

# Public Document Pack

Mid Devon District Council

## Managing the Environment Policy Development Group

Tuesday, 17 May 2016 at 2.00 pm  
Exe Room, Phoenix House, Phoenix Lane, Tiverton EX16 6PP

Next ordinary meeting  
Tuesday, 12 July 2016 at 2.00 pm

Those attending are advised that this meeting will be recorded

## Membership

### 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      **Election of Chairman**  
To elect a Chairman for the municipal year 2016/17.
- 2      **Election of Vice Chairman**  
To elect a Vice Chairman for the municipal year 2016/17
- 3      **Apologies and substitute Members**  
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 4      **Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
Note: A maximum of 30 minutes is allowed for this item.
- 5      **Minutes of the Previous Meeting** (*Pages 5 - 10*)  
To approve as a correct record the minutes of the last meeting.

- 6       **Chairman's Announcements**  
To receive any announcements that the Chairman may wish to make.
- 7       **Performance and Risk** (*Pages 11 - 14*)  
To receive a report from the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for 2015-16 as well as providing an update on the key business risks.
- 8       **Review of Grass Cutting** (*Pages 15 - 20*)  
To receive a report from the Head of Housing and Property services setting out the Council's arrangements for 2016/17 in providing the grass cutting service on Devon County Council's highway verges.
- 9       **National Assisted Burials** (*Pages 21 - 38*)  
To receive a report from the Head of Housing and Property Services informing members of the Council's proposed procedure when dealing with a National Assistance burials.
- 10      **Tree Policy** (*Pages 39 - 48*)  
To receive a report from the Head of Housing and Property Services informing members of the changes made to the current Tree Policy following a recent scheduled review.
- 11      **Depot Move** (*Pages 49 - 52*)  
To receive an update from the Head of Finance on the current position and progress on the re-location of the Waste Services operation.
- 12      **Start time of Meetings**  
To agree the start time of meetings for the remainder of the Municipal Year.
- 13      **Identification of Items for the Next Meeting**  
Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

Gypsies and Travellers  
High Hedge Policy  
Financial Monitoring  
Performance and Risk

**Stephen Walford**  
Chief Executive  
Monday, 9 May 2016

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 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 Julia Stuckley on:

Tel: 01884 234209

E-Mail: [jstuckey@middevon.gov.uk](mailto:jstuckey@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 MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP held on 8 March 2016 at 2.00 pm

#### Present

#### Councillors

R F Radford (Chairman)  
D R Coren, R Evans, Mrs E J Slade,  
J D Squire, R Wright and Mrs A R Berry

#### Apologies

#### Councillor(s)

Mrs C P Daw and Mrs N Woollatt

#### Also Present

#### Councillor(s)

Mrs C Collis and N V Davey

#### Also Present

#### Officer(s):

Andrew Jarrett (Head of Finance), Andrew Busby (Property Services Manager), Adrian Cook (Open Spaces Manager), Richard Keith Hill (Environmental Protection Officer), Catherine Yandle (Internal Audit Team Leader), Suzanne Kingdom (Auditor), Stuart Noyce (Waste and Transport Manager) and Julia Stuckey (Member Services Officer)

## 58 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs C Daw and Cllr Mrs N Woollatt.

## 59 PUBLIC QUESTION TIME

Mr M Lucas, referring to item 6 on the agenda, Waste and Recycling Update, asked if negotiations with Devon County Council (DCC), regarding the sharing of savings had progressed. Mr Lucas asked if DCC had come forward with any proposals to help fund the new scheme by sharing the savings made to landfill costs.

Mr Lucas also asked what publicity was planned to let the residents of Mid Devon know that this authority was leading the way within the County. He stated that the public needed to be aware of how much work and effort had been put into this over the years.

The Chairman indicated that these questions would be answered at the agenda item.

## 60 MINUTES OF THE LAST MEETING

The Minutes of the last meeting were approved as a true record.

## 61 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

62 **MOTION 524 (COUNCILLOR MRS C COLLIS 17 FEBRUARY 2016)**

At Council on 24 February 2016 the following Motion was referred to the Managing the Environment Policy Development Group for its consideration.

Motion 524 (Councillor Mrs C Collis 17 February 2016)

*That the Council supports the removal and cessation of the use of all polystyrene cups and all food containers from all council offices and associated premises.*

*The use of such containers continues to place non-biodegradable waste into landfill sites that will take hundreds of years to degrade and continues to threaten wildlife when digested.*

*Any and all such containers if used as disposable drinks or food containers should be fully certified as biodegradable or easily recycled within normal recycling parameters.*

Councillor Mrs Collis explained that she proposed that this authority cease the use of polystyrene cups and packaging from its offices and associated premises in order to reduce landfill, to benefit welfare and future generations.

Discussion took place regarding:

- The need to allow operators to use up any stock of cups or containers they had;
- The benefits of reuse rather than recycling;
- The need to publicise the problems associated with the use of polystyrene and encourage other local businesses to take the same action;
- Other containers that could be made available and were recyclable.

It was **RECOMMENDED** to Council that this authority support the removal and cessation of the use of all polystyrene cups and all food containers from all council offices and associated premises.

(Proposed by Cllr R Evans and seconded by Cllr Mrs E Slade)

63 **UPDATE ON NEW COLLECTION SCHEME FOR THE WASTE AND RECYCLING SERVICE (00:17:16)**

The Group had before it and **NOTED** a report \* from the Waste and Transport Manager.

The Officer outlined the contents of the report, which provided details of the roll out of containers for recycling and the delivery of food waste caddies. Performance data was included in the report which showed positive results.

He further explained that progress had been made regarding 'savings sharing' with Devon County Council (DCC) and that a working group had been set up to look at the mechanism of how the scheme would work. The officer considered it likely that

the savings generated by diverting waste from landfill would be shared for a 10 year period.

Press releases had been issued to the local press regarding the increase in recycling performance but had not yet been published. The information would be posted on the website, social media and in Mid Devon Talk.

Discussion took place regarding:

- Litter that was left after collections had taken place and the fact that staff were expected to pick up what they could;
- Recycling boxes could be stacked so should not require lids;
- Haulage costs for food waste and a new contract from 2017 when DCC would take on the cost of this;
- Clarification was given that cardboard would be collected if it was presented next to recycling containers;
- There was no limit to the number of recycling boxes that could be put out for collection.

The Group recorded their thanks to the officers involved with the roll out of the scheme, which had been implemented successfully.

Note: - \* Report previously circulated and attached to Minutes.

#### 64 **FINANCIAL MONITORING (00:38:00)**

The Group had before it and **NOTED** a report \* from the Head of Finance providing information regarding income and expenditure so far for the 2015/16 financial year.

The Officer outlined the contents of the report and explained that there was an underspend of £740k due to the delay in ordering new recycling vehicles. This was so that information such as tonnages and routes could be collated to ensure that suitable vehicles were purchased. The car parking budget showed a £127k underspend due to vends being up on budget and Waste showed an overspend of £65k due to the reduction in the value of recylates.

The Officer confirmed that over 6300 households had joined the garden waste collection scheme and a flyer was being sent out with Council Tax bills as further promotion.

Note: - \* Report previously circulated and attached to Minutes.

#### 65 **PERFORMANCE AND RISK (00:43:50)**

The Group had before it and **NOTED** a report \* from the Head of Communities and Governance providing Members with an update on performance against the Corporate Plan and local service targets for 2015-16 as well as providing an update on the key business risks.

Discussion regarding this item had already taken place under agenda item 6.

Note: - \* Report previously circulated and attached to Minutes.

**66 CREDITON LORDS MEADOW LINK ROAD AND AIR QUALITY (00:45:02)**

The Group had before it and **NOTED** a report \* from the Public Health and Professional Services Manager regarding changes to air quality in Exeter Road, Crediton (within the Crediton Air Quality Management Area) since the opening of the Lords Meadow Link Road.

The Environmental Protection Officer outlined the contents of the report, explaining that there was now 12 months data available and that results were very positive. Traffic figures from Devon County Council (DCC) showed that usage of the road was around 5000 vehicles a day with 10% of that being HGV traffic.

Discussion took place regarding:

- The recent road closure in the town centre which had encouraged new habits for drivers who were now using alternative routes;
- School bus traffic;
- Air quality had improved throughout the district.

Note: - \* Report previously circulated and attached to Minutes.

**67 CLIMATE STRATEGY AND ACTION PLAN (00:00:55)**

The Group had before it a report \* from the Head of Housing and Property Services providing Members with the updated Climate Change Strategy and Action Plan for consideration.

The Property Services Manager explained that the Strategy and Action Plan was a compilation and summary of existing relevant documents and actions across the Council as well as a statement on central government policy and guidance.

The Officer highlighted the following areas which had been achieved since the adoption of the strategy:

- Increase in the recycling rate – the rate was increasing and had exceeded 50%
- Reducing Carbon Footprint of our offices and leisure centres – the arrangement the Council had with Anesco Energy Services (South) Ltd was realising energy savings in these buildings and that project was being built on when opportunity allowed during planned maintenance and replacement. The investment with solar PV on these buildings was also reaping rewards.



- Adopt a Low Emissions Strategy – this was rolled on from the previous Corporate Plan and remained an action although low emissions improvements were being driven by Local Plan policy and the ECO Stars initiative.
- Replacement of fleet with more eco-friendly vehicles - fleet replacement was ongoing as appropriate and current recycling vehicles met Euro 6.
- Prepare action plan for maintenance of open space – this remained an action to be completed.
- Reducing Fuel Poverty on Council Housing Stock – investment was ongoing and in addition to the extensive Solar PV installations included replacement boilers, controls and insulation, air-source heat pumps, solar thermal, trials of air to air heat pumps and consideration of other and emerging technology. Efforts were also being concentrated to provide a main gas supply to all Housing Stock as the preferred source of energy.
- Private Sector Housing was actively supporting that sector when able to do so. Actions included giving advice directly or via partners, enabling improvements via the former Green Deal and any replacement funding opportunity that became available.
- A Green Infrastructure Assessment had been completed and formed part of the local plan evidence (it is not a specific plan or policy as originally intended).
- The Eco Stars initiative in addition to the refuse vehicles and taxi operators had many local to national outside vehicle operators who used the roads in Mid Devon signed up to operating vehicles with lower emissions.
- Mid Devon actively participated with the Low Emissions Partnership network to deliver improved air quality.

Discussion took place regarding recycled materials such as aggregates and what influence the authority had to insist that developers used recycled material and installed energy saving devices such as solar panels and insulation.

It was **AGREED** that the Head of Planning and Regeneration be asked to provide information regarding this.

It was **RECOMMENDED** that the Cabinet approve the updated Climate Strategy and Action Plan.

(Proposed by Cllr D R Coren and seconded by Cllr R Evans)

Note: - \* Report previously circulated and attached to Minutes.

## 68 **PLAY AREA RISK ASSESSMENT AND SAFETY INSPECTION REVIEW (01:12:00)**

The Group had before it a report \* from the Head of Housing and Property Services updating Members regarding the way in which the Council manages its play area risk assessments and safety inspections.

The Open Spaces Manager explained that there were now fewer play areas for the authority to monitor, reducing from 105 when the policy was last reviewed to the current figure of 85. This was due to the programme for closure and the passing of some play areas to other councils. There was also a reduction in the number of pieces of equipment within play areas due to the process of managed decline, but even when there was no equipment the area still needed inspecting for safety. It was anticipated that some of the parish councils that were taking on play areas would use this authority to undertake safety inspections on their behalf.

The officer explained that the authority had a legal requirement to keep children safe from harm and to carry out risk assessments. He also outlined the benefits of using electronic hand held equipment to log inspections, rather than paper records.

It was **RECOMMENDED** that:

1. Cabinet note that the current risk assessments and safety inspections are considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment forms as stated in 4.1.
2. Cabinet note that digital transformation of the current inspection method would make the task more efficient, as detailed in 4.2. and that an evaluation of this process would be undertaken by officers.

(Proposed by Cllr Mrs E J Slade and seconded by Cllr Mrs A R Berry)

Note: Report previously circulated and attached to Minutes.

## 69 CHAIRMANS ANNUAL REPORT

The Group had before it and **NOTED** a draft report \* by the Chairman on the work of the Group since May 2015, a final copy of this report would be submitted to Council on 27 April 2016.

Note: - Report previously circulated and attached to Minutes.

## 70 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Update from Health and Safety visit  
Tree Policy  
High Hedges Policy  
Review of Grass Cutting

(The meeting ended at 3.35 pm)

**CHAIRMAN**

**MANAGING THE ENVIRONMENT PDG**  
**17 MAY 2016:**

**AGENDA ITEM:**

## **PERFORMANCE AND RISK REPORT FOR THE FINAL QUARTER OF 2015-16**

**Cabinet Member** Cllr Neal Davey  
**Responsible Officer** Head of Communities & Governance, Amy Tregellas

**Reason for Report:** To provide Members with an update on performance against the corporate plan and local service targets for 2015-16 as well as providing an update on the key business risks.

**RECOMMENDATION(S):** That the PDG reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern to the Cabinet.

**Relationship to Corporate Plan:** Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

**Financial Implications:** None identified

**Legal Implications:** None

**Risk Assessment:** If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

### **1.0 Introduction**

- 1.1 Appendix 1 provides Members with details of performance against the Corporate Plan and local service targets for the 2015-16 financial year.
- 1.2 Appendix 2 shows the section of the Corporate Risk Register which relates to the Managing the Environment Portfolio. See 3.0 below.
- 1.3 Both appendices are produced from SPAR, the corporate Service Performance and Risk Management system.

### **2.0 Performance**

- 2.1 The chargeable **garden waste** scheme ended the year well above target; so far 7,021 bin permits have been sold.
- 2.2 Most of the PIs are above target with only 3 showing below target: To reduce the **carbon footprint** of our offices and public buildings by 2% pre adjustment; this is not necessarily due to poor energy management, more detail has been added as a note to Appendix A.

2.3 The other PIs below target were the **missed collections (recycling)** and Household waste **reused, recycled and composted %**. For all of these the performance in Q4 was an improvement on Q3 as the impact of the introduction of new scheme and inevitable teething problems had been overcome.

2.4 When benchmarking information is available it is included.

### **3.0 Risk**

3.1 The Waste and Transport Manager is in the process of reviewing all the risk assessments for his entire area of responsibility. Operational risk assessments are job specific and flow through to safe systems of work. These are almost complete but have not yet been added to SPAR for reporting purposes, it is anticipated that these will be added imminently and reported from quarter 1 2016/17. So there is no Appendix 2 this time.

### **4.0 Conclusion and Recommendation**

4.1 That the PDG reviews the performance indicators and risks for 2015-16 that are outlined in this report and feeds back any areas of concern to the Cabinet.

**Contact for more Information:** Amy Tregellas, Head of Communities & Governance ext 4246

**Circulation of the Report:** Management Team and Cabinet Member

## MTE PDG Performance Report - Appendix 1

Quarterly report for 2015-2016

No headings

For Environment - Cllr Neal Davey Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

**Key to Performance Status:**

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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### MTE PDG Performance Report - Appendix 1

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Well below target	<b><u>Reduce the carbon footprint of our offices and public buildings by 2% pre adjustment</u></b>	+28.2	+2.0	+2.0	n/a	n/a	n/a	-0.5
<p><b><u>Management Notes:</u></b> (2015 - 2016)</p> <p>Increases in the leisure properties do not necessarily mean this is a negative indication of poor energy management ie more people coming through the door using more electricity/gas. Also, this can be further explained in the annual EEVS (independent energy report). Electricity isnt degree day corrected.</p> <p>(SK)</p>								
Well above target	<b><u>Reduce the carbon footprint of our offices and public buildings by 0.5% post adjustment</u></b>	21.7%	0.5%	0.5%	n/a	n/a	n/a	3.4%
<p><b><u>Management Notes:</u></b> (2015 - 2016)</p> <p>Last years reduction was following the installation of the energy saving project and high investment therefore, 2015/16 is showing at a much lower % reduction.</p> <p>(SK)</p>								
No Target	<b><u>Number of Fixed Penalty Notices (FPNs) Issued (Environment)</u></b>	16	No target - for information only.	No target - for information only.	2	8	16	21
<p><b><u>Management Notes:</u></b></p>								
Above target	<b><u>Residual household waste per head (measured in Kilograms)</u></b>	462.6	455.00	455.00	117.44	225.63	329.42	426.82
<p><b><u>Management Notes:</u></b> (Quarter 1 - 4)</p> <p>The large diversion of waste (nearly 10%) from residual collections to recycling and a reduction in overall total tonnage of waste collected is very encouraging and will relate to the new recycling scheme introduced. Figures yet to be verified by DCC</p> <p>(SK)</p>								
Below target	<b><u>% of Household Waste Reuse, Recycled and Composted</u></b>	48.2%	52.0%	52.0%	50.2%	52.2%	50.9%	50.6%
<p><b><u>Management Notes:</u></b> (Quarter 4)</p> <p>The recycling rate has increased in all quarters compared to the same quarters in the previous year. The recycling rate in the second half of the year rose by between 4% and 5% following the launch of the new scheme. Figures yet to be verified by DCC</p> <p>(SK)</p>								
Well	<b><u>Number of Households</u></b>	n/a	15%	15%	0%	0%	18%	20%

## MTE PDG Performance Report - Appendix 1

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
above target	<u>on Chargeable Garden Waste</u>							
<b>Management Notes:</b> (Quarter 4)  There were 7,021 customers at the end of the financial year which is above the target set. Numbers continue to grow in April and move toward the final target of 10,000.  (SK)								
Well above target	<u>% of missed collections reported per Quarter (refuse and organic waste)</u>	0.10%	0.03%	0.03%	0.02%	0.02%	0.02%	0.02%
<b>Management Notes:</b>								
Well below target	<u>% of Missed Collections logged per Quarter (recycling)</u>	0.13%	0.03%	0.03%	0.05%	0.08%	0.13%	0.12%
<b>Management Notes:</b> (Quarter 4) Missed collections were up in the year due to two round reschedules for both phases of the roll out of the new scheme. The second phase of roll out in Q3 involved changing collections cycles and rounds to match refuse rounds. Perm staff were used for deliveries and agency staff used on rounds leading to reduced route knowledge. Missed collections began to reduce again in Q4 and were down to 66 (0.04%) in March as rounds became established and route knowledge grew. (SK)								
Well above target	<u>Number of Missed Collections reported per Quarter (refuse and organic waste)</u>	1,797	540	540	99	203	354	472
<b>Management Notes:</b>								
Well below target	<u>Number of Missed Collections reported per Quarter (Recycling)</u>	1,162	270	270	126	380	895	1,294
<b>Management Notes:</b> (Quarter 4) Missed collections were up in the year due to two round reschedules for both phases of the roll out of the new scheme. The second phase of roll out in Q3 involved changing collections cycles and rounds to match refuse rounds. Perm staff were used for deliveries and agency staff used on rounds leading to reduced route knowledge. Missed collections began to reduce again in Q4 and were down to 66 (0.04%) in March as rounds became established and route knowledge grew. (SK)								

**MANAGING THE ENVIRONMENT PDG**  
17 May 2016

**AGENDA ITEM:**

## **Consultation with Town and Parishes on the grass verge cutting agreement with Devon County Council**

**Cabinet Member:** Cllr Neal Davey

**Responsible Officer:** Head of Housing and Property Services, Nick Sanderson

**Reason for Report:** To set out the Council's arrangements for 2016/17 in providing the grass cutting service on Devon County Council's highway verges.

### **RECOMMENDATION(S):**

- 1) To note the changes with the provision of cutting highway verges for Devon County Council following the consultation with Town and Parish Councils.
- 2) To reduce the grass cutting team by one full time equivalent as detailed in 4.5.

**Relationship to Corporate Plan:** Environment – Priority 4

**Financial Implications:** The revised 2016/17 income from Devon County Council was set at £15,310 per annum. The budget was set prior to the final results of the consultation.

**Legal Implications:** The Council will be signing an Urban Highway Grass Cutting Agreement with Devon County Council for one year that will be legally binding and was sent with the original report dated 24<sup>th</sup> November 2015.

**Risk Assessment:** Devon County Council will inform Mid Devon District Council of any changes with the areas of grass verges in each Town and Parish that are to be cut in line with the Tough Choices specification. This will reduce the risk of a highway traffic accident being attributed to the length of grass and poor visibility, failure to ensure that this in place would make Mid Devon District Council responsible for making the decision. Site specific risk assessments and safe systems of work will be updated to reflect any changes.

## **1.0 Introduction**

1.1 Mid Devon District Council (MDDC) has provided a grass verge cutting service on behalf of Devon County Council (DCC) for over 20 years and has been receiving contributions from DCC to provide this service. The cutting of the rural and urban highway verges is a requirement of the highway authority in order to maintain a safe environment for all users of the highway. As a minimum this entails the cutting of visibility splays at junctions, on corners and also the cutting of a one metre wide swath cut along the remaining highway verges, all in accordance with Policy and the recommendations set out in 'Well Maintained Highways-Code of Practice'. The residual height of rural cutting is 100mm and urban cuts 40mm and the use of grass growth retarder is not permitted.

- 1.2 It is recognised that the appearance of our Town and Parishes is important to Mid Devon District Council and our residents, as well as to the local economy to continue to attract businesses to our District.
- 1.3 The DCC 'Tough Choices' consultation resulted in the decision to reduce the specification on cutting grass verges on land owned by DCC across our District, to maintain visibility at road junctions and to restrict the width of the grass that is cut on the roadside verges to approximately one metre from the 1st of April 2015. This decision resulted in reduced funding for grass cutting verges in the 2015/16 year and a funding gap of circa £30k. The Cabinet approved to meet the funding gap of £30k imposed by DCC from our own budget for the 2015-16 financial year. This enabled the Council to maintain current standards across the District and to allow time to consult with Town and Parish Councils.

## **2.0 Background**

- 2.1 Consultation letters were sent to all of the Town and Parishes where MDDC maintain the grass verges for DCC. The letter set out the current situation and explained the 'Tough Choices Decision' that DCC has made. The letter detailed the estimated cost to our service for cutting grass verges whilst the Grounds Maintenance team are already mobilised and in the Parish attending to our own Estate. This calculated to be £3.51 per 100 m<sup>2</sup>, based on the original area of 282,027 m<sup>2</sup>.
- 2.2 A financial analysis on the cost for grass verge cutting for each Town and Parish has been carried out to assess the total cost to the Council for the cutting of highway grass verges. The grass verges are cut whilst our grounds maintenance team are already mobilised in the Town or Parish cutting grass on our own estate. The Council does not have a dedicated grass cutting team for cutting the Devon County Council highway verges, therefore calculating the true cost to the authority is challenging.

## **3.0 Annex A**

- 3.1 Column A lists the Town and Parish Councils that will continue to have grass verges cut by MDDC, which has been put in alphabetical order.
- 3.2 Column B shows the revised area for each Town and Parish.
- 3.3 Column C details the level of contribution from each Town and Parish Council. The amount of contribution varies depending on the number of cuts per annum in each Parish, from a minimum of four cuts to a maximum of eight cuts as some parishes have resolved to increase the number of cuts per annum and have contributed additional monies to cover the increase that will result in an improved appearance for residents.
- 3.4 Column D details the breakdown of contribution from DCC.



- 3.5 Following the consultation exercise, the revised area is 108,282 m<sup>2</sup>. Prior to the consultation exercise the original area cut on behalf of DCC was 282,027m<sup>2</sup>. This is a 61% reduction on the area of highway grass verges. that we cut on behalf of DCC.
- 3.6 The total amount of income for the grass cutting of Devon County highway verges that includes contributions from Town and Parish Councils is £29k.

## Annex A

***Option 1 -Town and Parish Councils to provide funding to MDDC to continue maintaining grass verges on land owned by DCC to the current standards.***

A	B	C	D
Town/Parish Council	Revised Total Grass Verge m2	Town/ Parish Contribution	Total amount of DCC contribution
Bow	4,842	£679.82	£569
Burlescombe	4,206	£1,033.41	£443
Chawleigh	586	£123.41	£147
*Copplestone	3,707	£160.00	£252
Crediton	15,547	£3,274.20	£810
Culmstock	2,241	£556.35	£92
Hemyock	3,214	£866.41	£242
Holcombe Rogus	740	£181.82	£75
Morchard Bishop	64	£22.46	£50
Morebath	1,354	£237.63	£99
*Sampford Peverell	7,208	£1,012.00	£801
Silverton	6,759	£1,660.69	£379
Tiverton	57,814	£12,175.63	£3,268
<b>TOTAL</b>	<b>108,282</b>	<b>£21,983.83</b>	<b>£7,227</b>

***\*Sampford Peverell subject to Parish approval.***

***\*Copplestone grass cut to minimum standard.***

## **4.0 Financial Summary**

- 4.1 Based on the original area of 282,027 m<sup>2</sup> and to continue with the grass cutting standards would cost the service an estimated total of £60k per annum.
- 4.2 Prior to the DCC Tough Choices consultation for grass verge cutting and for the 2014/15 financial year, the DCC contribution was set at £50,650.
- 4.3 The 2015/16 financial year was when MDDC first received a reduction in the level of income for grass verge cutting.
- 4.4 In order to evaluate the impact on the service, applying the same number of cuts per annum as per previous years. The reduced area of 173,745 m<sup>2</sup> has an estimated monetary value of £36k.
- 4.5 To address the shortfall detailed in 4.4, it is recommended that the grass team for Estates, Highways and Parks is reduced by one full time equivalent to realise a saving of £21k. This position is currently being filled by agency staff and therefore redundancy figures are not applicable.
- 4.6 The 2016/17 income from DCC was set at £15k, this figure was set prior to the final results of the consultation that is now shown in Annex A. The amount of income from DCC has reduced by £8k, however with the Town and Parish Council contributions included (£22k) the final budget income position has increased by £13,900 to £29,210.
- 4.7 Including the increase in income of £13k and the additional £21k saving improves the budget position by £34,900.

## **5.0 Grass Cutting Teams**

- 5.1 The Grounds Maintenance service operates three grass cutting teams.
- 5.2 Sheltered Housing – x2 Grade 4 FTE (full time equivalents)  
Cost = £42k.
- 5.3 Play Areas and Town roundabouts –x 2 Grade 4 FTE  
Cost = £42k
- 5.4 Estates & Highways and Parks – x 6 Grade 4 FTE  
Cost = £126k
- 5.5 Total number of grass cutters – 10 FTE
- 5.6 All grass teams come together once every two weeks to cut the two cemeteries in Tiverton and Crediton.

5.7 Additional works team has two staff, that provide assistance for the estates & highways team to cover holidays and sick leave and also available for anything else such as grave digging, hedge maintenance and additional work requests.

## **6.0 Service Review**

6.1 A full service review on grass cutting will be carried out during 2016/17 to ensure best value for money for Mid Devon residents and to identify future income opportunities.

**Contact for more Information:** Andrew Busby, Estates Manager, 01884 234948 (abusby@middevon.gov.uk)

**Circulation of the Report:** Management Team, Cabinet member

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## **National Assistance Burial Procedure**

**Cabinet Member** Cllr Neal Davey  
**Responsible Officer** Nick Sanderson, Head of Housing and Property Services

**Reason for Report:** To inform members of the Council's proposed procedure when dealing with a National Assistance burials.

**RECOMMENDATION(S):** That the Cabinet approves the National Assistance Burial Procedure attached at annex A.

**Relationship to Corporate Plan:** This is a statutory service.

**Financial Implications:** It is essential that the National Assistance Funerals carried out by the District Council are cost effective; there is currently an increase in the demand for this statutory duty.

**Legal Implications:** The Council has a statutory duty to carry out National Assistance Burials under The Public Health (Control of Disease Act 1984 Section 46) and the National Assistance Act 1948 Section 50

**Risk Assessment:** If there is no National Assistance Burials procedure or if the procedure is not followed a funeral may take place without the knowledge of relatives.

### **1.0 Introduction**

- 1.1 National Assistance Burials have been arranged efficiently by the Bereavement Services section over a number of years without a written procedure, with the increase of requests for funerals and with consideration of budgetary restrictions it is considered prudent to formalise the current procedure. See Annex A.
- 1.2 National Assistance Burials are sometimes referred to as "Paupers" Funerals: Mid Devon may be informed by the Exeter Coroner's Office, a Nursing Home, Housing Association' a relative or a friend, when a resident of the district has died and there is no one prepared or able to make arrangements for the deceased funeral.
- 1.3 The number of National Assistance burials carried out by Mid Devon has steadily increased over the past decade; there have been 17 since 2006.
- 1.4 Mid Devon have a statutory duty to 'cause to be buried or cremated the body of any person who has died or been found dead within the district where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority'.

## 2.0 Funeral Arrangements

- 2.1 All National Assistance funerals arranged by Mid Devon shall be an interment in either Crediton or Tiverton Cemetery, unless specific instructions have been left by the deceased.
- 2.2 Burial plots within these cemeteries are double depth and has the capacity for two coffins, this will result in unrelated persons being buried in the same grave.
- 2.3 A will may state the preference to be buried in a family plot, this should be complied with as long as the difference in cost can be paid by a relative or there are sufficient funds in the deceased's bank account.

## 3.0 Funeral Director

- 3.1 The current funeral director employed by Mid Devon is Le Roy Funerals who have offices in Exeter and Crediton; Le Roy Funerals won the contract in open competition between all the undertakers on the council's approved contractors list.

## 4.0 Genealogy Searches

- 4.1 In advance of arranging a National Assistance Burial a genealogical search shall always be carried out, this ensures that any next of kin are aware of their relatives' death and that they are offered the opportunity to make the necessary funeral arrangements.

**Contact for more Information:** A Cook, Open Spaces and Bereavement Services  
Tel: 01884 234339, [acook@middevon.gov.uk](mailto:acook@middevon.gov.uk)

**Circulation of the Report:** Cllr Neal Davey, Management Team

Annex A



# **National Assistance Burials Procedure**

**The Public Health (Control of Disease)  
Act 1984 Section 46**

**National Assistance Act 1948 Section 50**

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## **1. Introduction**

- 1.1 Mid Devon District Council (MDDC) has a duty to bury or cremate the body of any person who has died or been found dead in its area where it appears that no suitable arrangements for the disposal of the body are being made – **Public Health (Control of Disease) Act 1984 s.46**
- 1.2 MDDC can recover the cost of burial or cremation from the estate of the deceased person – **National Assistance Act 1948 s.50**

## **2. How we are contacted**

- 2.1 We may be informed of a death by:
  - The Coroners Office
  - Nursing Home or Social Services
  - Housing Association
  - Relative or friend of deceased
  - Police
  - Undertaker

## **3. Who is responsible?**

Firstly, you need to decide if MDDC is responsible for arranging the funeral and the following options should be explored:

- 3.1 If the death occurred in hospital it is the Health Authorities responsibility to arrange a funeral. This will usually occur at RD&E and contact should be made with Sue Wood (Bereavement Officer) Tel: 01392 402349 Email: susan.wood13@nhs.net
- 3.2 If the death occurred in a Devon County Council residential home, we can ask the manager of the home if they would like to take on the responsibility of arranging the funeral if the deceased had any funds. If the deceased had no family, DCC may have been looking after the deceased's financial affairs and had Court of Protection rights and although these rights cease upon death, they may still feel morally responsible for arranging the funeral. If the deceased had no funds, then it is very likely that DCC will refer any funeral responsibilities to MDDC to deal with.

**Note** – Neither RD&E or Devon County Council have a legal duty to deal with the funeral arrangements in the instance where no suitable arrangements are being made. There has always been a **general**

**understanding** that the Health Authority will take on the responsibility if someone has died whilst in their care and RD&E will usually honour this.

If either organisation refuses to deal with the arrangements, the duty would fall to the local authority where the death occurred (Exeter City Council if resident died in RD&E)

- 3.3 If death occurred outside MDDC district then we have no responsibility and we do not need to carry out funeral arrangements.
- 3.4 A close relative and in certain circumstances a close friend can apply for a Funeral Payment from the Social Fund (part of the Department for Work & Pensions) if they are claiming certain benefits. Details of how they can apply are listed below:
- Visit the Social Fund's website and obtain their guidance pack and form at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300448/sf200\\_print.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300448/sf200_print.pdf)
  - Contact the Social Fund 'Bereavement Line' on 0845 606 0265 and they will take details of the case over the phone.
  - Call into the local Job Centre Plus office and complete a form with a member of staff

There is also a Council guidance note on National Assistance Burials which can be sent out to relative / friend etc and includes how a relative can get financial help from the Department for Work and Pensions.

- 3.5 If a wife, husband or civil partner has died and paid National Insurance Contributions they may be eligible for a one-off, tax-free, lump-sum Bereavement Payment of £2,000. Applicants can contact the Bereavement Service (part of DWP) on 0345 606 0265
- 3.6 If a next of kin / relative or friend is located who wishes to take responsibility for the funeral this is welcomed. In the instance where the deceased has sufficient funds in their bank account to cover any funeral costs, the family member or friend should make contact with the deceased's bank and ask if they can release funds or pay the funeral director directly.

**Note** - Has the relative spoken to all family and friends regarding a combined approach to pay for the funeral?

- 3.7 All of the above options need to be discussed thoroughly with the relative or friend before we decide to arrange the funeral. There is no provision of part payment of expenses or donations – someone must take FULL responsibility. If they pass the responsibility onto the Council we will take full control of the arrangement and the relative will need to complete a '**Next of Kin' declaration form** which confirms that there are no other family members willing to deal with the funeral. We will also require an up to date copy of the deceased's bank statement from the relative.

#### **4. Details of deceased**

- 4.1 If no one has accepted responsibility at this stage, more details will need to be obtained and the 'Particulars of Deceased' form should be completed.
- 4.2 Coroner involvement – The Coroner investigates all unexpected, accidental and/or suspicious deaths. She is assisted in this by officers from officers from Devon & Cornwall Police as well as local pathologists. Her Majesty's Coroner for Exeter & Greater Devon District which includes North, West, East and Mid Devon is:

Dr Elizabeth A Earland  
H.M. Coroner  
County Hall  
Topsham Road  
Exeter  
EX2 4QD

If the Coroners Office is involved, they will have already made some enquiries and will be able to provide 'all known information' to the local authority regarding the deceased. Main Coroner office contact number is:

01392 403062

- 4.3 Ask the informant if they know of a Will left by the deceased as this may name a person responsible for the funeral.
- 4.4 Speak with the following to try and obtain next of kin details or existence of of a Will:
- Hospital
  - Police
  - Doctor
  - Neighbours
  - Friends
  - Contact local solicitor's who may hold a Will

- 4.5 In the event where next of kin details are found ask if they would like to take on the funeral arrangements and go through Section 3 of the procedure with them. If they decline, a 'Next of Kin' declaration form will need completing by them and returning to us.

## **5. Visiting deceased property**

- 5.1 If the deceased had an abode, which may be a privately owned house, rented accommodation or council owned property, access must be obtained. Two officers must go to the last known address to try and locate any next of kin details and to ensure that the effects of the deceased are properly dealt with and accounted for. If it is a Council owned property, then a Housing Officer will be the second officer and they can also assess the clearance of the property at the same time.
- 5.2 Keys to the property may need to be collected from a landlord, friend, family member, community support officer / warden or Police. If the Police are involved, contact must be made with the Police Officer who attended the property to ascertain where the keys should be collected from and when. Also ask for details of the property log number, this will make any property easy to locate upon collection.
- 5.3 The following items are particularly useful and officers should always attempt to recover them during their search of the property:
- Will
  - Evidence of any next of kin / relatives
  - Insurance Policies
  - Pension Book or Documents
  - Savings Books
  - Bank Account details
  - Cash
  - Medical Records (medical card)
  - Birth / Marriage Certificate(s)
  - Any wishes regarding a burial or cremation
  - Utility Bills if the property is owned by MDDC – The Estate Management officer who attends the search will make contact with all utility companies and advise them of the tenants death
- 5.4 Take photos of each room of the property before and after the search to confirm the condition of the property.
- 5.5 Any cash, small valuables or personal paperwork should be removed and recorded on the 'Retrieval of Possessions Form'. This should be completed and signed by the case officer and countersigned by the second officer once the search has been completed. Any cash should be

paid into the Council's National Assistance Burial account via the cashiers on return to the office. A 'Payment Advice' form can be handed over to the cashier, along with the cost code for the National Assistance Burial Income account – ES1007259

**Note** – Retrieval of any cash from the deceased's property should always be fully recorded and countersigned by the second officer attending the search. On returning back to the office, ask a line manager to check the amount again and countersign the 'Retrieval of Possessions' form.

- 5.6 Any larger items of value (furniture, cars, etc) should be recorded in Officers notebook and photos taken; this should include any valuables held by family and friends for security.
- 5.7 If there is any perishable food or food waste at the property, place in refuse sacks and either put in food recycle bin or landfill bin. Inform Waste Management of the number of bags and the collection point and a Waste Officer will organise a special collection.
- 5.8 If the property is filthy or verminous or there are bodily fluids causing a public health issue, then this information should be passed onto the property owner immediately (landlord, Estate Management etc) and they should ensure that a pest control firm or a professional cleaning company are employed to deal with the issues. If the property was owned by the deceased, then Environmental Health will organise this work and recover the cost from the estate.

**Note** – Officers must wear appropriate PPE under these conditions which may include a paper suit, gloves, mask and shoe covers.

- 5.9 Before leaving the property, make sure all windows and doors are secure and turn off any electrical devices
- 5.10 If a Will is located the executor or the solicitor named should be notified and asked if they wish to take over the arrangements as soon as possible. Any public health issues within the property must also be raised with the executor or solicitor straight away and advice given regarding any pest control treatment or cleansing required

## **6. Moving the body**

- 6.1 The body may be at:
  - The deceased home.
  - A residential home.
  - The Mortuary at the Royal Devon and Exeter Hospital (RD&E), Exeter.
  - Already at an undertakers.

- 6.2 If the initial information suggests MDDC is likely to undertake the funeral arrangements and the body is still at the deceased property then the contracted undertaker should be contacted to remove the body (provided a doctor has confirmed death and the Coroners Office / police have not indicated otherwise).

Details of the deceased should be sent to the funeral directors contact officer in writing (by email) and authorisation given to proceed with the collection of the body and arrangement of the funeral. An order number will also need to be provided.

- 6.3 The Councils contracted Funeral Director is:

**Leroy Funeral Services**  
**298 Topsham Road, Exeter, EX2 6HG**  
**Tel: 01392 211211**

**Contact Officer: Paul Weeks (Office Manager) 01392 255535 / email:**  
**paul@leroyfunerals.co.uk**

- 6.4 If for any reason the body is taken to another undertaker then the cost of moving the body to Leroy Funeral Services will fall to MDDC.

## **7. Registering the death**

- 7.1 The death must be registered with the Registrar from the district in which the death occurred, within five days after death (14 days after Post Mortem). To make an appointment to register a death call Devon County Council Registrars on 0845 155 1002.
- 7.2 If a relative, friend or nursing home is willing to register the death ask them to do so, if not it is the local authorities' responsibility to do so.
- 7.3 If an inquest has been held, the Coroners Office will register the death and the certificate for cremation / burial will be left with the body at the mortuary. This process can take some time and the Coroner can provide the local authority with an 'Interim Death Certificate' in the meantime (acts in the same way as a certified death certificate which we would usually obtain from the Registrars).
- 7.4 If a post mortem has been carried out (but no inquest) the Coroners Office will deliver the 'Coroner Death Certificate' to the Registrar but the local authority or relative must still register the death. Again the certificate for cremation / burial will be with the body.

7.5 If there is no post mortem the death must be registered by the local authority or relative and they will need to take the death certificate signed by the doctor in the sealed envelope in which it comes. If a cremation is to take place, the Registrar will give the 'informant' the green certificate for burial or cremation.

**Note** - Details can be checked with an officer at the Coroners Office – telephone 01392 403062

7.6 To register the death the officer will need to know as much information as possible about the deceased and they should take the Doctors death certificate with them. Officers should try and obtain the following information to take with them:

- Full name and address of deceased (and maiden name if female)
- Date and Place of Death
- Date & Place of Birth
- Details of spouse (if there is one)
- Occupation at time of death (and before retiring)
- NI number – Registrars can inform DWP of the death which resolves any issues of overpayment of pension

7.7 The registrar will issue:

1. A certified copy of the registration of death
2. Form for National Insurance and Social Security purposes (otherwise known as a DB8)
3. A certificate for burial or cremation (green form) which should be passed onto the funeral director. Not needed if coroner involved.

7.8 A copy of the registration of death (Death Certificate) will only be needed if MDDC is likely to reclaim expenses against insurance policy / bank accounts etc or other estate. A copy of the Death Certificate will cost £4.00 and can be reclaimed through expenses. If there are several bank accounts then the officer may need to request 2 or 3 copies.

7.9 The registrar will provide, free of charge, a form for National Insurance and Social Security which needs to be taken or sent to Job Centre Plus to cancel any pensions / benefits etc. This will require completion and should be sent to :

**Job Centre Plus**  
Phoenix Lane  
Tiverton  
EX16 6LU



- 7.10 If a burial is to take place, one doctor certificate of death is needed. If cremation is to take place two doctors certificates are needed from separate medical practices. The second doctor can visit the funeral directors to view the body.
- 7.11 When arrangements have been made to register the death the Councils contracted funeral director (Leroy Funeral Service) can be contacted and asked to arrange the funeral.

## **8. Funeral and Funeral Director**

- 8.1 The certificate for burial or cremation (green form) should be delivered to the funeral director. If the deceased requested cremation, the officer will need to complete a '**Cremation 1**' form – '**Application for cremation of the body of a person who has died**' and a '**Instructions for the cremated remains**'.
- 8.2 Burial is the preferred option as MDDC owns two cemeteries, Tiverton and Crediton. However, if the deceased has left specific instructions regarding cremation, the Council will honour this and arrange for a cremation to take place.

**Please refer to the Funeral Directors contract regarding preferences on which crematorium or cemetery is used and under what circumstances.**

- 8.3 However there may be reasons the deceased wished to be cremated. This could be due to information contained in a Will; family or friends wishes or due to religious reasons.  
It is stated in the Public Health (Control of Disease) Act 1984 Section 46 (3) that:

*'an Authority should not cause a body to be cremated if there is any reason to believe that cremation would be contrary to the wishes of the deceased'*.

- 8.4 A Will may also state the preference of the deceased to be buried at a family grave, which should also be complied with as long as the difference in the cost can be paid by the relative or there is sufficient funds in the deceased's bank account.
- 8.5 The Council will pay for a simple but dignified funeral arranged by Leroy Funeral Service and this will include:
- Supply a coffin appropriate for burial or cremation, suitably fitted with handles, plate of inscription, internal lining and gown

- Removal of the deceased to the Chapel of Rest and care of the deceased until day of funeral
- Provision of Hearse and attendant staff
- Arranging and conducting the Funeral

**Note** - The Council shall not pay for a minister of religion or a religious representative of the faith of the deceased. Relatives or friends of the deceased can appoint and pay for a minister if they wish.

Cremations shall be held at Exeter and Devon Crematorium and shall be a "Non- Attendance Committal". Relatives and friends who wish to have use of the chapel before the committal can do so if they fund the additional cost.

Families and friends attending a burial at one of the Council's cemeteries at Crediton or Tiverton shall be given the option of using the cemetery chapel for half an hour before the burial, at no cost.

The Council has no legal duty to inform relatives of the arrangements but we would be open to criticism after a 'normal' investigation if we did not inform relatives and friends of the date, time and place.

- 8.6 The Funeral Director will arrange the details of the funeral and will normally act as the Council's representative at the funeral.
- 8.7 Ashes from cremation will normally be scattered in the garden of remembrance at Exeter Crematorium unless there is a relative or friend who wishes to take possession of the ashes, in which case any details of relatives or friends who wish to take control of the ashes should be clearly highlighted on the '**Instructions for the cremated remains**' form.
- 8.8 Once the funeral has been completed the Funeral Director will send us their invoice and the procedure for paying
- 8.9 The procedure for paying invoices is as follows:
1. When the invoice arrives check name and details of the deceased are correct.
  2. Check all figures and total are correct and in accordance with the Funeral Director's contract
  3. Check on deceased file that invoice has not already been paid before certifying payment.
  4. Put copy of invoice in deceased file with 'Passed for payment' and the date on the top of it.

## **9. The Estate**

- 9.1 It is the Council's responsibility to make every effort to recover its costs, which include the undertaker's bill and any administration charge for the work we have carried out. The person or organisation responsible for the arranging and paying for the funeral has first claim on the deceased's estate.
- 9.2 It is not our responsibility to arrange house clearance (unless Council owned in which case refer to the Housing team) but sale of the possessions of the deceased may help to recover funeral costs if there are little funds in the deceased's bank account.
- 9.3 Valuable items should be auctioned and officers should make sensible decisions about the cost involved in selling items against their anticipated value.
- 9.4 As the funeral expenses are the first legal charge against any estate, we will need to write to any financial institution advising them of the person's death. Enclose the original death certificate, the funeral directors invoice and receipt of payment by MDDC. Only when this first charge has been paid can anyone else claim the residue.
- 9.5 Notify all relevant MDDC departments regarding the death (Council tax etc)
- 9.6 The Council will not be responsible for cleaning or fumigating a property – unless it is decided it is needed before they can investigate the case or there are public health issues which need dealing with.
- 9.7 If any money or valuables are left over after the bills are paid then this can either be passed to the relatives (after they have signed the 'Retrieval of Possessions/Valuables by Relative or Friend' form) or to the Treasury Solicitor (see 10.2 for further details).

## **10. Treasury Solicitor**

- 10.1 If after MDDC has recovered its costs, including officer's hours, mileage, house clearance and pest control, there is still money left, this should be sent to the Treasury Solicitor. This is done by filling in form BV1A which can be found on the Bona Vacantia Division website.

**Tsol initially require only birth, marriage and death certificate DO NOT SEND ANY DOCUMENTS OR POSSESSIONS until confirmation has been obtained in writing from Tsol that they are accepting the case. They now say 90% of cases result in them finding a next of kin. The case will then be referred back to us to pass all documents etc to NOK.**

Or from the Treasury Solicitors office at: *NEW ADDRESS =*

Treasury Solicitor's Department  
Bona Vacancia Division BVD  
P O Box 70165  
LONDON WC1A 9HG  
tel. 020 7210 4700 020 7210 3104  
Email: [bvinfo@tsol.gsi.gov.uk](mailto:bvinfo@tsol.gsi.gov.uk)

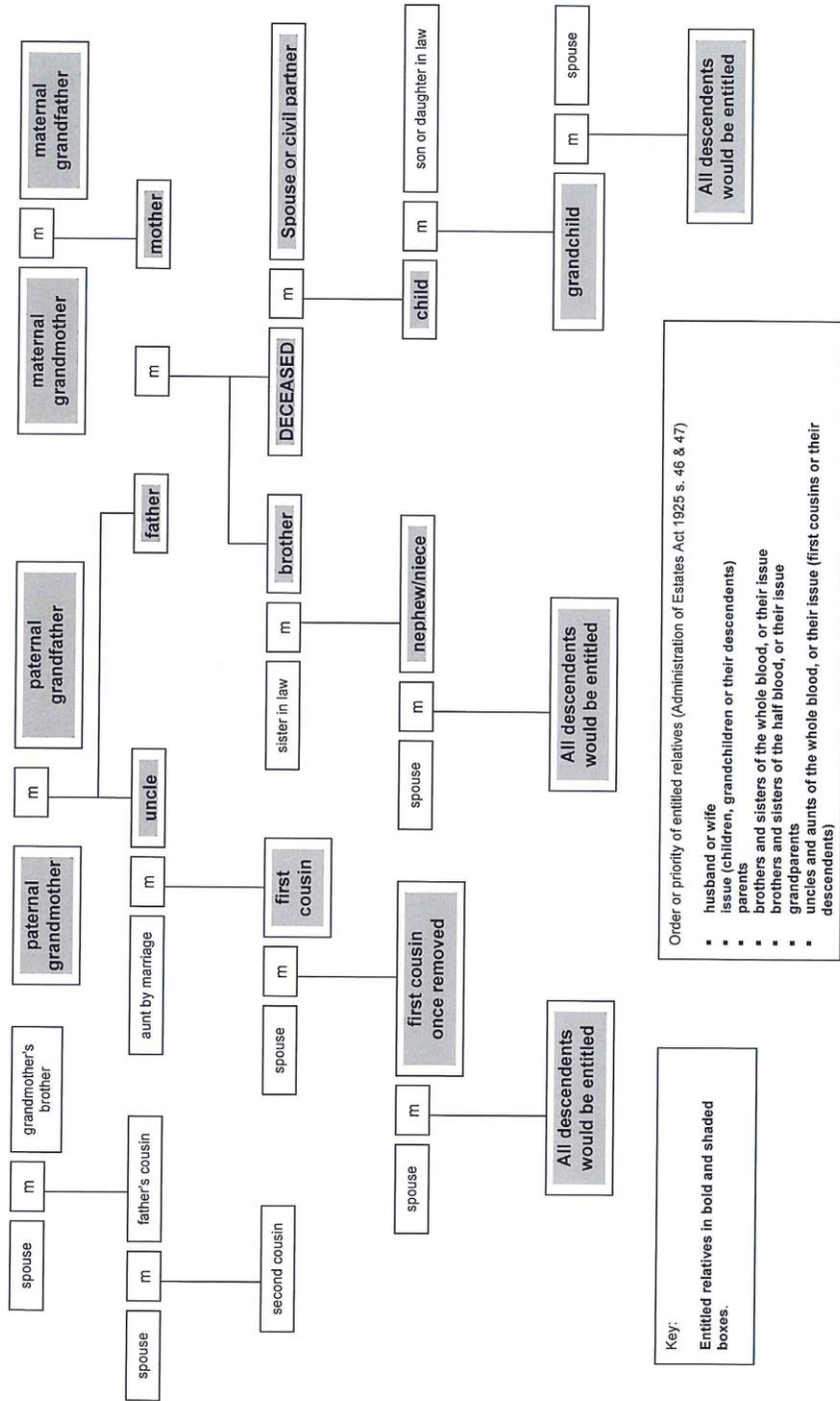
**Note: If the deceased owned a freehold or leasehold property then form BV1D should also be completed (this can also be found on the above website or the information cabinet)**

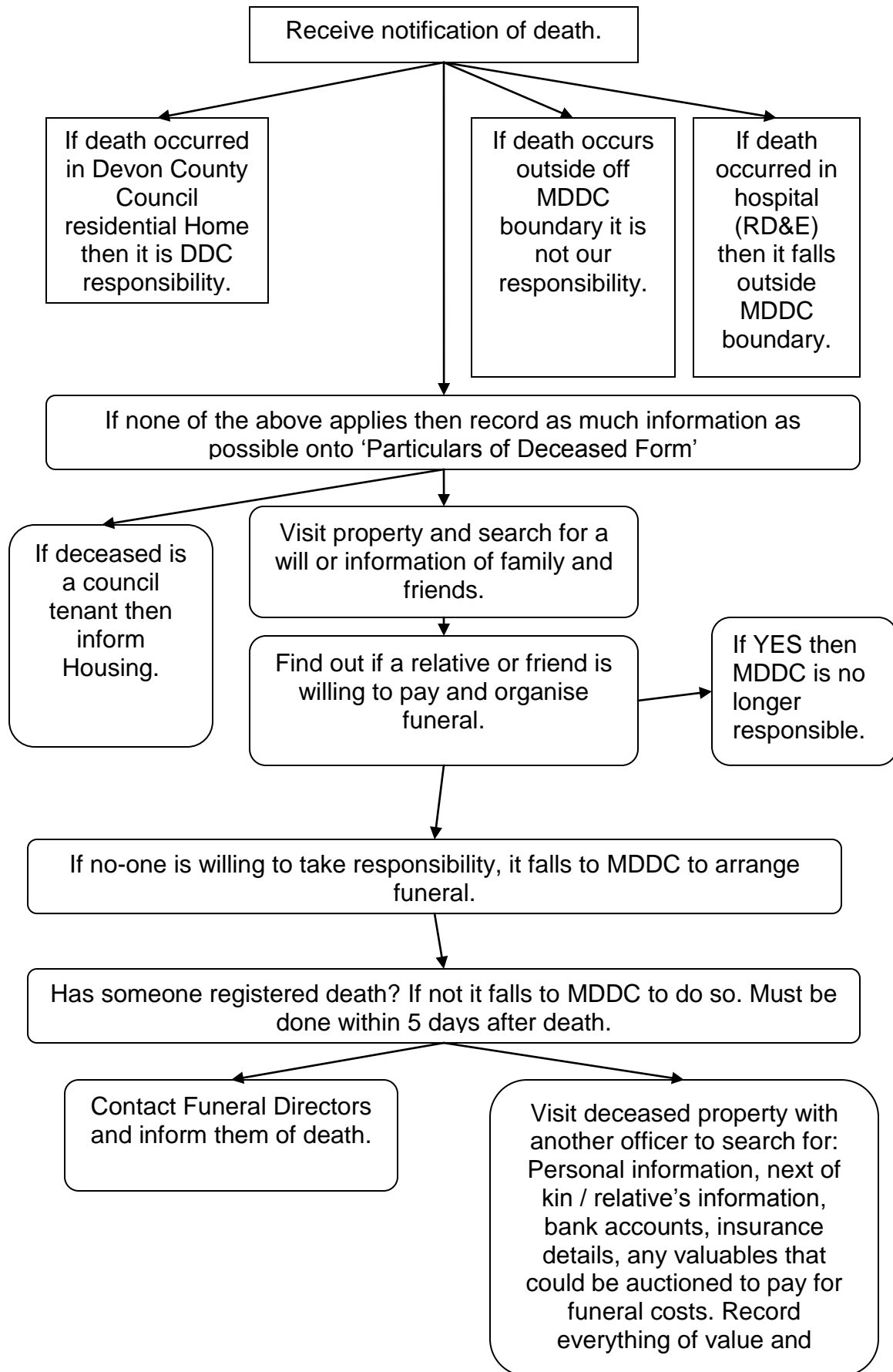
- 10.2 When an estate consists only of a net cash residue of £500 or under, the money may be retained by a blood relative (see family tree below) or the Council (if blood relative cannot be traced). When an estate consists of a cash residue of over £500 the case should be referred to the Treasury Solicitor, but only in the instance where a blood relative has not been found – **TSol can only administer the estate of someone when we have been unable to locate any next of kin.**
- 10.3 If blood relatives have been found refer to the family tree detailed below concerning order or priority of entitled relatives. Family entitled to make a claim on the deceased's estate should seek legal advice from a probate solicitor or contact the 'Probate or Inheritance Helpline' on 0845 3020 900
- 10.4 See separate guidance from The Treasury Solicitor entitled: "Guidelines for Referring Estates to the Treasury Solicitor" for a more in depth guide and procedure for sending papers and valuables to the Treasury Solicitor.

**Officers should keep comprehensive records of all events as they occur during the investigation and actions they have taken. This is important if any queries arise. We need to show that we have made reasonable checks to ascertain any next of kin and a Will.**

**The sensitivity of dealing with these issues should not be underestimated, but you also need to be firm when handling relatives/friends of deceased as we need to keep a fair and uniform approach when arranging each funeral.**

## RELATIVES ENTITLED TO SHARE IN AN INTESTATE ESTATE





**MANAGING THE ENVIRONMENT PDG**  
**17 May 2016**

**AGENDA ITEM:**

## **Review of Tree Policy**

**Cabinet Member:** Cllr Neal Davey

**Responsible Officer:** Nick Sanderson, Head of Housing and Property Services

**Reason for Report:** To inform members of the changes made to the current Tree Policy following the recent scheduled review

**RECOMMENDATION(S):** That the Cabinet adopts the revised Tree Policy attached at annex A.

**Relationship to Corporate Plan:** Managing the Environment, trees form an essential part of our landscape and it is essential they are looked after.

**Financial Implications:** There are no financial implications arising from this review.

**Legal Implications:** The Council could be prosecuted or a civil claim brought in the event of any injury arising from a falling or dangerous tree.

**Risk Assessment:** A tree policy that sets out how Mid Devon manages its tree stock is essential and ensures that the inherent risk associated with trees is managed.

### **1.0 Introduction**

- 1.1 The Community Services Committee originally adopted Mid Devon's Tree Policy in March 2006.
- 1.2 In line with council protocol after five years the Tree Policy was scheduled to be reviewed.
- 1.3 The revised policy is attached at Annex A.
- 1.4 A leaflet has been produced to reflect the Tree Policy and is available at our offices and can be found on the council's web page. This has been written in plain English and will be available to Members at the meeting.

### **2.0 Scope of Policy**

- 2.1 The policy covers only the management of District Council's trees and woodland.
- 2.2 It does not cover:
  - a) Protected trees (Tree Preservation Orders, Conservation areas and Planning Conditions) on private land.
  - b) Trees affected by development

- c) Dangerous privately owned trees
- d) Privately owned trees or woodland
- e) Trees managed by another authority or agency
- f) High Hedges

### **3.0 Changes to Previous Version**

- 3.1 There is no fundamental change to how the Council shall deal with tree issues and with its current Tree Policy.
- 3.2 The previous version of the policy was set out with a number of Conservation Objectives; the new policy has been set out with clear headings. It now states how the council shall deal with subjects such as Tree Maintenance, Tree Pruning, Tree Removal, Tree Planting and Subsidence.

**Contact for more Information:** Cathy Lynch, Tree Officer, 01884 234356, [clynch@middevon.gov.uk](mailto:clynch@middevon.gov.uk). or Nick Sanderson, Head of Housing and Property, 01884 234960, [nsanderson@middevon.gov.uk](mailto:nsanderson@middevon.gov.uk).

**Circulation of the Report:** Management Team and Councillor Neal Davey



# MID DEVON DISTRICT COUNCIL

## TREE CONSERVATION AND MAINTENANCE POLICY

For trees owned or managed by the District Council

### VISION

A healthy, diverse and expanding population of trees that enhances the environment of Mid Devon.

### Aims

The aims of the Policy are to:

- *Conserve and protect the tree resource of the District Council by establishing clear objectives and policy*
- *Provide clarity over why decisions and actions are or are not taken.*
- *Work towards a proactive management of trees not just a reactive service.*
- *Balance the risk and nuisance to persons and property against the other aims.*

### Scope

This Policy covers individual trees or groups of trees and woodland owned by Mid Devon.

It does not cover the management of privately owned trees or woodland, trees managed by another authority or agency.

High Hedges, Tree Preservation Orders, and trees within Conservation Areas are not covered by this policy as they are subject to separate legislation.

### Introduction

- 1 The District Council owns or controls a large and varied population of trees. They are scattered across a range of landholdings from parks and housing estates to road verges and village greens. These trees form a vital conservation and amenity resource and add to the visual environment that signifies Mid Devon as a predominately rural area.
- 2 This policy will guide the District Council in conserving and managing that resource and will help fulfil its Corporate Plan, namely managing the environment and delivering a well-managed council.
- 3 The Managing the Environment Policy Development Group has, as one of its responsibilities, the setting of policy for the conservation and management of trees and woodlands across all Committees and Departments.

- 4 Policy relating to development planning issues as they affect the landscape and environment is already contained within the Local Plan. This Tree Policy adds to those policies and will, it is envisaged, link with the Local Development Framework.
- 5 This Tree Policy in particular applies to District Council owned or controlled trees affected by development, but not subject to normal planning scrutiny because the development is permitted by virtue of the General (Permitted) Development Order 1994 or other exceptions.
- 6 Trees within the grounds of District Council owned housing stock will be covered by these policies. Where housing stock is to be disposed of, associations or other multiple owners they should be encouraged to adopt these policies.
- 7 Where the District Council sells or otherwise disposes of land it must ensure the trees contained therein are adequately protected against removal or poor management so that the trees may provide visual amenity now and/or in the future. This may be achieved through the use of Tree Preservation Orders.
- 8 The aims are given effect by the following objectives.

### **Tree Management**

- 1 Mid Devon has a wide range of trees ranging from newly planted to one of the oldest trees in Devon. The council manages trees in open spaces, parks, cemeteries, on housing land and on adopted land following development. The mature trees within its formal parks are an important asset to the Mid Devon landscape.
- 2 Before undertaking tree work the status of the tree(s) shall be considered to ensure the requirements of the various Planning, Forestry and Wildlife and Countryside Acts and Regulations are met. Development Control shall be provided with the required notice of works to trees within a Conservation Area and apply for works to trees protected by Tree Preservation Orders, as is considered to be best practice in accordance with guidance.
- 3 Before negotiations are started for the disposal of District Council land, the Head of Housing and Property Services should be consulted to see if a full tree survey is needed so that appropriate measures to protect trees can be considered.
- 4 A full tree survey shall be undertaken on District Council land that is to be developed to ensure sympathetic development and so that the amenity provided by the trees is preserved.
- 5 Management decisions are made in the context of the wider benefit of the trees to the general public and wildlife conservation. Tree works will be evaluated primarily in relation to the assessment of risk posed, visual amenity and environmental benefit offered.

- 6 Where the best technical solution for a tree incurs significant additional expenditure, the cost of the work shall be balanced against the tree's value assessed using the procedure of CAVAT (Capital Asset Value for Amenity Trees). If the best solution is beyond available resources the Head of Environmental services shall be consulted.
- 7 The council will continue a rolling maintenance plan to reduce avoidable risks. This will include an inspection regime, which is recorded on an electronic database. The maintenance plan will highlight issues such as:
  - a) The removal of identifiable risks.
  - b) The pruning of new and young trees to ensure a good stock.
  - c) The removal or pruning of trees where they are proven to be causing excessive problems or significantly affecting the quality of life (this will be discussed further within the policy).
- 8 Works to trees outside the programmed maintenance plan will only be undertaken when the tree is clearly identified as being a hazard or with reasonable probability will become a hazard, i.e. it is:
  - a) Unsafe
  - b) Obstructing public footpaths or roads
  - c) Proven to be damaging property
- 9 The District Council shall, wherever practicable, vigorously pursue any perpetrators of serious acts of wilful damage or destruction to its trees.

### **Woodland Management**

Mid Devon owns several small areas of woodland. In the future management plans shall be drawn up to improve them, in the mean time they will be managed for conservation, public access and safety.

### **Tree Pruning**

- 1 Trees from time to time may require pruning. Ideally trees would be planted in situations where pruning would not become necessary, however it is recognised that this has often not been the case. Pruning may become necessary if a tree is to be retained in a space that is too small, to prolong the safe life of a mature tree, to alleviate a nuisance, to remove a hazard or formative pruning (where young newly planted trees are pruned to encourage a good branch structure). A request for tree pruning will be considered on a case by case basis but as a general rule:

- 2 Permission will not normally be given to prune trees because of:
  - a) Leaf fall
  - b) Fruit fall
  - c) Bird droppings
  - d) Interference with TV signals
  - e) They block a view
  - f) They cause an acceptable level of shading
  - g) Fears that they may damage a building or surface with no evidence
  - h) Aphid infestation (Honeydew)
  - i) Because they are considered by some to be too tall
  - j) Because they overhang an adjacent property, where no damage is likely (each case is assessed individually)
  - k) They are shading solar panels
  
- 3 Permission for pruning will normally be considered or granted where the work is in the interests of the tree's future and accords with the latest version of BS3998 Tree Work Recommendations (2010) and:
  - a) Is required to prevent proven direct or indirect damage to a building
  - b) Would not adversely affect public amenity
  - c) Where it is necessary to improve the growth of adjacent better quality trees.
  - d) In cases of excessive shading where the public amenity will not be affected

### **Tree Removal**

- 1 There is a need to conserve the present tree cover but on occasion tree removal may be justified. This policy states circumstances where tree removal may be acceptable.
  
- 2 The principle reasons for tree removal may be where a tree is in a hazardous condition, is causing proven damage to a building; or its removal would benefit the long term development of adjacent, better quality trees. Cases of shading of property and garden are considered individually. Where shading is excessive and shown to affect the living conditions of those involved, consideration may be given to the removal of the tree. In the majority of cases claims of trees causing shading is not sufficient reason to have trees removed. Any request for tree removal will be considered on a case by case basis but as a general rule:

- 3 Permission will not normally be given to remove trees because of:
- a) Leaf fall
  - b) Fruit fall
  - c) Bird droppings
  - d) Interference with TV signals
  - e) They block a view
  - f) They cause an acceptable level of shading
  - g) Fears that they may damage buildings with no evidence
  - h) They are deemed to be too tall
  - i) Aphid infestation (Honeydew)
  - j) They are shading solar panels
- 4 However the council does recognise that there may be occasions where trees can cause excessive problems when in close proximity to property, which can significantly affect the quality of life. In such exceptional circumstance the council may consider removing a council owned tree. When reaching a decision the council will take into account
- a) Public amenity value
  - b) Species
  - c) Size
  - d) Age
  - e) Condition
  - f) Density of the canopy
  - g) Proximity to the building
  - h) Any proven damage
  - i) Scope for replanting with a more suitable species
- 5 Normally consideration will only be given to fell a council tree if one or more of the following apply.
- a) The tree is proven to be causing or likely to be causing damage to a building (see subsidence)
  - b) Where a council tree is in a hazardous condition and felling is the only solution.
  - c) Where a significant level of shading is caused to a home or garden and the tree is not of exceptional amenity value (An assessment will be made for each individual request)
  - d) Where the removal of the tree would be in the interests of good silvicultural or arboricultural management and would benefit the long term development of adjacent better quality trees
- 6 Where there is a requirement or duty to plant a replacement tree it shall be of suitable size and species to avoid causing future problems. On the whole replacement trees are necessary where permission has been given to fell protected trees. The council will endeavour to plant replacement trees where suitable, following removal; this may require finding a more suitable location or careful species selection.

## **Tree Planting**

- 1 The Council wishes to maintain and increase the tree cover across the district, but budget restrictions may mean that we cannot commit to replacing every council tree that is felled. Where public amenity is affected by tree removal we will endeavour to plant replacement trees.
- 2 The council follows the Right Tree – Right Place approach: the principal of which is to ensure that only trees appropriate for a site are considered and hence avoiding potential problems forever.
- 3 Planting native trees will generally be preferred especially if the intent is to encourage wildlife. Non-native specimens may be selected for park and slightly more formal area as these species are often an important feature of the landscape, particularly in town. Many of the species present in our parks are non-native. Consideration will also be given to current pest and disease problems when selecting trees.

## **Subsidence**

- 1 Subsidence is a complex interaction between the soil, building, climate and vegetation that occurs on highly **shrinkable clay soils** when the soil supporting all or part of a building dries out and consequently shrinks, resulting in part of a building moving downwards. Trees lose water from leaves through transpiration that is replenished by water taken from the soil by the roots. If the tree takes more water from the soil than is replaced by rainfall, the soil will gradually dry out. Trees have a large root system and they can dry the soil to a greater depth, critically below the level of foundations. The amount of water trees can remove from the soil can vary between different species. This policy seeks to set out the council's response to both subsidence claims against its own trees.
- 2 The opposite of subsidence is a process called 'heave' and this occurs as **shrinkable clay soil** rehydrates and begins to increase in volume exerting upward pressure. Heave can also cause damage to buildings and is just as undesirable as subsidence.
- 3 However, trees are not the only factors that can cause building movement. For example natural seasonal soil moisture changes, localised geological variations, lack of flank wall restraint, over loading of internal walls, internal alterations reducing the load bearing capacity of the original building, installation of replacement windows without proper support, loft conversions, settlement and land slip etc. can cause building movement.
- 4 While the council recognises its responsibilities for the trees it manages, it will expect any claim against its own trees to be supported by sufficient evidence to show that the tree in question on the balance of probabilities is an influencing cause in the subsidence.

- 5 Where necessary the council will obtain expert specialist advice to verify submitted evidence and where it demonstrates that the tree is an influencing cause, permission to remove the tree will not be unreasonably withheld.
- 6 Modern building standards mean that the risk to newer buildings tends to be isolated and the council will expect new buildings to be built to industry guidance and therefore should not subsidise due to trees that were in existence when the building was constructed.
- 7 Where cracking to property has occurred you should consult with your insurers to determine a probable cause.
- 8 There is no evidenced based or credible guidance as to how close trees need to be to cause damage although there is some information on the internet which the council feel can be quite misleading. Many trees and houses are able to co-exist happily in often close proximity.
- 9 The council will not normally subject its trees to a regular cycle of heavy pruning to deal with suspected subsidence damage. Instead it will usually opt for removal and replacement planting with an alternative species that will not cause future subsidence related problems
- 10 It should be noted that cases of tree related subsidence are rare in the Mid Devon area.

### **Provision of Advice**

- 1 The council recognises the need to raise awareness of tree issues. One way to achieve this is to provide a range of easily understood and relevant Arboricultural advice. A "Tree Guidance" leaflet has been produced which aims to answer many of the frequently asked questions relating to tree problems. The leaflet is available at council offices and on the Mid Devon Web Site.
- 2 The council may provide verbal information to assist with commonly asked questions but is unable to offer a full advisory service to private individuals. It will encourage the use of the Arboricultural Associations Directory of registered consultants and contractors.
- 3 The council would like to be involved in community projects relating to tree planting and maintenance and assist with environmental education within the community of Mid Devon as and where requested, appropriate and according to available resources.

## **Supplementary**

- 1 The District Council will use contractors for tree work who can demonstrate compliance with all the necessary health and safety regulations can provide the highest standard of work operationally and meet the highest arboricultural standards. Preference, where appropriate or available, may be given to those contractors approved by the Arboricultural Association.
- 2 The Head of Housing and Property Services shall review this policy on a regular basis and recommend necessary changes. This may include data on infringements, referrals, problems of interpretation or operation and gaps in coverage.



## Managing the Environment PDG 17 May 2016

## Agenda Item

### Update on Waste Services move

**Cabinet Member** Cllr Neal Davey  
**Responsible Officer** Andrew Jarrett - Head of Finance

**Reason for Report:** To provide an update to members on the current position and progress on the re-location of our Waste Services operation.

**RECOMMENDATIONS:** That member's note the contents of this report.

**Relationship to Corporate Plan:** Waste Services are one of the Council's most frontline services and therefore it is imperative that any re-location project is well planned with as minimal disruption to ongoing service provision as possible.

**Financial Implications:** The 2016/17 budget for Waste was based on a continued operation from Station Yard and Unit 16, Foundry Yard. Clearly, there will be additional one-off costs of re-locating to the new site and there will be a change to annual running costs associated with the new premises. On the basis that a re-location of Recycling was likely in 2016/17 we had already allocated a sum of £100k towards these potential costs.

**Legal Implications:** Our Legal Team have reviewed and completed on the lease for the new premise.

**Risk Assessment:** A project team (involving officers from a number of key services) and 2 Cabinet Members, has been formed to ensure the re-location goes to plan, with regard to both time and budget.

#### 1.0 Introduction

- 1.1 In late January 2016 we were given notice from the landlord of Unit 16, Foundry Estate (our current Recycling depot). This notice period would effectively end mid-June 2016.
- 1.2 Due to the short/medium term tenure of this premise the Property Services Manager, Waste & Transport Manager and the Head of Finance have for the past 12-18 months been investigating other suitable locations within the District. However, due to the very specific requirements of this operation, a site that would ideally suit all of our technical, size, staffing and location demands was proving to be a significant challenge.

#### 2.0 Unit 3, Carlu Close, Hitchcock's Business Park, Uffculme

- 2.1 In late September 2015 the Estates Manager and the Head of Finance were returning from a Parish Council meeting and took the opportunity to call in at Hitchcock's Business Park to review some new premises that were being constructed. One of the units that was due to be completed in the next couple

of months, appeared to be ideally suited to most of the requirements of our overall Waste operation.

- 2.2 Due to the location and size of this unit (see Power Point presentation showing lay out/plans/pictures, etc.), we were able to consider whether to simply re-locate the Recycling part of the Waste service, or make a more strategic decision to merge all of our Waste/Street-scene operations under one roof. After a number of meetings to consider these operational considerations, officers felt that the advantages of providing a totally joined-up service would be far more beneficial in the medium/long term.
- 2.3 Unit 3, Carlu Close is a large industrial unit with a significant concrete parking area. From an operational perspective it is effectively a “blank canvas” that will require a complete “fit out” in order to continue our existing operations. This will require the re-location of operating equipment, i.e. the bailer system, dog kennels, the fuel tanks, the bays (these were designed in such a way to make re-location relatively straightforward), the transfer of circa 90 operational staff from waste, recycling, cleansing and the District officers. In addition we will require 9 porta cabins to house all the staff and provide offices, washroom facilities, meeting space, dog kennels, etc.
- 2.4 Due to the challenging timetable for this move, the lack of any suitable alternatives and the need to provide continuity of service provision, officers have had to act quickly to secure the new premises and have already had to commission a number of contractors/suppliers to assist with this move. For members information a summary of the key information is shown below.

### 3.0 Unit 3 Carlu Close – key information

- 3.1 Hitchcock’s Business Park is situated on the B3181 road between Uffculme and Willand and therefore provides easy access to the M5 and is served by public transport.
- 3.2 15 year lease – completed on the 15/4/16 @ £110k per annum + service charges – with a break at 10 years
- 3.3 Total fit out costs are currently estimated at circa £310k - members should note an estimate of £100k was included in the 2016/17 revenue budget as a provision for the costs of a potential recycling depot move.

### 4.0 Summary of one-off moving costs

Offices/Porta Cabins	£114k
Stamp duty on lease transaction	£15k
Electrical work	£20k
Ventilation system	£15k
Transfer and re-configuration of baler, bays and fuel tank	£41k
Additional steelworks – incl. design costs	£29k
CCTV, internal floor protection, furniture	£20k
Fire system, alarms, forecourt lining, IT equipment	£17k
Additional staffing costs + van hire for move	£15k
Miscellaneous extras	£24k
<b>Total one-off costs</b>	<b>£310k</b>

- 4.1 Operational service delivery will not be affected during the move and it is intended to commence from mid-June 2016 from this new location.
- 4.2 Due to the extremely challenging timetable of this relocation and the additional one-off funding required of circa £200k an urgent decision form was signed by the Leader, Chair of Scrutiny and the relevant Cabinet Members in order for certain works which had specific lead in times to be commissioned.

## **5.0 Conclusion**

- 5.1 Entering into a 15 year lease to co-locate all of the Council's Street Scene operations under "one roof" is a crucial and long term strategic decision which will provide not only long term security of tenure for this key frontline service but will also help provide other operational and financial benefits to the service. Operating from one central base will allow for better supervision, a greater uniformity of operation, the ability to re-deploy resources more effectively and create a closer "team" culture.
- 5.2 Both the short and longer term future of our surplus depot at Station Yard will need to be considered as soon as the relocation project is completed.

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**Background Papers:** None

**File Reference:** None

**Circulation of the Report:** Management Team, Cllr Davey

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