditure so far for the 2015/16 financial year.

Relationship to the Corporate Plan: The financial resources of the Council impact directly on its ability to deliver the corporate plan; prioritising the use of available resources brought forward and any future spending will be closely linked to key Council pledges from the updated Corporate Plan.

Financial Implications: Good financial management and administration underpins the entire document.

Legal Implications: None.

Risk Assessment: Regular financial monitoring information mitigates the risk of over or underspends at year end and allows the Council to direct its resources to key corporate priorities.

1.0 Introduction

- 1.1 The purpose of this report is to highlight to Cabinet our current financial status and the likely reserve balances at 31 March 2016. It embraces both revenue, in respect of the General Fund and Housing Revenue Account, and capital and aims to focus attention on those areas which are unlikely to achieve budget. It is particularly important for next year's budget setting and, looking further ahead, with the medium term financial plan.
- 1.2 Favourable variances generating either increased income or cost savings are expressed as credits (negative numbers), whilst unfavourable overspends or incomes below budget are debits (positive numbers). This report only includes budget variances in excess of £10k as the purpose of the report is to concentrate on material issues that may require further investigation/action. Budget variances are expressed net of budgeted transfers to or from earmarked reserves, which were previously approved by Cabinet. A more detailed analysis will be provided with the final outturn report for the year.

2.0 Executive Summary of 2015/16

- 2.1 The table below shows the opening position of key operational balances of the Council, the forecasted in year movements and final predicted position at 31 March 2016:

Usable Reserves	31/03/2015	Forecasted in year movement	31/03/2016
	£k	£k	£k
Revenue			
General Fund – see note	(2,380)	157	(2,223)
Housing Revenue Account	(2,000)	(38)	(2,038)
Capital			
Major Repairs Reserve	0	(165)	(165)
Capital Receipts Reserve	(985)	471	(514)
Capital Contingency Reserve	(1,123)	580	(543)

3.0 The General Fund Reserve

- 3.1 This is the major revenue reserve of the Council. It is increased or decreased by the surplus or deficit generated on the General Fund in the year. This reserve held a balance of £2,380k as at 31/03/15.
- 3.2 The forecast General fund *deficit* for the current year is £157k as shown at Appendix A. The most **significant** service movements this month comprise:

	£k
GP surgery non domestic rates (see para 10)	100
More car park income from pay and display and off street fines	(33)
Improved position on Housing Benefit subsidy	(10)
Better recovery on General Fund housing debts	(20)
Increased planning and building control income	(20)
Leisure salaries and Exe Valley memberships	20
Newcombes Meadow urgent health & safety wall repair	20
New AV unit in Council Chamber more than estimate	20

- 3.3 The major variances are highlighted at Appendix B. The current incomes from our major funding streams are shown at Appendix C, whilst current employee costs are shown at Appendix D.

4.0 Housing Revenue Account (HRA)

- 4.1 This is a ring-fenced account in respect of the Council's social housing function. Major variances and proposed corrective action are highlighted at Appendix F.

- 4.2 Appendix E shows that the reserve opening balance is £2,000k. A forecast underspend of £38k would increase the available balance to £2,038k.
- 4.3 The most significant items of this underspend comprise a surplus in income generated from community alarms and unbudgeted structural repair works that are required for health and safety purposes.
- 4.4 There are budgeted revenue contributions to capital projects as follows for 2015/16.

Description	Budget £'000	Forecast Outturn £'000	Variance £'000
Sewage pumping stations	50	50	0
HRA digital transformation	30	30	0
Replacement vehicles	59	59	0

In addition to the above, the works required at Birchen Lane, which were slipped from the 2014/15 capital programme will still require funding. Part of these costs may need to be covered by a revenue contribution from the HRA.

5.0 Major Repairs Reserve

- 5.1 The Major Repairs Reserve had a nil balance at 31 March 2015. After this year's capital expenditure and funding of the Major Repairs Reserve the closing balance is forecast to be £165k.

6.0 Capital Programme

- 6.1 The status of this year's capital programme is shown at Appendix G.
- 6.2 Committed and Actual expenditure is currently £3,347k against a budgeted Capital Programme of £13,720k.
- 6.3 Forecast *net* underspends currently amount to (£89k), which are mainly comprised of the following (please see notes on appendix G):
- ICT software for 'Incab' re Waste & recycling vehicles (£60k)
 - Various projects charged to revenue as under £20k Capital de minimis (£88k)
 - Forecast additional spend on Council House building project at St Andrews Street £60k
- 6.4 Forecast slippage into 2016/17 currently amounts to £2,477k, this comprises the following projects (please see notes on appendix G):
- Land Drainage scheme – Ashleigh Park Bampton £67k
 - Sewerage treatment works – Washfield £25k
 - Works in relation to major repairs of our council houses £165k
 - Renewable Energy fund - renewable wall insulation £70k

• Tiverton Pannier Market Roof	£110k
• Various ICT projects	£313k
• 5 Refuse vehicles	£740k
• Council House Build Projects at Burlescombe & Beech Road Tiverton	£987k

7.0 Capital Contingency Reserve

- 7.1 The Capital Earmarked Reserve has been set aside from Revenue to fund Capital Projects; the movement on this reserve is projected below:

	£k
Capital Earmarked Reserve at 1 April 2015	(1,123)
Funding required to support 2015/16 Capital Programme	298
Earmarked Reserve for Private Sector Housing	282
Forecast Balance at 31 March 2016	(543)
	=====

8.0 Capital Receipts Reserve (Used to fund future capital programmes)

- 8.1 Unapplied useable capital receipts are used to part fund the capital programme, the movement on this account for the year to date is given below:

	£k
Unapplied Useable Capital Receipts at 1 April 2015	(985)
Earmarked Reserve for Private Sector Housing	194
	(791)
Net Receipts to date (includes 5 RTB's)	(212)*
(* Forecast pending completion of Q2 pooling return)	
Current Balance	(1,003)
Forecast further capital receipts in year	(468)
Forecast capital receipts to be applied in year	957
Forecast Unapplied Capital Receipts c/fwd. 31 March 2016	(514)
	=====

- 8.2 Please note the majority of these balances on the capital Contingency Reserve and the Capital Receipts reserve will be required to enable a balanced Capital MTFP that will be brought to the October Cabinet.

9.0 Treasury Management

- 9.1 The interest position so far this financial year can be summarised as follows:

Interest Received:

	Budget	Forecast	Variance
	£k	£k	£k
Interest from HRA funding	(69)	(69)	0
Investment Income Received	(65)	(75)	(10)

Total Interest Receivable	----- (134) =====	----- (144) =====	----- (10) =====
----------------------------------	--------------------------------	--------------------------------	-------------------------------

The investment income from the CCLA property investment for 2015/16 has not been included in the figures above. The first dividend from this is due to be received in November, when we will have a better idea of the sum we might expect to receive.

10.0 Non Domestic Rates

In a recent high level appeal tribunal case, which considered the business rate valuation of GP surgeries, the District Valuer lost the case. The impact is that nationally GP surgeries after a revaluation of their business rates, will see their business rates fall and can request a refund of the excess of their business rates paid in earlier years. All Councils with GP surgeries will be affected.

Two refunds have already been arranged by Mid Devon but we have 46 in the District and the impact of this rerating exercise, in terms of refunds, for Mid Devon over the next two years could be in excess of £500k. We have currently estimated an impact this year of £100k. As well as paying out refunds the other impact of course will be reduced income year on year into the future. It is possible that after lobbying by the Local Government Association that central government might consider some form of compensation towards our losses, but this is not guaranteed.

In addition to this current business rate appeal outcome George Osborne has announced that in future Councils will be able to retain non domestic rates. Current indications are that this will be a phased process over the life of the current Parliament that will be matched to the elimination of the formula grant. Due to the complexity of Local Government funding it remains to be seen, whether we will be better or worse off in financial terms. Finance officers will provide Members with updates as this legislation emerges.

11.0 Conclusion

- 11.1 Members are asked to note the revenue and capital forecasts for the financial year. This report covers the first half of the year and begins to show the trends with which to identify end of year positions.
- 11.2 In the General Fund operations are much tighter and managers in some areas are struggling to meet their budgets. Overall the forecast for the year at this point is a deficit of £157k on a net budget of £8.7 million, a 1.8% variance.
- 11.3 Inevitably after achieving savings year on year some service areas have had difficulty in suggesting savings for next years budget, without compromising service delivery. The PDG budget reports showing the shortfall for 2016/17 will be issued shortly and also, looking further ahead, we are also compiling the medium term financial plan.

- 11.4 The situation is similar in the Housing Revenue Account (HRA), where future housing rent decreases, announced in the budget, will define a modified future housing plan. A revised HRA business plan report is also currently being drafted.
- 11.5 In due course Members will be required to consider various potential future scenarios and their potential impact on service delivery that will facilitate a balanced budget, of prioritised services, linked to the new corporate plan.

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Circulation of the Report:

Cllr Peter Hare-Scott, Management Team

**GENERAL FUND FINANCIAL MONITORING INFORMATION
FOR THE PERIOD 01 APRIL TO 30 SEPTEMBER 2015**

			2015/16 Annual Budget	Full Year Forecast (Net of Trf to Earmarked Reserves (EMR) (0 = On budget)	Variance
Com	General Fund Summary	Note	£	£	%
	Cllr C J Eginton				
CM	Corporate Management	A	1,197,130	(24,000)	-2.0%
LD	Legal & Democratic Services: Member/Election Services	B	1,027,290	63,000	6.1%
	Cllr N V Davey				
CP	Car Parks	C	(23,680)	(39,000)	-164.7%
ES	Cemeteries & Public Health	D	156,640	(15,000)	-9.6%
ES	Open Spaces	F	593,300	20,000	3.4%
GM	Grounds Maintenance	E	(16,870)	25,000	-148.2%
WS	Waste Services	H	2,287,120	50,000	2.2%
	Cllr C R Slade				
CD	Community Development	I	328,270	5,800	1.8%
ES	Environmental Services incl. Licensing	D	157,180	19,000	12.1%
IT	IT Services	Q	(12,040)	(45,900)	381.2%
PR	Planning - Land charges	N	(600)	(13,000)	2166.7%
RS	Recreation And Sport	J	662,400	120,000	18.1%
	Cllr P H D Hare-Scott				
FP	Finance And Performance	K	(180)	0	0.0%
RB	Revenues And Benefits	L	782,650	(134,000)	-17.1%
	Cllr R L Stanley				
ES	ES: Private Sector Housing Grants	D	112,120	10,000	8.9%
HG	General Fund Housing	M	317,150	(20,000)	-6.3%
PS	Property Services	G	253,800	(336,000)	-132.4%
	Cllr R J Chesterton				
CD	Community Development: Markets	I	60,550	10,000	-16.5%
PR	Planning And Regeneration	N	960,400	161,600	16.8%
	Cllr M Squires				
CS	Customer Services	O	15,730	60,000	381.4%
ES	Environment Services - Public Health	D	356,920	0	0.0%
HR	Human Resources	P	98,470	0	0.0%
LD	Legal & Democratic Services: Legal Services	B	(10)	21,500	
	All General Fund Services		9,313,740	(61,000)	-0.7%
IE260	Interest Payable		68,390	79,064	
IE290	Interest Receivable on Investments		(65,000)	(10,000)	
	Additional dividend re Heritable Investment			(43,958)	
	Interest from Funding provided for HRA		(69,090)	0	
	New Homes Bonus Grant		0	(1,612,725)	
	Sundry Grants		0	0	
ABFGF	Statutory Adjustments (Capital charges)		(905,860)	83,453	
TREMR	Net Transfer to/(from) Earmarked Reserves	APP B	424,170	1,622,125	
	TOTAL BUDGETED EXPENDITURE		8,766,350	56,959	0.6%
	Formula Grant (includes Non Domestic rates)		(3,767,480)	100,000	
	Council Tax		(4,955,540)	0	
	Collection Fund Surplus		(43,330)	0	
	TOTAL BUDGETED FUNDING		(8,766,350)	100,000	-1%
	Forecast in year (Surplus) / Deficit		0	156,959	
	General Fund Reserve 01/04/15			(2,380,180)	
	Forecast General Fund Balance 31/03/16			(2,223,221)	

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 30 SEPTEMBER 2015

Note	Description of Major Movements	Full Year Forecast Variation (Net of Trf to EMR)	PDG
A	Corporate Management		
	External audit fees have seen a significant reduction	(24,000)	Cabinet
		(24,000)	
B	Legal & Democratic Services		
	Salaries - uncovered maternity & restructure of Legal Services	8,500	Cabinet
	Income - Legal Section 106 work less than in previous years and fees & charges down	13,000	Cabinet
	Members' tablets, cost was budgeted as Capital Expenditure but as less than £20k falls as Revenue Expenditure (see appendix G)	12,000	Cabinet
	Cost of District Council Elections (covered by earmarked reserve)	60,000	Cabinet
	Various other minor variances	(9,000)	Cabinet
		84,500	
C	Car Parks		
	P&D income £19k up against budget at half year. Yearend forecast can be changeable month by month	(23,000)	MTE
	Increased income from off-street fines	(10,000)	MTE
	Other minor variances	(6,000)	MTE
		(39,000)	
D	Environmental Services combined		
	Salary underspends in Environmental Enforcement due to vacant post and overtime budget	(6,000)	CWB
	Licensing Unit salaries - Increase in hours and JE impact	15,000	CWB
	Cemetery income above profile on internments & exclusive burial rights	(15,000)	MTE
	Environmental Health salary overspend due to a service restructure and JE	10,000	CWB
	Private Sector Housing salary overspend due to restructure, increased hours and JE	10,000	DAAH
		14,000	
E	Grounds Maintenance		
	£25k cut in grass cutting budget from Devon County Council	25,000	MTE
		25,000	
F	Open Spaces		
	Urgent repairs works to play area wall at Newcombes Meadow	20,000	MTE
		20,000	
G	Property Services		
	Market Walk income not budgeted -Predicting £363k of net income at year end to be off-set by costs of PWLB loan and capital financing. The projected surplus £172k will be transferred into reserves for future economic development.	(363,000)	MTE
	The new AV unit in the Council Chambers has come in more than estimated	20,000	MTE
	Decrease in income received from Prospects leaving the rental space at Phoenix House	7,000	MTE
		(336,000)	

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 30 SEPTEMBER 2015

Note	Description of Major Movements	Full Year Forecast Variation (Net of Trf to EMR)	PDG
H	Waste Services		
	Refuse - vehicle repairs, running aged fleet until replacement need is known.	50,000	MTE
		50,000	
I	Community Development		
	Salaries - variance in hours	(6,200)	CWB
	Market Income - proactive work is being carried out to try and meet this gap	10,000	CWB
	Grant spend covered by seed fund ear marked reserve.	12,000	CWB
		15,800	
J	Recreation And Sport		
	Exe Valley Leisure Centre (EVLC) salaries	15,000	CWB
	EVLC Income-Adult/Junior membership volumes down-new manager looking in to	70,000	CWB
	Culm Valley Sports centre (CVSC) salaries	5,000	CWB
	Lords Meadow Leisure Centre (LMLC) salaries	5,000	CWB
	Maintenance overspend -squash court roofs/ATP repairs at EVLC	25,000	CWB
		120,000	
K	Finance And Performance		
		0	
L	Revenues And Benefits		
	HB Fraud section transferred to DWP from 01/05/15	(62,000)	CWB
	Additional agency staff required in Housing Benefit net of salary savings (maternity leave, post changes & vacant hours)	18,000	CWB
	Housing Benefit Subsidy	(90,000)	CWB
		(134,000)	
M	General Fund Housing		
	Better recovery on DARs	(20,000)	DAAH
		(20,000)	
N	Planning And Regeneration		
	Enforcement-Direct Action costs (predominantly Harlequin Valet)	80,000	CWB
	Enforcement salary savings	(10,000)	CWB
	Development Control salaries (incl recruitment costs)	11,000	CWB
	Development Control income	(10,000)	CWB
	Local Plan consultancy costs	36,000	CWB
	Land charges fee income	(13,000)	CWB
	Building Control shared arrangement with NDDC/Consultancy costs	30,000	CWB
	Forward Planning salaries (incl recruitment costs)	5,000	CWB
	Business advice service for whole of Mid Devon (covered by earmarked reserve)	19,600	CWB
		148,600	
O	Customer Services		
	Staffing for Digital Strategy Projects funded by Ear Marked Reserve (see below)	66,000	CWB
	Franked Mail	(6,000)	CWB
		60,000	

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 30 SEPTEMBER 2015

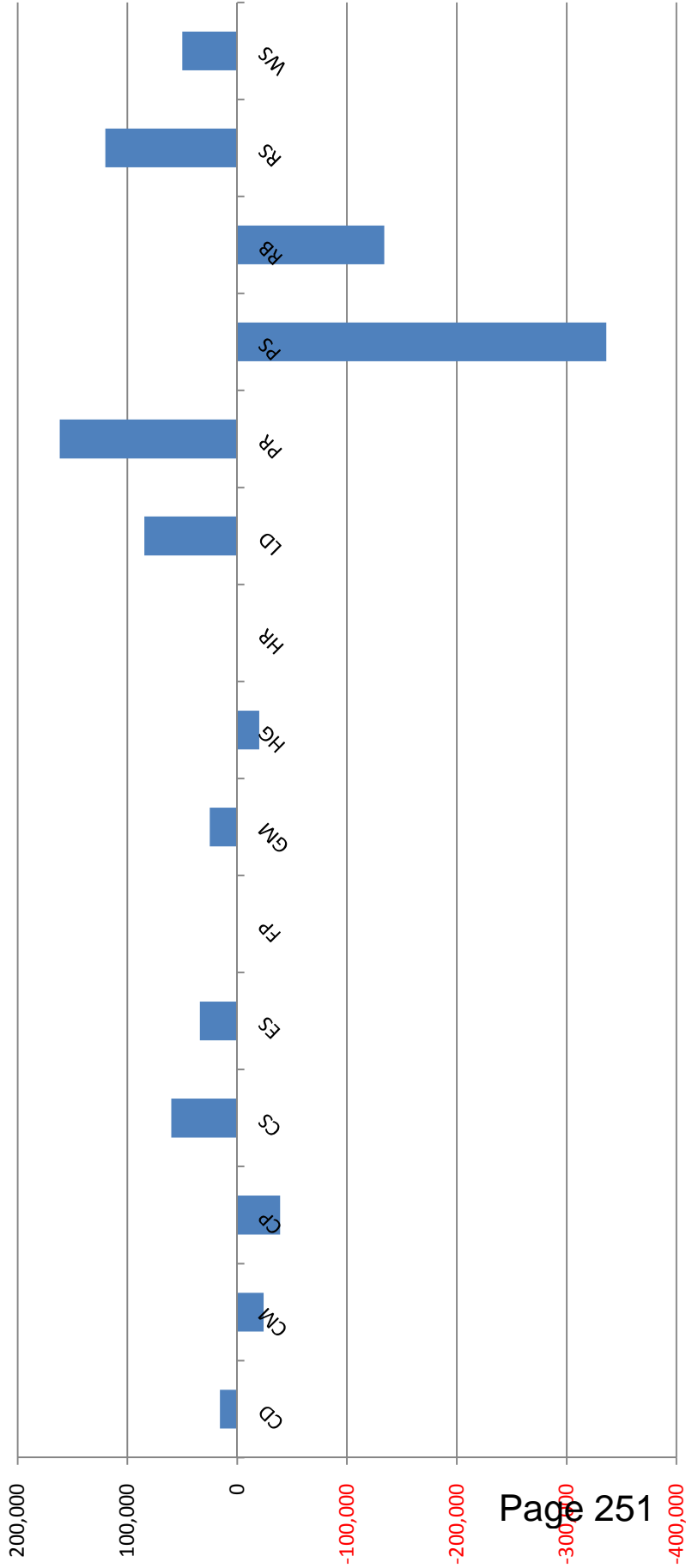
Note	Description of Major Movements	Full Year Forecast Variation (Net of Trf to EMR)	PDG
P	Human Resources		
Q	I.T. Services		
	Other sundries	(5,900)	Cabinet
	Salary underspend due to employing apprentice	(10,000)	Cabinet
	Head of BIS recharge to NDDC, any savings however will be earmarked for digital transformation expenditure	(30,000)	Cabinet
		(45,900)	
	FORECAST (SURPLUS)/DEFICIT AS AT 31/03/16	(61,000)	

Cabinet	14,600
CWB	229,400
DAAH	(10,000)
MTE	(295,000)
	(61,000)

Net Transfers to / from Earmarked Reserves

New Homes Bonus monies earmarked for capital and economic regeneration projects	1,612,725
Transfer to digital transformation project	30,000
District Election Costs from earmarked reserve released	(60,000)
Local Plan consultancy costs	(35,000)
Projected surplus on Market Walk transfer to reserves earmarked for economic	172,000
Business advice and Town project spend covered by earmarked reserve released	(19,600)
Digital strategy staffing from New Homes Bonus	(66,000)
Grant spend from seed fund earmarked reserve released	(12,000)
Net Transfer to / (from) Earmarked Reserves	1,622,125

2015/16 General Fund Projected Outturn Variance £



Key + = Overspend / Income under target - = Savings / Income above budget

Interest Receivable	
IT	I.T. Services
LD	Legal and Democratic
PR	Planning and Regeneration
PS	Property Services
RB	Revenues and Benefits
RS	Recreation and Sports
WS	Waste Services

CD	Community Development
CM	Corporate Management
CP	Car Parks
CS	Customer Services
ES	Environmental Services
FP	Finance and Performance
GM	Grounds Maintenance
HG	General Fund Housing
HR	Human Resources

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 30 SEPTEMBER 2015

					Full Year	
	2015/16	2015/16	2015/16	2015/16	Forecast	Variance
	Annual Budget	Profiled Budget	Actual	Variance	Variation	
	£	£	£	£	£	%
Building Control Fees	(235,030)	(117,515)	(138,705)	(21,190)	0	0%
Planning Fees	(777,000)	(388,500)	(409,772)	(21,272)	(10,000)	1%
Land Searches	(110,460)	(55,230)	(71,699)	(16,469)	(13,000)	12%
Car Parking Fees - See Below	(661,050)	(302,554)	(328,181)	(25,626)	(29,000)	4%
Leisure Fees & Charges	(2,530,020)	(1,221,140)	(1,151,358)	69,782	70,000	-3%
Trade Waste Income	(605,000)	(353,715)	(355,742)	(2,027)		0%
Licensing	(113,560)	(40,690)	(45,096)	(4,406)		0%
Market Income	(111,670)	(55,835)	(50,348)	5,487	10,000	-9%
	(5,143,790)	(2,535,179)	(2,550,901)	(15,721)	28,000	-0.5%
						Bud Income
Pay and Display					Spaces	pa per space
Beck Square,Tiverton	(76,000)	(38,000)	(42,634)	(4,634)	40	(1,900)
William Street,tiverton	(36,000)	(18,000)	(14,905)	3,095	45	(800)
Westexe South,Tiverton	(42,500)	(21,250)	(24,383)	(3,133)	51	(833)
Wellbrook Street,Tiverton	(13,000)	(6,500)	(7,856)	(1,356)	27	(481)
Market Street,Crediton	(34,000)	(17,000)	(17,550)	(550)	39	(872)
High Street,Crediton	(48,500)	(24,250)	(27,674)	(3,424)	190	(255)
Station Road,Cullompton	(22,000)	(11,000)	(15,519)	(4,519)	112	(196)
Multistorey,Tiverton	(100,500)	(50,250)	(54,630)	(4,380)	631	(159)
Market Car Park,Tiverton	(195,000)	(97,500)	(98,595)	(1,095)	122	(1,598)
Phoenix House,Tiverton	(4,000)	(2,000)	(1,554)	446	15	(267)
	(571,500)	(285,750)	(305,300)	(19,550)	1,272	(7,363)
Season Tickets	(31,000)	(2,991)	(2,991)	0		
Residents Permits	(11,870)	(925)	(925)	0		
Business Permits	(9,670)	(371)	(371)	0		
Overnight Permits	(1,000)	0	0	0		
Town Hall,Tiverton	0	0	(651)	(651)		
Other Income	(36,010)	(12,518)	(17,943)	(5,425)		
	(661,050)	(302,554)	(328,181)	(25,626)		
Standard Charge Notices (C	(25,000)	(12,500)	(17,956)	(5,456)	(10,000)	

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 30 SEPTEMBER 2015

	2015/16	2015/16	2015/16	2015/16
	Annual Budget	Profiled Budget	Actual	Variance
Total Employee Costs	£	£	£	£
General Fund				
Community Development	284,610	142,305	136,537	(5,768)
Corporate Management	859,280	429,640	420,113	(9,527)
Customer Services	686,030	343,015	363,344	20,329
Environmental Services	853,970	426,985	470,125	43,140
Finance And Performance	589,040	294,520	304,762	10,242
General Fund Housing	191,940	95,970	93,681	(2,289)
Grounds Maintenance	415,900	207,950	199,007	(8,943)
Human Resources	292,190	146,095	144,674	(1,421)
I.T. Services	544,220	272,110	246,540	(25,570)
Legal & Democratic Services	411,330	205,665	199,521	(6,144)
Planning And Regeneration	1,413,870	706,935	653,300	(53,635)
Property Services	359,220	179,610	133,939	(45,671)
Recreation And Sport	1,504,870	752,435	783,558	31,123
Revenues And Benefits	706,340	353,170	323,496	(29,674)
Waste Services	1,792,050	896,025	856,819	(39,206)
	10,904,860	5,452,430	5,329,414	(123,016)
Housing Revenue Account				
BHO09 Repairs And Maintenance	773,080	386,540	427,591	41,051
BHO10 Supervision & Management	1,448,740	724,370	669,285	(55,085)
BHO11 Special Services	61,760	30,880	49,849	18,969
	2,283,580	1,141,790	1,146,725	4,935
Total	£ 13,188,440	£ 6,594,220	£ 6,476,139	£(118,081)

	2015/16	2015/16	2015/16	2015/16
	Annual Budget	Profiled Budget	Actual	Variance
Agency Staff	£	£	£	£
General Fund				
Car Parks	0	0	0	0
Community Development	0	0	0	0
Corporate Management	0	0	0	0
Customer Services	34,000	0	4,174	4,174
Environmental Services	0	0	5,945	5,945
Finance And Performance	0	0	0	0
General Fund Housing	0	0	0	0
Grounds Maintenance	5,000	2,500	11,122	8,622
Human Resources	0	0	7,042	7,042
I.T. Services	0	0	0	0
Legal & Democratic Services	0	0	6,033	6,033
Planning And Regeneration	0	0	0	0
Property Services	0	0	18,052	18,052
Recreation And Sport	0	0	0	0
Revenues And Benefits	0	0	23,873	23,873
Waste Services	88,510	44,255	77,910	33,655
	127,510	46,755	154,151	107,396
Housing Revenue Account				
BHO09 Repairs And Maintenance	0	0	0	0
BHO10 Supervision & Management	0	0	3,839	3,839
BHO11 Special Services	0	0	0	0
	0	0	3,839	3,839
Total	£127,510	£46,755	£157,990	£111,235

**HOUSING REVENUE ACCOUNT FINANCIAL MONITORING INFORMATION FOR
THE PERIOD 01 APRIL TO 30 SEPTEMBER 2015**

		2015/16 Annual Budget	Forecast	Variance
Housing Revenue Account (HRA)	Notes	£	£	%
SHO01 Dwelling Rents Income	A	(12,810,600)	7,000	-0.1%
SHO04 Non Dwelling Rents Income	B	(519,780)	(15,000)	2.9%
SHO06 Tenant Charges For Services	C	(30,980)	(10,000)	32.3%
SHO07 Leaseholders' Service Charges	D	(19,840)	0	0.0%
SHO08 Contributions Towards Expenditure	E	(34,970)	0	0.0%
SHO09 Alarm Income - Non Tenants	F	(138,170)	(41,000)	29.7%
SHO10 H.R.A. Investment Income	G	(40,000)	0	0.0%
SHO11 Miscellaneous Income	H	(19,000)	(13,000)	68.4%
SHO13A Repairs & Maintenance	I	3,274,710	0	0.0%
SHO17A Housing & Tenancy Services	J	1,358,850	19,000	1.4%
SHO22 Alarms & L.D. Wardens expenditure	K	178,700	15,000	8.4%
SHO29 Bad Debt Provision Movement	L	25,000	0	0.0%
SHO30 Share Of Corporate And Democratic	M	202,890	0	0.0%
SHO32 H.R.A. Interest Payable	N	1,323,820	0	0.0%
SHO34 H.R.A. Transfers between earmarked reserves	O	2,589,500	0	0.0%
SHO36 H.R.A. R.C.C.O.	P	139,000	0	0.0%
SHO37 Capital Receipts Reserve Adjustment	Q	(15,600)	0	0.0%
SHO38 Major Repairs Allowance	R	1,986,590	0	0.0%
SHO45 Renewable Energy Transactions	S	(150,000)	0	0.0%
		(2,699,880)	(38,000)	-1.4%
Net recharge to HRA		1,223,440		
Capital Charges		1,476,440		
Net Housing Revenue Account Budget		0		

Housing Revenue Account	£k
Total HRA reserve as at 01/04/14	(2,000)
Forecast variance for the year (see above)	(38)
Forecast HRA reserve as at 31/03/15	(2,038)

Housing Maintenance Fund	£k
Opening balance	(6,360)
Amount required to fund MRA works	914
Reserve utilised for capital works (see appendix G)	5,001
Budgeted transfer to reserves	(2,465)
Forecast closing balance	(2,910)

Renewable Energy Fund	£k
Opening balance	(370)
Expenditure forecast for this year (see appendix G)	270
Income forecast for this year	(150)
Forecast closing balance	(250)

HOUSING REVENUE ACCOUNT FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 30 SEPTEMBER 2015

			Forecast Variance £
Note	Description of Major Movements	Corrective Action	
A	Slight variance in rent against budget (0.1%)	None	7,000
B	Garage rents ahead of target so far	N/A	(15,000)
C	LD warden contract generating more revenue than budgeted	N/A	(10,000)
F	Excellent performance of community alarms, both in the tenant population and private sector	N/A	(41,000)
H	Sale of a piece of land has generated income in excess of budget	N/A	(13,000)
I	No variance	N/A	0
J	Unbudgeted structural repair work planned at £27k, less minor savings	None	19,000
K	Final costs of wrapping up warden service	None	15,000
		TOTAL	(38,000)

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MID DEVON DISTRICT COUNCIL
MONITORING OF 2015/16 CAPITAL PROGRAMME

Appendix G

Code	Scheme	Adjusted approved Capital Programme 2015/16	Actual Expenditure	Committed Expenditure	Total	Variance to Adj Capital Programme	Forecast (Underspend)/ Overspend	Forecast Slippage to 16/17	Notes
		£	£	£	£	£	£	£	
	<u>Estates Management</u>								
	<u>Leisure - Site Specific</u>								
	<u>Lords Meadow leisure centre</u>								
CA624	Main car park resurfacing	50,000	0	0	0	(50,000)			Project due to be delivered in Q3 15/16 This project will be delivered in Sept/Oct for circa £7k & will therefore be charged to Revenue as under the capital diminimis
CA625	Squash Court roof improvements	20,000	0	0	0	(20,000)	(13,000)		
	<u>Exe Valley leisure centre</u>								
CA626	Fitness gym extension	500,000	9,700	0	9,700	(490,300)			Figures included per Leisure consultants report - further work required & subject to Business Case demonstrating acceptable payback period
	<u>Other MDDC Buildings</u>								
CA403	Town Hall Redevelopment Project	46,000	14,682	0	14,682	(31,318)			Linked to New Build St Andrews Street CA113. Will be used for improvements to Ham Lane
CA709	Planned expansion joint replacement	89,000	(7,098)	7,098	0	(89,000)			This work is on hold depending on the outcome of the proposed Premier Inn development. £7k retention payment on hold until remedial works completed
	<u>Play Areas</u>								
CA608	Play area refurbishment - Wilcombe Tiverton	50,000	0	0	0	(50,000)			Project due to be delivered in Q4 15/16. Possible S106 funding contribution
	<u>Other Projects</u>								
CA420	Land drainage flood defence schemes - Ashleigh Park Bampton	67,000	0	0	0	(67,000)		67,000	Project due to be delivered in Q1 16/17. Circa £75k with £25k DCC funding contribution
CA431	Public Conveniences - Lowman Green, Tiverton remodel for kiosk subject to payback period	100,000	2,021	92,896	94,917	(5,083)			Budget increased by £46k per Cabinet Report 30/07/15. Morgan Sindall will commence work in Sept/Oct
CA448	Angel Hill improvements	20,000	0	0	0	(20,000)			
	<u>ICT Projects</u>								
CA421	Replacement of PC estate 330s	40,000	0	0	0	(40,000)			Project due to commence Q4 15/16
CA423	Continued replacement of WAN/LAN	60,000	0	0	0	(60,000)			Project due to commence Q4 15/16
CA425	Server farm expansion/upgrades	88,000	0	0	0	(88,000)			Project due to commence Q4 15/16
CA433	Unified Comms/telephony	107,000	0	0	0	(107,000)			Project due to commence Q4 15/16
CA436	Web Transformation	26,000	(1,059)	1,059	0	(26,000)			
CA437	Digital Transformation	89,000	17,210	7,104	24,314	(64,686)		73,000	Project due to commence Q1 16/17
CA438	Digital Transformation - Customer Portal	45,000	0	0	0	(45,000)		45,000	Project due to commence Q1 16/17
CA439	Mobile Working NDL MX	70,000	81	40	121	(69,879)		70,000	Project due to commence Q1 16/17
CA440	Finance Cash Receipting upgrade	29,000	0	0	0	(29,000)		29,000	Project due to commence Q1 16/17
CA442	Arc Server Spatial	40,000	0	0	0	(40,000)		40,000	Project due to commence Q1 16/17
CA443	Members Mobile	25,000	0	0	0	(25,000)	(25,000)		This project has been delivered for circa £12k which is under our capital diminimis & therefore charged to revenue under Democratic Representation & Management
CA444	SQL/Oracles refreshes	20,000	4,000	0	4,000	(16,000)		16,000	
CA445	InCab	60,000	0	0	0	(60,000)	(60,000)		Waste in Cab technology not required by for new scheme
CA446	E-Financials Technical refresh	20,000	0	0	0	(20,000)		20,000	Project due to commence Q1 16/17
CA447	Uniform Technical refresh	20,000	0	0	0	(20,000)		20,000	Project due to commence Q1 16/17
	<u>Economic Development Projects</u>								
CA504	Schemes as yet to be identified	270,000	0	0	0	(270,000)	(25,000)		Circa £80k will be spent on Tiverton Pannier Market Pigpens (see comment on CA507 below). Also please note 25k spent in revenue on related projects will be funded from NHB & therefore reduce this budget to £165k
CA505	Tiverton Pannier Market Walkway Roof	110,000	0	0	0	(110,000)		110,000	
CA507	Tiverton Pannier Market Pigpens		3,608	3,800	7,408	7,408			
	<u>Replacement Vehicles</u>								
	<u>Grounds Maintenance</u>								
CA712	Iveco Tipper (or equivalent)	24,000	0	0	0	(24,000)			Due to be tendered in Q3
CA713	Tractor	34,000	28,500	0	28,500	(5,500)	(5,500)		Discount achieved in procuring this vehicle
	<u>Street Cleansing</u>								
CA819	Green Machine Ride-On Sweeper (or equivalent)	25,000	0	0	0	(25,000)			Decision to be replaced pending trial with Cullompton TC
CA820	Green Machine Ride-On Sweeper (or equivalent)	25,000	0	0	0	(25,000)			Due to be purchased in Q3/Q4
	<u>Refuse Collection</u>								
CA814	Dennis Eagle Terberg RCV 22-26t (or equivalent)	160,000	0	0	0	(160,000)			Due to be purchased in Q3/Q4
CA821	5 * Refuse Vehicles with Food waste capability	740,000	0	0	0	(740,000)		740,000	Review to be completed after Oct scheme implemented.
CA822	Iveco Tipper 7t (or equivalent)	35,000	0	0	0	(35,000)			Due to be purchased in Q3/Q4

Code	Scheme	Adjusted approved Capital Programme 2015/16	Actual Expenditure	Committed Expenditure	Total	Variance to Adj Capital Programme	Forecast (Underspend)/ Overspend	Forecast Slippage to 16/17	Notes
		£	£	£	£	£	£	£	
CA816 CA823	Recycling 1 No. very narrow access Cabstar recycling kerb loader 4.5t Urban Recycling vehicle	65,000 81,000	0 0	0 85,530	0 85,530	(65,000) 4,530			Due to be purchased in Q3/Q4
CA449	CCTV Initiatives Town centre/Market area fibre optic hub and camera system	40,000	0	0	0	(40,000)			Project being scoped anticipated spend Q4
CA824	Waste & Recycling New Refuse & Recycling scheme Oct '15	276,000	151,061	114,917	265,977	(10,023)			Garden waste project due to commence Oct '15
		3,566,000	222,705	312,444	535,149	(3,030,851)	(123,970)	1,230,000	
CG216 CG201 CG202 CG203 CG205	Private Sector Housing Grants Private Sector Housing initiatives to be prioritised * Disabled Facilities Grants-Private Sector Houses in Multiple Occupation Grants Home Repair Assisted Grants House Renovation Grants	102,000 590,000	0 126,693	0 88,483 4,072 606 752	0 215,176 4,072 606 752	(102,000) (374,824) 4,072 606 752			
	Please note where possible commitments are raised on the Finance Ledger. Currently the total commitment for Private Sector Housing Grants held outside the ledger is £94k. This underspend includes underspent budget on Private Tenant DFG's amounting to *£375k; these are effectively ring fenced, therefore leaving £96k uncommitted. (£471k - £375k) Commitments include all approved grants. The timing of when these are drawn down is dependent on the client (up to 1 year), therefore at year end although sums may be committed, some may be carried forward to 2016/17 as slippage.								
		692,000	126,693	93,914	220,606	(471,394)	0	0	
CA200 CA200	Affordable Housing Projects Affordable Housing 0.67 FTE Grants to Housing Associations to provide units (funded by commuted sum)	21,000 300,000	10,208 5,000	0 0	10,208 5,000	(10,792) (295,000)			
		321,000	15,208	-	15,208	(305,792)	0	0	
CA100 CA111 CA112 CA113 CG200 CA119 CA120 CA124 CA102 CA126 CA121	HRA Projects Housing Maintenance Fund Renewable Energy Fund Spend Birchen Lane - re development of unit for housing conversion Council House Building - St Andrews Street Disabled Facilities Grants - Council Houses Palmerston Park Tiverton - affordable dwellings Old allotment site Burlescombe (6 units) Queensway (Beech Road) Tiverton (3 units) Sewage Pumping Stations Sewerage Treatment Works - Washfield HRA Digital Transformation	2,900,000 270,000 170,000 419,000 291,000 3,959,000 694,000 299,000 25,000 25,000 30,000	697,538 97,129 5,193 395,597 249,641 54,107 3,000 0 (525) 0 0	952,204 0 0 97,462 0 21,450 3,000 0 0 0 0	1,649,741 97,129 5,193 493,060 249,641 75,557 6,000 0 (525) 0 0	(1,250,259) (172,871) (164,807) 74,060 (41,359) (3,883,443) (688,000) (299,000) (25,525) (25,000) (30,000)		165,000 70,000 60,000 688,000 299,000 25,000	£165k will be reprioritised for spending in 16/17 Wall Insulation works will be reprioritised for spending in 16/17 £80k HCA grant approved. Anticipated commencement of this project Q3 15/16 with completion likely Q4 16/17. Project due to be complete end of Sept '15. Remaining £70k HCA grant (from total £280k) due on completion of scheme Budget adjusted as £41k spent in Q4 14/15. HCA bid being worked on (26 Dwellings). Anticipated commencement of this project Q3 15/16 with completion likely Q4 16/17. Budget adjusted as £6k spent in Q4 14/15. Likely to be Tendered with CA124 see comment below. Anticipated start Q1 16/17 Budget adjusted as £1k spent in Q4 14/15. Scheme subject to planning permission. If granted likely to be tendered with CA120 (see above). Anticipated start Q1 16/17 Smaller projects will be under minimis & therefore coded to revenue This Project is likely to commence during Q1 16/17
CA122 CA123	Replacement Vehicles - Housing Repairs Iveco Tipper 3.5t (or equivalent) Iveco Tipper 7t (or equivalent)	24,000 35,000	0 0	0 0	0 0	(24,000) (35,000)			Due to be purchased in Q3 Due to be purchased in Q3
		9,141,000	1,501,680	1,074,116	2,575,796	(6,565,204)	35,000	1,247,000	
	CAPITAL PROGRAMME GRAND TOTAL	13,720,000	1,866,285	1,480,474	3,346,759	(10,373,241)	(88,970)	2,477,000	

MID DEVON DISTRICT COUNCIL – SCHEDULE OF MEETINGS – 2016/17

Ratified by Council on

MEETING	Normal day and Time	1	2	3	4	5 2017	6	
Planning Committee <i>(first meeting of cycle)</i>	Wed 2.15pm	11 May	6 July	7 Sept	2 Nov	4 Jan	1 March	
Planning Committee <i>(second meeting of cycle)</i>	Wed 2.15pm	8 June	3 August	5 October	30 Nov	1 Feb	29 March	19 April
CABINET	Thurs 2.15pm	12 May	7 July	1 Sept	27 October	5 Jan	2 March	
CABINET <i>(second meeting of the cycle)</i>	Thurs 2.15pm	9 June	4 August	29 Sept	24 Nov	2 Feb	30 March	
PDG 1 Managing the Environment	Tues 2.00pm	17 May	12 July	6 Sept	8 Nov	9 Jan	6 March	
PDG 2 Decent & Affordable Housing	Tues 2.15pm	24 May	19 July	13 Sept	15 Nov	16 Jan	13 March	
PDG 3 Community Well-Being	Tues 2.15pm	7 June	2 August	27 Sept	29 Nov	30 Jan	27 March	
Scrutiny	Mon 2.00pm	23 May	18 July	12 Sept	7 Nov	16 Jan	13 March	
Scrutiny	Mon 2.00pm	20 June	15 August	10 October	5 Dec	13 Feb	10 April	
Audit Committee	Tues 5.30pm	31 May	28 June	26 July	20 Sept	22 Nov	23 Jan	20 March
Away Days	Fri 9.30am		22 July				10 March	
COUNCIL	Wed 6.00pm	29 June	31 August	26 October	14 Dec	22 Feb	26 April	3 May*

Note: (i) *Annual meeting of the Council at 7.00pm.

Annual Meeting in 2016 is on 4 May

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

October 2015

The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Land for Affordable Housing To acquire land (in consultation with the Cabinet Member for Housing) for the provision of affordable housing (under the scheme of delegation) at Waddeton Park, Post Hill, Tiverton	Head of Housing and Property Services	Not before 20th Oct 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960		Open
Partial Disposal of Council Asset To agree in consultation with the Cabinet Member for Housing and the Cabinet Member for Planning & Economic Development the disposal to Premier Inn for 125 years of part of the multi-storey car park and ancilliary grass area for the provision of a hotel.	Head of Housing and Property Services	Not before 31st Oct 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960		Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Masterplan - Area B Tiverton Eastern Urban Extension Report of the Head of Planning and Regeneration requesting the Cabinet to consider consultation drafts	Cabinet	19 Nov 2015	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Landscape Implications of Wind and Solar Energy Proposals Supplementary Planning Document Report of the Head of Planning and Regeneration regarding proposals for the Supplementary Planning Document	Cabinet	19 Nov 2015	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Economic Development Strategy To consider a report of the Head of Communities and Governance revising this policy	Cabinet	19 Nov 2015	Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Corporate Plan Report of the Head of Communities and Governance detailing the	Cabinet	19 Nov 2015	Amy Tregellas, Head of Communities and Governance and	Leader of the Council (Councillor Clive Eginton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
updated Corporate Plan.			Monitoring Officer Tel: 01884 234246		
Strategic Land Issues To receive a report of the Chief Executive advising on responses to the Town Centre Masterplanning to include expressions of interest and the potential for acquiring a new site for depot redevelopment.	Cabinet	19 Nov 2015	Kevin Finan, Chief Executive Tel: 01884 234201	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Partnership Working with North Devon Report of the Chief Executive referring to proposals for joint working between Mid Devon District Council and North Devon Council.	Cabinet	19 Nov 2015	Kevin Finan, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Clive Eginton)	Open
Grants A report of the Head of Communities and Governance setting out the grants to be recommended for 2016/17	Cabinet	19 Nov 2015	Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Play Areas in Mid Devon Following a report of the	Cabinet	17 Dec 2015	Nick Sanderson, Head of Housing	Cabinet Member for the	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Head of Housing and Property Services to the Managing the Environment Policy Development Group: to receive a recommendation from the Group following the consultation process on play areas in Mid Devon.			and Property Services Tel: 01884 234960	Environment (Councillor Neal Davey)	
Allocations Policy (Band E & Devon Home Choice) Revised Report A report of the Head of Housing and Property Services giving consideration to the merits of retaining a Band E classification	Cabinet	17 Dec 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Improvements to Council Properties policy Report of the Head of Housing and Property Services reviewing the existing policy.	Cabinet	17 Dec 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Supply and Demand Policy Report of the Head of	Cabinet	17 Dec 2015	Nick Sanderson, Head of Housing	Cabinet Member for Housing	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Housing and Property Services regarding the availability of stock and the Council's ability to meet the housing needs and aspirations of the housing applicants.			and Property Services Tel: 01884 234960	(Councillor Ray Stanley)	
Corporate Asbestos Policy A report of the Head of Housing and Property Services providing a review of the existing policy with recommendations for any necessary changes	Cabinet	17 Dec 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Void Policy To receive a report of the Head of Housing and Property Services outlining this revised policy.	Cabinet	17 Dec 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Council Tax Reduction Scheme Report of the Head of Finance requesting the Cabinet to consider the Council Tax Reduction Scheme for 2016/17	Cabinet	17 Dec 2015	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Private Sector Housing Renewal Policy Report of the Head of Housing and Property Services undertaking a review of the policy.	Cabinet	17 Dec 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Tax Base Calculation Report of the Head of Finance detailing the statutory calculations necessary to determine the tax base for the Council Tax	Cabinet	14 Jan 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Annual Monitoring Report Report of the Head of planning and Regeneration presenting the authority's Monitoring Report for the period 1 April 2014 to 31 March 2015	Cabinet	14 Jan 2016	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Budget Report of the Head of Finance proposing the budget for 2016/17 for consideration by Council	Cabinet	11 Feb 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Capital Programme Report of the Head of Finance seeking approval for the 2016/17 Capital Programme	Cabinet	11 Feb 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Policy Framework Report of the Chief Executive requesting that the policy framework be endorsed.	Cabinet	11 Feb 2016	Kevin Finan, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Clive Eginton)	Open
Establishment Report of the Head of HR and Development outlining the overall structure of the Council showing the management and deployment of officers	Cabinet	11 Feb 2016	Jill May, Head of HR and Development Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Treasury Management Strategy and Annual Investment Strategy Report of the Head of Finance outlining the proposed strategy for 2016/17	Cabinet	11 Feb 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
National Non Domestic Rates Report of the Head of	Cabinet	11 Feb 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Finance providing an update of the income generation and financial implications of the number of business rate properties in Mid Devon and requesting it to approve the NNDR1				Hare-Scott)	
Asset Management and Capital Strategy Plan (Corporate) A report of the Head of Housing and Property Services reviewing the existing policy and providing an update on recent acquisitions / disposals	Cabinet	10 Mar 2016	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Gas Service Contract Report of the Head of Housing and Property Services regarding the awarding of the tender for maintenance, servicing and responsive repairs.	Cabinet	10 Mar 2016	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Fully exempt
Revised Housing Strategy A report of the Housing Services Manager reviewing the existing strategy	Cabinet	10 Mar 2016	Clare Fry, Housing Services Manager Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)

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