

Public Document Pack

Mid Devon District Council

Cabinet

**Thursday, 30 March 2017 at 2.15 pm
Exe Room, Phoenix House, Tiverton**

**Next ordinary meeting
Thursday, 11 May 2017 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 K Busch	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 - 14)

To receive the minutes of the meeting of 2 March 2017.

4. **Review of Street Cleansing** (Pages 15 - 54)

Arising from a report of the Waste and Transport Manager, the Environment Policy Development Group has recommended that the following be approved:

- a) Land according to EPA be categorised.

- b) Current productivity of service be measured.
- c) Cost option for output frequency rather than input.
- d) Cost different frequencies options(less and more) for the mechanical street sweeping service.
- e) Check schedules against adopted highways maps and address any anomalies.
- f) Reroute schedules into zones so all mechanical sweepers work in the same area at the same time.
- g) Map and review Parish Sweeper routes and evaluate efficiency.
- h) An additional two person parish sweeper team is introduced at cost of £54,500 p.a.
- i) Risk-assess all high speed roads that are litter picked.
- j) Litter picking of the two high speed road verges is reinstated and undertaken twice per year and laybys every two months.
- k) A review of weekend sweeping is undertaken and costed.
- l) Benchmark the cost effectiveness of town council work/grants and review the routes to ensure that is not duplicating work done by the District Council's cleansing service.
- m) If these working arrangement are to continue, provide a service level agreement for three years from April 2018.
- n) If these working arrangements are to continue, inform Town Clerks of future training so their operatives may attend also.
- o) Re-introduction of using NI195 criteria to assess street cleanliness by District Officers once a quarter.
- p) New transfer station to include a skip for road sweepings so they can be composted.
- q) Purchase three split recycling litter bins one for each town centre to assess their success.
- r) Continue to encourage voluntary groups and investigate whether litter picking groups would be happy to litter pick where advised by Parish/Town/District Councils.
- s) Review all existing bin locations and conduct a condition survey.
- t) Pressure wash clean all bins once a year.
- u) Introduce "Any bin will do!" stickers on litter bins.
- v) Street Cleaners to report any bins that are frequently filled with household waste, for District Officers to investigate.
- w) Regular contact with estates to effective joint working.
- x) District Officers and Town Councils to meet once a month to discuss issues.
- y) MDDC to sign the Memorandum of Understanding with Highways England.
- z) Create an "online look up" for street sweeping schedules.

5. **Street Scene Enforcement Policy** *(Pages 55 - 148)*

Arising from a report of the Director of Finance, Assets and Resources, the Environment Policy Development Group has recommended that the Cabinet review the report and recommend to Council that the Street Scene Services Enforcement Policy at appendix A be approved.

6. **Private Sector Housing Fees and Charges** *(Pages 149 - 154)*

Arising from a report of the Director of Corporate Affairs and Business Transformation, the Homes Policy Development Group has recommended that the revised Private Sector fees and charges be approved.

7. **Vulnerability Policy (new)** *(Pages 155 - 166)*

Arising from a report of the Head of Housing and Property Services, the Homes Policy Development Group has recommended that the Cabinet recommend to Council the adoption of the new Vulnerability Policy.

8. **Telecare Policy (new)** *(Pages 167 - 176)*

Arising from a report of the Head of Housing and Property Services, the Homes Policy Development Group has recommended that the Cabinet recommend to Council the adoption of the new Telecare Policy.

9. **Tiverton Market Schedule of Tolls** *(Pages 177 - 182)*

Arising from a report of the Chief Executive and Director of Growth the Economy Policy Development Group has recommended that:

- a) The Schedule of Tolls be approved with adoption from 1 April 2017;
- b) The Schedule of Tolls be reviewed annually with the next review presented to the Economy PDG in March 2018.

10. **Mid Devon Walking Guides** *(Pages 183 - 188)*

Arising from a report of the Chief Executive and Director of Growth the Economy Policy Development Group has recommended that the Council does not update and reprint the walking leaflets as originally produced by the Council in the 1990's but that contact be made with town and parish councils to offer them any source material/copyright possible in order to allow them to use local knowledge to update and then reprint as they feel appropriate.

11. **Tiverton Eastern Urban Extension - A361 Funding** *(Pages 189 - 196)*

To consider a report of the Head of Planning and Regeneration reflecting the latest circumstances surrounding the funding of the proposed A361 junction in connection with the Tiverton Eastern Urban Extension.

12. **Strategic Grants and Service Level Agreement Programme** *(Pages 197 - 204)*

Arising from a report of the Chief Executive and Director of Growth, the Community Policy Development Group will make a recommendation to Cabinet at its meeting on 28 March 2017 (recommendation to follow).

13. **Motion 535 - Cllr D J Knowles - 14 February 2017**

The following motion has been forwarded to the Cabinet for discussion:

This Council resolves to enter into an agreement with Tiverton Town Council to retain at Tiverton Town Hall all the paintings currently on display at Tiverton Town Hall, either by way of long term loan or transfer to Tiverton Town Council, subject to the necessary insurance and security being maintained.'

14. **Pay Policy** (*Pages 205 - 218*)

To receive a report of the Group Human Resources Manager relating to senior pay, in particular the role of the Chief Executive, Directors and other senior officers. The Localism Act 2011 requires an annually published Pay Policy which has been adopted by full Council.

15. **Performance and Risk** (*Pages 219 - 248*)

To consider a report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

16. **Cabinet Member Decision**

To note the following decision made by the Cabinet Member for the Environment:

To introduce a £0.18 charge for using the new card payment facility on the new pay and display parking machines being installed.

Reason for Decision: The new pay and display parking machines being installed in the Mid Devon owned car parks in March 2017 have the ability to except payment by credit or debit card. The service charge for each transaction is £0.18. It is proposed that this charge is passed onto the customer in full and paid at the point of purchasing the ticket. This is less than the current transaction charge of £0.20 for using the Ringo system.

17. **Notification of Key Decisions** (*Pages 249 - 254*)

To note the contents of the Forward Plan.

18. **Access to Information - Exclusion of Press and Public**

During discussion of the following item(s) it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

To consider passing the following resolution so that financial information may be discussed.

Recommended that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

19. **Window Renewal Contract** (*Pages 255 - 258*)

To consider a report of the Head of Housing and Property Services advising Members on the results for the tendering of the Replacement DGU Programme 2017 – 2020 to Council houses and confirm the award of the contract.

20. **Special Purpose Vehicle (Property)** (*Pages 259 - 272*)

To receive a report of the Director of Finance, Assets and Resources to look at the options available to establish a property housing development company (SPV).

21. **Sale of Land at Station Road, Tiverton** (*Pages 273 - 276*)

To consider a report of the Head of Housing and Property Services regarding the asset disposal of the closed Station Yard Depot, Blundells Road, Tiverton.

The Chairman of the Scrutiny Committee has agreed that due to the nature of the decision and for it to be made in a timely fashion (as the next Cabinet meeting is not until 11 May 2017) that the General Exception Clause (Access to Information Procedure Rules 15.1) be used to waive the 28 day rule in order to secure the sale of the land.

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 Sally Gabriel on:

Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 2 March 2017 at 2.15 pm

Present

Councillors

C J Eginton (Leader)
R J Chesterton, K Busch, P H D Hare-Scott,
C R Slade, Mrs M E Squires and
R L Stanley

Also Present

Councillor(s)

R J Dolley, R F Radford, Mrs J Roach and F J Rosamond

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Pritchard (Director of Operations), Liz Reeves (Head of Customer Services), John Bodley-Scott (Economic Development & Regeneration Manager), Alan Ottey (Market Manager) and Sally Gabriel (Member Services Manager)

146. **APOLOGIES**

There were no apologies.

147. **ANDREW PRITCHARD**

The Chairman welcomed Andrew Pritchard, the new Director of Operations to the meeting.

148. **PUBLIC QUESTION TIME**

Cllr Harrower (Tiverton Town Council) referring to Item 11 on the agenda, Palmerston Park asked whether there were any plans afoot to improve the ambience of the affordable housing in Palmerston Park, she stated that Cllr Stanley had commented yesterday on how some designs were boring and that he wished to provide well-built and well-designed housing. Were there any plans to improve the ambience of the existing houses, they were drab in colour and looked dated? The woods had been used for fly tipping and some gardens needed attention. Having new homes built in Palmerston was needed but the new homes would surely make the older homes look drab, was this not a good time to update the exterior paint work? Also was there help available to those who had problems with keeping their gardens in order and was it possible for Mid Devon to collect fly tipping? How did tenants get access to information about those issues? At the end of the path to nowhere Christmas trees had been dumped, could this path be closed and returned to the hedgerow that it originally was?

The Cabinet Member for Housing stated that the Council had a 5 year decorating programme but that there were no plans to deal with external paintwork, also some of the properties were privately owned. There was an officer who was looking to improve public areas; he was working his way around the district. With regard to fly tipping, it should be reported to the Council and it would be picked up, if it was on

private land then the landowner would have to deal with it. The handyman service was available to tenants for gardening etc, he asked that tenants contact the Housing service. Christmas Trees were normally recycled, again if they were left on private land, then the authority would not remove them.

149. MINUTES OF THE PREVIOUS MEETING

Subject to an amendment to Minute 140 c) and d) to remove “d” from removed and replace with “s), the minutes of the previous meeting held on 2 February 2017 were approved as a true record and signed by the Chairman.

150. COMMUNITY ENGAGEMENT ACTION PLAN (00-08-45)

Arising from a * report of the Head of Customer Services, the Community Policy Development Group had made the following recommendations:

- a) That the work taking place to engage with a wide range of Mid Devon residents and stakeholders be noted.
- b) That Cabinet note and agree the revised action plan and timetable for review of the Community Engagement Strategy.

The Cabinet Member for Community Well-Being outlined the contents of the report highlighting the consultations that had taken place and the contents of the Community Engagement Action Plan. He explained that the item had been fully discussed at the Policy Development Group and he requested that Members approve it.

Consideration was given to:

- Waiting times for phones to be answered
- Discussions that had taken place at the Scrutiny Committee with regard to engaging with the public

RESOLVED that the recommendations be approved.

(Proposed by Cllr C R Slade and seconded by Cllr Mrs M E Squires)

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

151. RECOMMENDATION FROM THE SCRUTINY COMMITTEE - TIVERTON PANNIER MARKET (00-11-47)

Arising from a * report of the Town Centre and Market Manager regarding the Pannier Market, the Scrutiny Committee had recommended that the Council focus on three key aims for the Pannier Market:

- a) To deep clean and decorate the market hall within 3 months.
- b) To introduce a farmers market by end of May.

- c) To update all policies for the market and up signage including one for tolls by end of April.

The Chairman invited the Chairman of Scrutiny to introduce the item. He explained that the recommendations had stemmed from a report of the Town Centre and Market Manager to the Committee and how discussions had taken place regarding aspirations for the market area and the time that it was taking for initiatives to commence. The recommendations had been a request that timings be put in place for works to begin.

The Cabinet Member for Planning and Economic Regeneration explained that with regard to cleaning issues, there was a contract in place and that procurement was taking place for a new contract for cleaning. It was not felt the tidying up of the market area should take 3 months and that there was a need to procure the right contract to include all the necessary requirements. He felt the decoration of the market hall was an operational issue and had been highlighted within the Town and Market Strategy discussed at the previous meeting.

With regard to the Farmers Market ongoing discussions were taking place with the Market Team and the Town Centre and Market Manager and this issue would be discussed further at the Economy Policy Development Group.

With regard to policies and signage, again the Town Centre manager was working on these issues, some of which would be operational and some would come forward to the Economy Policy Development Group. Signage to and from the market (to include other areas of the town) was also being considered. Market tolls were already on the website, however traders would also have to bear in mind the required insurance.

Consideration was given to:

- The need to kick-start improvements to the market
- What would be a good day to hold a farmers market in Tiverton and the ongoing work of the Town Centre and Market Manager
- The need for policies to be in line with market law
- How the events in the market area had an effect on the evening economy within the town.

It was therefore **RESOLVED** that:

- a) The recommendation from the Scrutiny Committee with regard to deep cleaning and decorating the market hall be **NOTED**.
- b) The issues of the farmers market and the updating of policies for the market, signage and tolls be passed to the Economy Policy Development Group for consideration.

(Proposed by the Chairman)

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

152. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2017/18 (00-37-18)

The Cabinet had before it a * report of the Director of Finance, Assets and Resources requesting agreement for the proposed Treasury Management Strategy and Annual Investment Strategy for 2017/18.

The Cabinet Member for Finance outlined the contents of the report stating that the Council was required to receive and approve, as a minimum, three main reports each year which incorporated a variety of policies, estimates and actuals. He outlined the deposits placed in various banks and requested that an increase in the amount of monies deposited with the CCLA be increased to £5m. Consideration should also be given to investing £2m in the money market fund which gave flexibility and spread the risk.

RESOLVED that:

- a) the proposed Treasury Management Strategy and Annual Investment Strategy for 2017/18, including the prudential indicators for the next 3 years and the Minimum Revenue Provision Statement (as outlined in Appendix 4), be approved;
- b) The use of Money Market Funds, as outlined in paragraph 15.6 of the report be approved.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr R J Chesterton)

Notes:

- a) Cllr C J Eginton declared a personal interest in that he received a pension from Lloyds Banking Group;
- b) *Report previously circulated, copy attached to minutes.

153. COMMUNICATION STRATEGY ACTION PLAN (00-33-30)

The Cabinet had before it a * report of the Head of Customer Services reviewing and updating the Communication Action Plan and incorporating the Community Engagement Action Plan.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that this item was linked to the Community Engagement Action Plan. There was a need to deal with communications effectively; the report highlighted the internal and external communication activities that took place on a regular basis.

Consideration was given to:

- The publication deadlines for the local paper
- The amount of media enquires
- The new Town and Parish Newsletter

RESOLVED that the updated Action Plan be approved.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr C R Slade)

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

154. CABINET MEMBER DECISION (00-50-37)

The Cabinet **NOTED** that the following decision had been made by the Cabinet Member for Community Well-Being:

To agree the strategy and price increase proposed as outlined in appendices 1-6 as presented to the Community Policy Development Group on 31 January 2017.

The reason for the decision being:

To facilitate early implementation of the revised leisure pricing policy with effect from 1 April 2017.

155. NOTIFICATION OF KEY DECISIONS (00-53-33)

The Cabinet had before it, and **NOTED**, its rolling plan * for March 2017 containing future key decisions.

Slight movements within the plan were identified.

Note: * Plan previously circulated; copy attached to the signed Minutes.

156. ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (00-54-55)

Prior to considering Item 11 on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

157. AGREEMENT TO RE-LET DESIGNER BUILD CONTRACT

The Cabinet had before it a *report of the Head of Housing and Property Services placing before the Cabinet proposals for the re-letting of the contract for building new properties at Palmerston Park and Birchen Lane, Tiverton.

The Cabinet Member for Housing outlined the contents of the report.

RESOLVED that the recommendations within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

Note: *Report previously circulated.

158. **ROOFING CONTRACT AWARD**

The Cabinet had before it a *report of the Head of Housing and Property Services advising Members on the results for the tendering of the Replacement Roofing Programme 2017-2020 to Council houses and to confirm the award of the contract.

The Cabinet Member for Housing outlined the contents of the report.

RESOLVED that the recommendations within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr C R Slade)

Note: *Report previously circulated.

159. **MEETING MANAGEMENT**

The Chairman indicated that he intended to take item 14 prior to item 13, this was **AGREED**.

160. **EXE VALLEY LEISURE CENTRE - TENDER FOR WORKS**

The Cabinet had before it a *report of the Head of Housing and Property Services seeking approval to award the contract to deliver the extension at Exe Valley Leisure Centre.

The Cabinet Member for Housing outlined the contents of the report.

RESOLVED that the recommendations within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr C R Slade)

Note: *Report previously circulated.

161. **DESIGN COMPETITION FOR REAR OF THE TOWN HALL SITE, TIVERTON**

The Cabinet had before it a *report of the Head of Housing and Property Services informing the Meeting of the outcome of the design competition for the rear of the Town Hall site, Tiverton.

The Cabinet Member for Housing outlined the contents of the report.

RESOLVED that the recommendations within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr R J Chesterton)

Note: *Report previously circulated.

(The meeting ended at 3.55 pm)

CHAIRMAN

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ENVIRONMENT PDG

7 MARCH 2017:

STREET CLEANSING SERVICE REVIEW REPORT

Cabinet Member Cllr Karl Busch
Responsible Officer Waste & Transport Manager, Stuart Noyce

Reason for Report: To provide Members with an update on the Street Cleansing Service Review undertaken in 2016 and proposed actions from that review.

RECOMMENDATION(S): That the PDG reviews the report and recommendations that are outlined in the report and feeds back any areas of concern or proposed changes to the Cabinet.

Relationship to Corporate Plan: Environment – Priority 4

Financial Implications: The cost of introducing an additional two person Parish Sweeping Team (utilising an existing vehicle in service) as requested by cabinet is £54,500 p.a.

Legal Implications: That the Council ensures it meets its statutory duty as set out in the Environmental Protection Act 1990.

Risk Assessment: If the Council does not undertake its statutory duty it could damage its reputation.

1.0 Introduction

1.1 Mid Devon District Council has a duty to provide a Street Cleansing Service of adopted highways in the Mid Devon District, as set out in the Environmental Protection Act (EPA) 1990. Mid Devon's Street Cleaning Service is provided in-house and is part of the Street Scene Services Department based at Carlu Close, Willand. The service has not been reviewed for over ten years and has had little change in that time. The aim of this review was to establish the current service arrangements and to identify options for improving the performance and efficiency of the service. To assist with this a benchmarking of the service was undertaken against other Councils and against known best practise.

2.0 Background

2.1 According to the EPA 1990, Local Authorities have a duty to "ensure their land (or land for which they are responsible) is, as far as is practicable, kept clear of litter and refuse."

2.2 The current functions within the Cleansing Service include:

- Mechanical Street Sweeping;
- Manual Street Sweeping;
- Litter Picking;
- Collection of dead animals;
- Collection of fly tipping;

- Supply, maintenance and emptying of dog and litter bins;
- Supporting voluntary litter picking groups.

Table 1: Current establishment in the Street Cleansing Service:

Function	FTE
Street Cleansing Operative (Tiverton pedestrian Sweeper)	1
Street Cleansing Van Driver (Tiverton and surrounding)	1
Street Cleansing Van Driver (Crediton and surrounding)	1
Large Sweeper Driver	2
Small Sweeper Driver	1
Street Cleansing Van Driver (Cullompton and surrounding)	1

Table 2: Current budget for 2016/17 in Street Cleansing Services:

Function	Cost
Employees	£206,730
Transport/Goods and Services	£123,310
Recharges	£102,440
Capital Charges	£50,930
Income	-£7,270
Sinking Fund	£56,750
TOTAL BUDGET 2016/17	£532,890

3.0 Review Methodology

3.1 The following tasks were undertaken during the review:

- The duties of the District Council were compared with current practices in order to establish whether the requirements of the service are being met.
- The current budget, staffing establishment and service levels were established.
- Meetings with the Clerks of Crediton, Cullompton and Tiverton Town Councils.
- Meetings with other service departments who use the street cleansing service. These included: Tiverton Market; Estates Management; Parks and Open Spaces; Car Parks.
- Meetings with staff in the Street Cleansing Service.
- Letters and questionnaires were sent to every Parish Council in the District. Eighteen responses were received, the results of which can be seen in Appendix A.
- A benchmark of other Devon District Councils. The results of this can be found in Appendix B.
- A Review of the compliments and complaints received by the service in the last year.
- A review of current rounds and mapping of them.

4.0 Cleansing Frequencies

- 4.1 There have been no records kept of the frequency of the street sweeping routes carried out by the District Council previously. Staff stated that the majority of villages were swept once every four weeks, with the three town centres swept more often.
- 4.2 The code of practise for Refuse and Litter states the District should be separated into zones; High Intensity of Use, Medium Intensity of Use, Low Intensity of Use and Areas of Special Circumstances. Each of these zones is expected to require a different frequency of cleaning due to the different accumulation of litter in the areas. There is no official required frequency for each zone but a duty to ensure it does not fall below a set standard and the amount of time an authority has to bring it back to that standard.
- 4.3 Some authorities reported that they clean areas of high intensity daily with no schedule for any other land. Instead they carry out a demand-led service. This requires regular inspections or a determination to be made by the operative if to clean.
- 4.4 Other authorities reported that their land is split into zones with the following cleaning frequencies:

Zone	Cleaning frequency
High Intensity of Use	Daily
Medium Intensity of Use	Weekly
Low intensity of Use	4/8 weekly
Special Circumstances	As and when requested

- 4.5 Routes have not been recorded at MDDC and were heavily reliant on driver knowledge. Therefore the productivity levels of the service have not been measured. During the review all routes were recorded and mapped. This will allow for a study of current productivity levels and options to be presented on the cost/savings of changing the frequency of sweeping.
- 4.6 The Council could also consider introducing a service level based on an output frequency. This would rely on inspecting roads and sweeping when they fall below a set level. This could reduce costs but can be hard to communicate to customers.
- 4.7 The current level of mechanical sweeping (once every 4 weeks) for the majority of roads is a reasonable and achievable frequency within existing budgets. 53% of Parish Councils who responded to our questionnaire reported that the Mechanical Road Sweeping is adequate or very good.

Recommendation 1 - Categorise land according to EPA.

Recommendation 2 - Measure current productivity of service.

Recommendation 3 - Cost option for output frequency rather than input.

Recommendation 4 - Cost different frequencies options(less and more) for the mechanical street sweeping service.

5.0 Mechanical Street Cleansing

- 5.1 Mechanical Street Cleansing is the use of a truck-mounted sweeper to sweep roads. Water is shot onto the streets surface to minimise flying dust particles while the spinning brushes collect detritus from the streets into the vehicle.
- 5.2 In Mid Devon two large mechanical sweepers are deployed Monday to Friday, each working on a four weekly frequency covering adopted roads within the boundary of 30mph speed limit signage of towns and villages. The district is divided into two areas with one sweeper covering the eastern side and one the western side of the district.
- 5.3 One small mechanical sweeper covers an area of streets within Tiverton on a daily basis. It then accompanies a larger mechanical sweeper sweeping paths. The majority of the time is spent in the western side of the district moving to the eastern side for one day on week 2 and week 4 of the four week cycle. One Pedestrian Sweeper or “Green Machine” is in operation in Tiverton town centre. The Pedestrian Sweeper is a small ride-on sweeper which sweeps road gulleys and pavements.
- 5.4 Staff stated that the current vehicles are excellent and they have no issues with any of their machinery or tools. Their greatest hindrance was not being able to sweep roads that are lined with parked vehicles. This leads in some exceptional circumstances to a road not being thoroughly swept for long periods. All staff estimated that they were roughly using a four-weekly schedule with roundabouts in 30mph zones being swept quarterly.
- 5.5 During this project routes have been mapped and tick-sheets produced for all mechanical sweeping routes. These tick-sheets can now be used to provide schedules to drivers and assess the current workload and efficiency of the mechanical sweeping service.
- 5.6 It is not known yet whether all the roads swept by the mechanical sweepers are adopted highway, or if all adopted roads are being swept. These mapped routes will now be checked against the maps of adopted highways supplied by Devon County Council. Routes can then be altered so all roads that need to be swept can be included in the schedule, and all unadopted roads are either charged for or taken off the schedules.
- 5.7 It was identified that the two large mechanical sweepers working separately may not be the best use of resources and difficult to supervise with limited resource. Instead, separating the district into zones and having all the mechanical sweepers’ visit these zones at the same time may be a more efficient method of sweeping the district. It is recommended new routes be designed once the frequency of sweeping is agreed. This is similar to the method of working in refuse.

Recommendation 5 – Check schedules against adopted highways maps and address any anomalies.

Recommendation 6 – Reroute schedules into zones so all mechanical sweepers work in the same area at the same time.

6.0 Non-mechanical Street Cleansing

- 6.1 For the purpose of this report, non-mechanical street cleansing refers to all other work not undertaken by the mechanical sweeping rounds. This work is completed by in house parish sweeping rounds and two Town Council litter picking teams. The removal of graffiti is currently undertaken by the Estates Department in Mid Devon and was outside the scope of this review.

Parish Sweeping Rounds

- 6.2 The three Parish Sweeper rounds undertake work in the areas shown on Map 1 – Appendix C. Their work includes a mixture of scheduled work such as litter-picking, emptying dog/litter bins and manual sweeping. They also respond to unscheduled requests to remove syringes, incidents of dog fouling, broken glass, fly tipping and dead animals. The parish sweeping routes were already recorded prior to the review and tick-sheets were in use. However, the routes have not been mapped or their efficiency evaluated.

Blitz Team

- 6.3 It has been proposed by Cabinet that Mid Devon follow the example of other districts and introduces a “Blitz Team” responsible for responding to any street cleaning requests and complaints from the public. Teignbridge Council has a Blitz Team responsible for removing fly-tipping, litter and graffiti in the district. This team could also remove graffiti and fly-tipping from private property for a charge. However, having a single team to service all of Mid Devon could be time consuming and inefficient. It is therefore recommended that an additional two person parish sweeper team is introduced and that existing work and the additional work proposed such as litter picking the link road is introduced in the most efficient way. The total cost to introduce one additional team is £72,325 p.a. If the current bulky collection vehicle and staff (only works one day per week) was utilised by this team for the rest of the week the cost to implement the team could be reduced by £17,825. The remaining labour cost of £49,500 and fuel costs of £5,000 p.a. could be partly offset by internal recharges as set out in section 1.12 this would reduce the cost of the proposed change to the service to £44,500 p.a. These suggested amendments would only create extra capacity for four days a week but could be reviewed after six months against cabinets expected outcomes.

Recommendation 7 – Map and review Parish Sweeper routes and evaluate efficiency.

Recommendation 8 – An additional two person parish sweeper team is introduced at cost of £54,500 p.a.

Sweeping/Litter Picking High Speed Roads

- 6.4 In general, only roads within 30 mph speed limits are being swept by the mechanical sweepers. Higher speed roads have a much higher risk for the operatives and others on the road thus needing mobile road/lane closures. High speed roads do not need sweeping as often due to faster cars flicking most detritus off the roads as they travel past. There are some roads within the 30 mph zones that still have a higher level of risk to sweep, in which case a risk assessment must be carried out for each.

- 6.5 Another area of higher risk is the litter picking of verges on high speed roads. This is necessary on roads such as the Link Road and a small section of the A30 as they are frequently littered by motorists. Due to concerns for the health and safety of staff and no allocated resource this work was suspended. Without the use of a mobile lane closure MDDC are only equipped to litter pick areas where there is at least a 1.2 meter gap from the edge of the highway (designated by the white line) and the operative. A review of the risk assessment and safe systems of work has been undertaken to review working practices, equipment and training against new guidance received.
- 6.6 Ten Street Scene Operatives have now received training following the review to assist when working on the verge of high speed roads. It is proposed that to meet a minimum standard and customer practice in Devon, the high speed road verges are litter picked twice per year (Spring and Autumn) and the laybys litter picked once every two months going forward. This work can be included within the proposed new parish sweeper teams remit.

Recommendation 9 – Risk-assess all high speed roads that are litter picked.

Recommendation 10 – Litter picking of the two high speed road verges is reinstated and undertaken twice per year and layby every two months.

Weekend/Bank Holiday Sweeping

- 6.7 No mechanical sweeping is carried out over the weekends or on bank holidays. Parish sweepers undertake non mechanical work (litter picking and bin emptying) in Tiverton town centre (for 3 hours on Saturday and 2.5 on Sunday) and Cullompton town centre (2 hours per day). Weekend work in Cullompton town centre is undertaken by the Town Council. This weekend service is not supervised, although tick sheets are completed. The Tiverton Sweeper is also responsible for unlocking the multi-storey car park daily.
- 6.8 This reduced service seems strange on a Saturday as this can be the busiest day for a town centre and needs addressing.

Recommendation 11 – A Review of weekend sweeping is undertaken and costed.

Town Council Sweeping Teams

- 6.9 The Council currently pays Tiverton and Cullompton Town Councils to conduct their own street sweeping service on behalf of MDDC. These are historic arrangements which have been left unmonitored. The District Council has never inspected the quality of service provided on their behalf or had an agreed Service Level in place. These services have been quickly looked into during this review and meetings held with the two Town Clerks concerned.
- 6.10 Both Tiverton and Cullompton Town Councils requested access to more training for their operatives. It was agreed that MDDC would provide sharps training for all operatives, with the Town Councils to be offered to join any training that MDDC use in the future for its own staff.

Tiverton Town Council

- 6.11 Tiverton Town Council employs a small group of litter-pickers funded by a grant of £6,000 per annum. The Town Council has recently reviewed their service, resulting in a change from a three day service to a service operating five days per week at no further cost to MDDC.
- 6.12 The new routes undertaken by this group have been set out by the Town Clerk and were not relayed to MDDC. Therefore areas litter-picked could be covered twice on the same day by two sets of operatives. The Town Clerk believes that the Town Council's service is of good quality.

Cullompton Town Council

- 6.13 Cullompton Town Council employs a team of litter-pickers funded by a grant of £26,891 per annum. The Town Council stated this arrangement was put in place over ten years ago. From the allotted budget one full time and one part time operative is employed. Each operative is equipped with a brush and barrow and cleanse the main streets from Monday till Friday, with one operative working for two hours on Saturday and Sunday. However, these operatives are not only responsible for street cleaning. The routes undertaken have now been set out by the Town Clerk. The routes in place do include some private roads. Many of the roads litter picked by Cullompton Town Council are also swept by the District Council.
- 6.14 Any issues with syringes, incidents of dog fouling or broken glass occurring in Cullompton are dealt with by the Town Council team. However, they struggle to complete anything outside of the town centre due to a lack of time. MDDCs mechanical sweepers support the Cullompton team for one day every two weeks. Customer feedback is used as an indicator of which areas need to be swept. The Town Council also regularly host a back to work scheme that litter picks the town centre.
- 6.15 Cullompton Town Council did request another pedestrian sweeping machine. MDDC had provided one previously, however, a review of the machine showed it was being used for less than 2 hours per day for this reason the machine was not replaced in 2016 and the saving taken from MDDC budgets.
- 6.16 The Cullompton Town Clerk would like to have a service level agreement with MDDC in order to improve their service and give better long term certainty.

Recommendation 12 – Benchmark the cost effectiveness of town council work/grants and review the routes to ensure that is not duplicating work done by the District Council's cleansing service.

Recommendation 13 – If these working arrangement are to continue, provide a service level agreement for three years from April 2018.

Recommendation 14 – If these working arrangements are to continue, inform Town Clerks of future training so their operatives may attend also.

7.0 Supervision and Inspection

- 7.1 There has been minimal formal monitoring of operatives or town councils carrying out their duties within the street cleansing service. Performance levels have been assessed on the number of complaints and compliments received from the public via the CRM system. Since the sweeping routes have been recorded Street Scene Supervisors have been able to assess an area after it has been cleaned, in order to ensure a high standard of cleaning is maintained. However, with just two Supervisors for the waste, recycling and street cleansing service this is limited.
- 7.2 There has been no measurement of the cleanliness of the District since the cessation in 2010, of the requirement, to undertake and report the street cleansing performance indicator NI195. In order to assess street cleanliness, the NI195 methodology could be reinstated. This would give officers and members a realistic and independent measure of the cleanness of the district, rather than use of opinion.
- 7.3 Measuring the performance of the street cleaning service is important as it allows the Council to determine areas that need to be improved. According to the DEFRA report - Achieving improvements in street cleansing & related services, "A routine, systematic and effective monitoring system should be applied to all street cleansing and street scene services." A lack of monitoring can lead to inefficiencies in all street scene services.
- 7.4 If a monitoring system was to be put in place, it should:
- Reflect customers' interests, yet be fair to the operations service;
 - Be cost-effective;
 - Make routine and reliable assessments;
 - Create and maintain a database on service performance and on the operation of the system itself;
 - Be a tool that enables service improvement through the analysis of data;
 - Be able to verify the proper expenditure of public monies;
 - Provide evidence that would stand up to scrutiny in the event of a legal or other dispute.
- 7.5 This inspection could be done by an outside group such as the Keep Britain Tidy Group but a price was quoted at £9,000 per inspection. It is suggested that this should therefore be carried out by the existing District Officers team if reintroduced. The team would still be independent from the operation but could be completed while also carrying out other duties such as litter patrols. It is estimated this will require 20 days per year, for one person in the team to complete the inspections.

Recommendation 15 – Re-introduction of using NI195 criteria to assess street cleanliness by District Officers once a quarter.

8.0 Recycling Waste Generated from Service

- 8.1 None of the litter or sweepings collected by the service was previously being recycled. Since 2015, leaf fall collected by mechanical sweepers is now

composted instead of being sent to landfill. This helps significantly reduce the amount of waste sent to landfill during the winter months and has helped increase the recycling rates of MDDC.

- 8.2 There is currently no facility to recycle waste from litter bins in the district. It is proposed that split recycling bins be introduced to the town centres. One side of the bin to be used for general litter and the other side for tins and plastic to then be recycled. These bins are more expensive and larger so their use is better suited for high footfall areas initially. All three Town Councils were enthusiastic when approached with the idea. Research into the bins available has been carried out and it is recommended that one bin is purchased for each town centre as a trial.

Recommendation 16 – New transfer station to include a skip for road sweepings so they can be composted.

Recommendation 17 – Purchase three split recycling litter bins one for each town centre to assess their success.

9.0 Volunteer Groups

- 9.1 One method that can and is being used to keep streets clear of litter is the use of volunteer groups. MDDC provides an information pack, which has recently been updated. This pack provides cover on MDDC insurance. Fluorescent coats, litter picking sticks and bin bags are available for loan for all voluntary groups. The information pack includes posters, sign-up forms, information on how to prepare and risk assess the event and road safety information.
- 9.2 Parish Councils were contacted in order to find out what volunteer groups they already use and whether they would be happy to either introduce or increase their use of volunteer cleaning. It was found that half of those who responded (9/18) were interested in increasing their use of volunteer litter-picking. All those councils that expressed interest in increasing their use of litter-picking have been sent information packs.
- 9.3 A list of litter picking groups has been compiled during the review. Some examples of litter picking groups not organised by any Council include the Love Cully group in Cullompton, who are given a list of tasks by the Town Council and spend the August bank holiday litter-picking and tidying the town centre. In Crediton the Sustainable Crediton group litter pick regularly and a member of the public litter picks Barnfield Park daily. The Tiverton Volunteer Litter Pickers are an organised group who aim to maintain a clean environment in Tiverton by preventing and discouraging litter and ensuring its removal. They hold a number of litter picking events around the year but their numbers have been in decline.
- 9.4 Crediton Town Council have undertaken a “Keep Crediton Clean” campaign during which leaflets and posters have been produced and distributed in order to discourage littering, dog fouling and fly posting. They have also purchased and given out dog waste bags to help reduce the amount of dog faeces on the streets. In the past they have also paid Community Payback to litter pick the

town. Crediton spend around £5,000 per year on street cleansing, at no cost to MDDC.

- 9.5 Several Town and Parish Councils commented that their Councillors and some locals regularly inspect and litter pick the area themselves. Devon County Council runs a Road Warden partnership with parish councils where a member of the public can become responsible for clearing weeds, cleaning signs and grating, cutting grass and hedges and repairing roads.

Recommendation 18 – Continue to encourage voluntary groups and investigate whether litter picking groups would be happy to litter pick where advised by Parish/Town/District Councils.

10.0 Dog and Litter Bins

- 10.1 There are currently 694 bins (394 litter and 300 dog) in the district. MDDC has no policy about how bin requests are dealt with. A draft dog and litter bin policy has been written, and can be seen in Appendix D. The policy details the duty of the District Council with regards to litter and dog mess. It outlines the procedure for requesting new bins, emptying and maintaining bins, replacing and removing existing bins. It also introduces the practices allowing the dual use of dog and litter bins.
- 10.2 The Council receives many requests for new dog and litter bins from the public and parish Councils which cannot usually be fulfilled. Each new litter bin installed is a financial commitment for the District Council due to the cost of ongoing emptying, which continues for the remainder of the life of the litter bin. Some existing bins are in unsuitable locations either for collection purposes or not well used. At a number of locations there are dog and litter bins next to each other, which is unnecessary when all dog waste can be disposed of in litter bins. The replacement of two small bins at the same location with one larger bin should be more efficient in the long term. As all dog waste and litter is disposed of in the same manner already, having separate bins is unnecessary.
- 10.3 Many Town and Parish Councils noted issues with dog mess in the district. The dual use of dog and litter bins would also create more places to dispose of dog mess without the cost of purchasing and installing new dog bins.
- 10.4 Using litter bins to dispose of dog mess is already encouraged by other Councils across the country. Keep Britain Tidy and the Dogs Trust also support this scheme, annually holding “The Big Scoop” campaign with the phase “Bag that poo- any bin will do!” in order to encourage the safe disposal of dog mess. The use of “Any bin will do” stickers on litter bins could be implemented to encourage dog walkers to dispose of their waste in any dog or litter bin.
- 10.5 Street Cleaners responsible for emptying litterbins reported during their consultation that some of the bins are filled with household waste by members of the public reducing time to undertake other work. This is an offense and should be addressed by the District Officers.

- 10.6 Although a record of all litter bins in the District exists it had not been updated in many years. Maps of litter bins in each parish have been sent to all Parish Councils for them to review. However, as not all Parish Councils responded to the letters sent not all parishes bin records have been updated. There is also no record of the model of bin in each location. It is therefore proposed that a full audit of location, type, model and condition is undertaken.

Recommendation 19 – Adopt New dog and litter bin policy (Appendix D).

Recommendation 20 – Review all existing bin locations and conduct a condition survey.

Recommendation 21 – Pressure wash clean all bins once a year.

Recommendation 22 – Introduce “Any bin will do!” stickers on litter bins.

Recommendation 23 – Street Cleaners to report any bins that are frequently filled with household waste, for District Officers to investigate.

11.0 Partnership working with outside agencies and other MDDC services

- 11.1 Meetings with the estates department have been held in order to discuss the possibility of increasing the partnership between the departments. One recent example of partnership working with the Estates department was the joint effort to clear the district of weeds and litter for the Tour of Britain.
- 11.2 It is recommended that District Officers and Town Councils keep in more regular contact so any instances of problems with the street cleanliness or environmental crime on public highways in the town can easily be reported and dealt with. All Town Councils requested better communication between themselves and the department in order to keep their towns cleaner. Part of this is the sharing of cleansing schedules to prevent cleaning the same areas, in order to increase the area cleaned by all.
- 11.3 A new Devon County wide networking group has been created and now meet three times during 2016/17. Attendees include some district/city Councils and Highways England. Its aims are for better joint working such as on high speed roads and to establish service levels. It is also hoped that the group undertake joint campaigns to change behaviour and bring the issues of litter to the attention of local residents and visitors to the area. A Memorandum of Understanding has been proposed by Highways England for each local authority and is set out in Appendix E. DCC has now also joined the group and a similar arrangement as to that with Highways England is being explored.

Recommendation 24 – Regular contact with estates to effective joint working.

Recommendation 25 – District Officers and Town Councils to meet once a month to discuss issues.

Recommendation 26 – That MDDC sign the Memorandum of Understanding with Highways England.

12.0 Publish Sweeping Schedules

- 12.1 There is currently no information available to the public about when each road will be swept in Mid Devon. Instead, the MDDC website directs the public to contact Customer Services, to find out when their street will be swept. It was previously impossible to publish dates of sweeping due to having no recorded routes. When routes are finalised, they should be published to allow members of the public to find out when their roads will be swept. Due to possible schedule disruptions it may not be possible to provide an exact date for the sweeping. However, it should be possible to provide the week which the road will be swept.

Recommendation 27 – Create an “online look up” for street sweeping schedules.

13.0 Service Recharges

- 13.1 The street cleansing service cleans areas such as car parks, the Market Walk and cemeteries for other internal services. This work should be charged back to other services through the internal recharge system. This is both to give a real cost for those services but also to give the true cost of the Street Cleansing Service less other works it performs. A rough estimate would be that these recharges would equate to around £20,000 p.a. Only half of these costs are currently recharged. This additional recharge could be used to offset some of the cost of the new parish sweeping team.

14.0 Benchmarking

Devon Councils

- 14.1 All District, Borough and City Councils were contacted by letter, with a questionnaire, requesting information regarding their Street Cleaning Service. The information supplied can be seen in Appendix B. This information is helpful as a benchmark for street cleaning services in Devon.
- 14.2 The budget for street cleaning in Mid Devon is higher than those of Torridge, South Hams and West Devon, but is significantly less than those of Exeter, Teignbridge and North Devon. It must be noted that Exeter City Council service a far less rural area than Mid Devon and the street cleaning service reflects this, meaning they are not likely to be comparable.
- 14.3 Mid Devon have the least street cleaning operatives in the County. The amount of equipment owned by Mid Devon is similar to that used by other Districts in the County.
- 14.4 Exeter City Council is the only council in Devon to own machines for graffiti and chewing gum removal. They own a “Scrubber machine” for pavements and 2 vans with donkey engines to heat water and with scrubbing brushes. In

Torridge, Bideford Town Council has a chewing gum removal machine which is neither owned nor operated by Torridge Council.

- 14.5 All Councils except Exeter have stated that they employ the EPA guidelines in which land is separated into 4 zones of differing intensity of use. Areas of High Intensity of Use are cleaned daily by these districts, Medium Intensity weekly, Low Intensity Monthly and Areas of Special Circumstance are cleaned as and when requested. Exeter City differ in that they have 12 hour continual cleaning in the city centre (06:00-18:00) and have moved away from schedules in the rest of the city, instead operating on a demand led service.
- 14.6 Previously all councils were required to judge their street cleanliness using NI195 guidelines. The only district to currently monitor the quality of their street cleaning using the NI195 methodology is West Devon. Both Exeter City and South Hams Councils intend to introduce this method of assessment soon. They and Torridge currently have supervisors undertake random checks after sweeping, as do Mid Devon.
- 14.7 Only Torridge and Exeter City Councils monitor weekend sweeping services. In Torridge, the assistant supervisor operates a sweeper every other weekend, but other weekends are reliant on trust. In Exeter there is a supervisor on duty every weekend.
- 14.8 All Authorities that responded stated that they have volunteer groups who litter pick, and for whom they provide equipment and remove waste. None of these councils have any input into the schedules of these groups or where they litter pick. In Mid Devon the District Council insurance covers litter pickers, but in Torridge the litter pickers must provide their own insurance.
- 14.9 Only South Hams have a policy for the introduction of dog bins, and intend to introduce a formal policy and review their current bin placements. Their policy states that dog waste can be disposed of in any stickered litterbin. In Torridge the District Authority provides and empties litter bins free of charge and purchase dog bins from the Local Authority. Exeter City comingles litter and dog waste. In West Devon there is no official policy but they are no longer adding any additional bins to their stock. Any Parishes that request a new bin must purchase the bin and finance the emptying of the bin, for which they are invoiced every 6 months. This charge earns West Devon Borough Council £9,500 per annum.
- 14.10 None of the other Councils undertake any private cleansing work. Exeter City Council used to clean schools but is no longer able to due to DCC budget cuts.
- 14.11 South Hams, Teignbridge, West Devon and Exeter City Councils have all also started working with the Highways Agency in the last twelve months, in order to coordinate efforts to keep roads clean.
- 14.12 South Hams have recently had a review of the service, due to the need to make savings of £125,000, the details of which are as follows:
- Rapid Response Teams have been introduced, which better focuses resources and provides greater flexibility.

- More efficient mechanical sweeping operation.
- District divided into four areas, each with access to a small mechanical sweeper, a hit squad (vehicle with a 2 man crew) and a barrow man.
- 1 large mechanical sweeper and 3 litter bin crews in district.
- Extra summer litter bin round and manual street sweeper for coastal towns
- Hit squads able to cover container and bag deliveries/repairs, fly-tipping, bulky waste collections and general event street cleaning. Each team has brushes, hoes, shovels, tool boxes, overall, masks etc., and vehicles are due to be replaced
- Proposing to utilise a tracked mobile device (iPad) for each hit squad, taking work requests and providing routes, allowing Hit Squad members to close off cases

14.13 Exeter City Council also plans to change the service. They aim to move further towards city centre priorities, with the remainder of the city potentially being left to reactionary work only.

14.14 All cleaning in West Devon is done through a contract with FCC which they have no intention of changing. Torridge have recently zoned all town centres and surrounding areas, and are happy to be contacted for further details on this.

Parish Councils

14.15 A mixed response was received on asking their opinion of disposing of dog mess in litter bins. Some had no issue with the proposal but were keen to ask that they don't lose any bins. A few of those councils who responded felt that it would be unhygienic and were especially concerned at the potential harm to children. Others requested that dual-use bins not be used in village centres to avoid any issues with smell or hygiene.

14.16 Almost all parishes had hotspots that they believe require cleaning more often. When asked whether there are any areas that could be cleaned less often the answer from all parishes was a resounding no.

14.17 Voluntary litter picks take place in many of the parishes the project received a response from. Most of the Parish Councils would be willing to increase their use of volunteer litter picking. All those who expressed interest have been sent litter picking information packs.

15.0 Conclusion and Recommendation

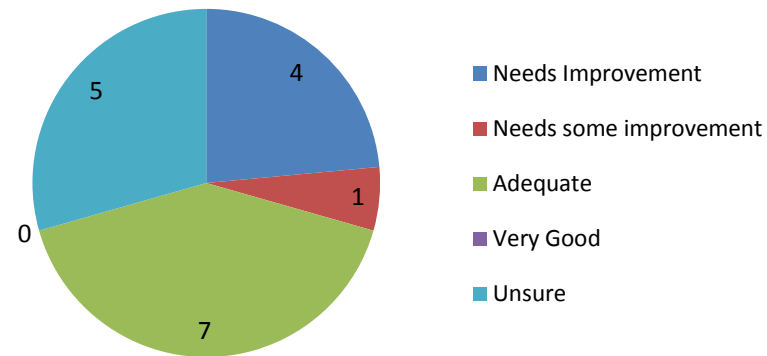
15.1 That the PDG reviews the recommendations that are outlined in this report and feeds back any areas of concern or proposed changes to the Cabinet.

Contact for more Information: Stuart Noyce, Waste & Transport Manager (01884 234635 / snoyce@middevon.gov.uk)

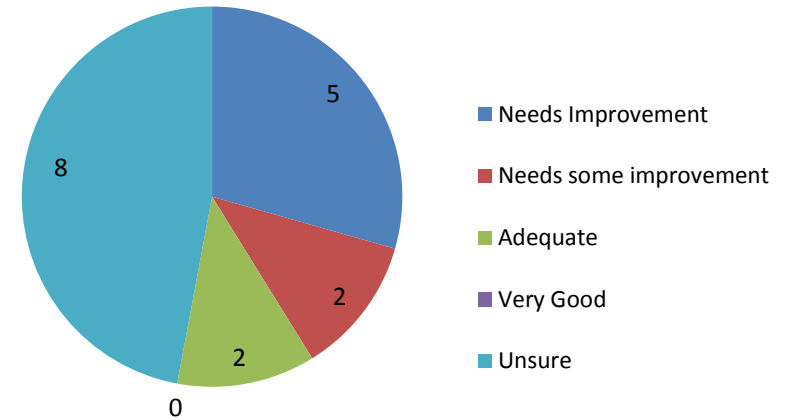
Circulation of the Report: Leadreship Team and Cllr Busch

Parish Council Questionnaire Responses

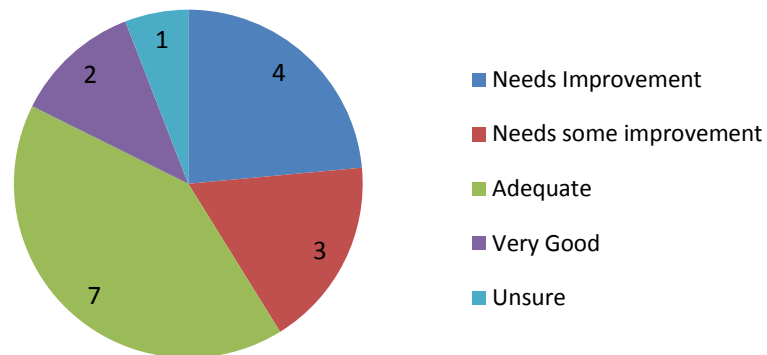
Question 1: How would you describe the Street Cleansing Service as a whole?



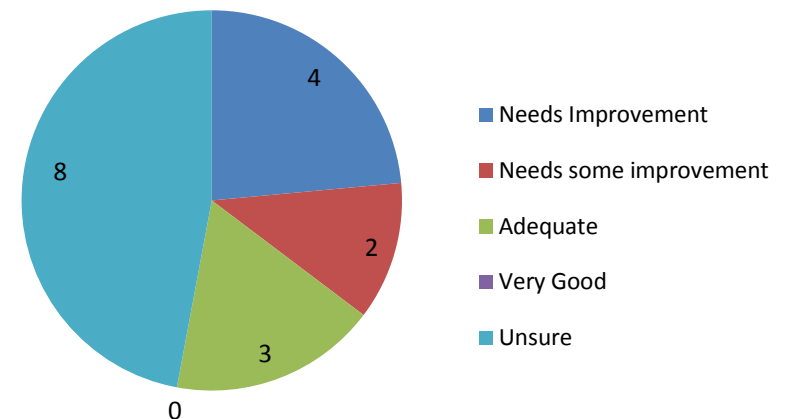
Question 3 :Are the footpaths and pavements kept clean?



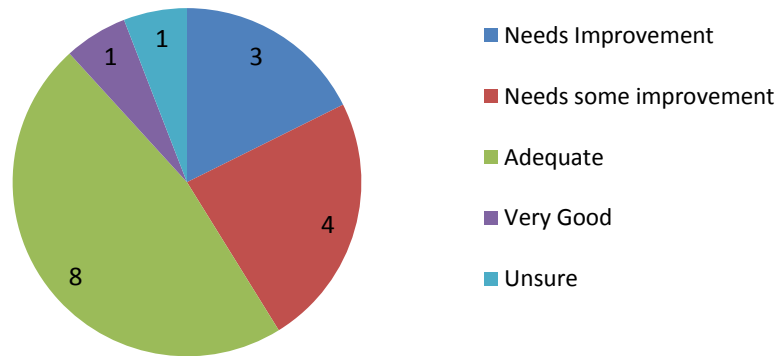
Question 2: How would you describe the performance of the mechanical road sweeper in your Parish?



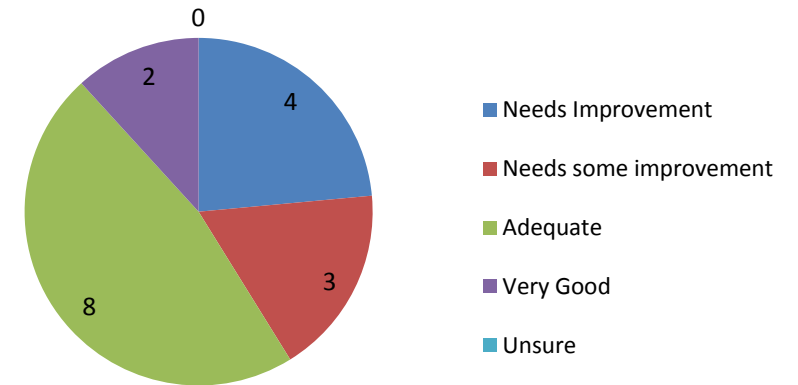
Question 4 :How effective is the cleansing of grass areas?



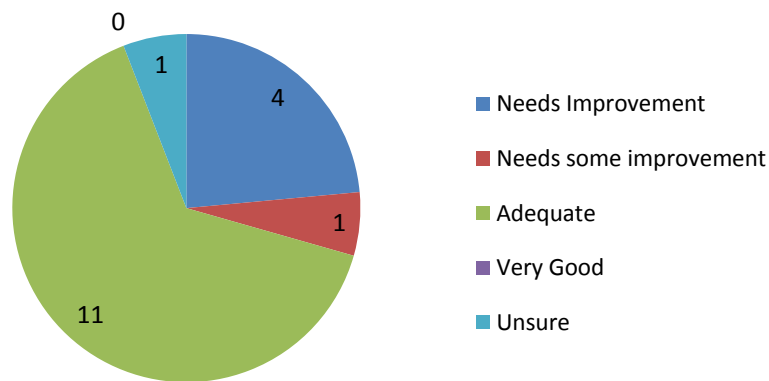
Question 5: What is your opinion on the number of litter bins situated in your Parish?



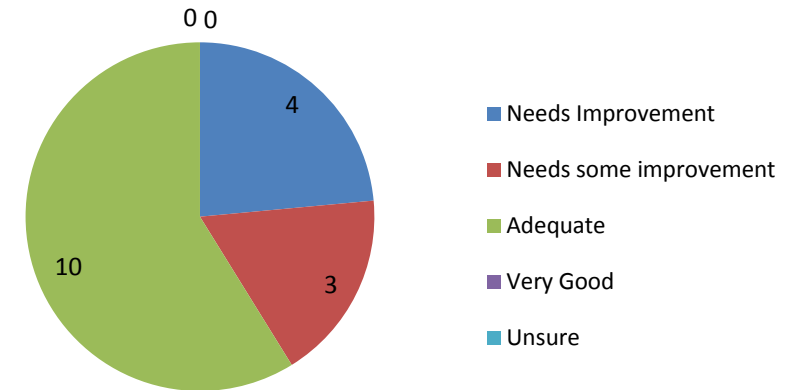
Question 7 : What is your opinion on the number of dog bins situated in your Parish?



Question 6: How would you describe the adequacy of the litter bin emptying schedule?



Question 8: How would you describe the adequacy of the dog bin emptying schedule?



Appendix B – Devon Authority’s Benchmark Information

Table 1 sets out the size of each Council and the amount of reported sweeping tonnage collected by each in the time period from April-November 2016:

Table 1.

Council	Approximate Area /square miles	Leaf Sweepings April – Nov 2016 in tonnes	Other Sweepings April – Nov 2016 in tonnes
Mid Devon	222.8	920.28	6.4
Torridge	380.4	95.42	273.72
South Hams	342.28	267.91	0
West Devon	448.3	278.86	0
Exeter City	18.16	97.33	108.12
East Devon	314.4	1031.72	0
North Devon	419.3	342.5	79.3
Teignbridge	246.3	1552.29	0

Questions 1,2 & 3

Table 2 outlines the annual budgets, equipment and staffing of the street cleaning service in each Council and covers questions 1, 2 and 3 of the questionnaire:

Table 2

Council	Total Annual Budget	Equipment	Staff/FTE
Mid Devon	£532,890	2 x LGV Sweeper 1 x Small Sweeper 1 x Pedestrian Sweeper 3 x Vans	7 x FTE 2 x HGV Sweeper Drivers 1 x Small Sweeper Driver 1 x Pedestrian Sweeper Operator 3 x Parish Sweeper Operatives
Torridge	£381,887	2 x LGV Sweeper 0 x Small Sweeper 2 x Pedestrian Sweeper 2 x Transits 2 x Ford Connects 6 x Orderly Barrows	18.5 x FTE 2 x HGV Sweeper Drivers 1 x relief HGV Driver (sides man) 1 x HGV Driver Part time 1 x Sides man (on litterbin lorry) 2 x Street Sweeping Staff

			8.5 x Street Sweepers/Toilet Cleaners 2 x Pedestrian Sweeper Operators 3 x Village Cleaners
South Hams	£462,180	1 x LGV Sweeper 4 x Small Sweeper 0 x Pedestrian Sweeper 4 x Orderly Barrows	20 x FTE
West Devon	£302,471	2 x LGV Sweepers 2 x Small Sweepers 0 x Pedestrian Sweepers 2 x Orderly Barrows	10 x FTE + 2 extra to cover leafing season
Exeter City	£1,400,000	1 x LGV Sweeper 3 x Small Sweeper 2 x Pedestrian Sweepers 13 x 13.5 T Vans 2 x 5 T “O” license Vans 21 x Orderly Barrows	47 x FTE 4 x Mechanical Sweeper Drivers 14 x Manual Sweeper Drivers 21 x Litter pickers 5 x Other Drivers (i.e. hot wash, graffiti) 2 x Environmental Response 3 x Toilet Cleaners
Teignbridge	£1,275,700	4 x LGV Sweeper 1 x Small Sweeper 2 x Pedestrian Sweepers 5 x Orderly Barrows 1 x Water Bowser	30 x FTE 5 x Mechanical Sweeper Drivers 19 x Manual Sweeper Drivers 4 x Sidehands 2 x Manual Sweepers
North Devon	£785,000	2 x LGV Sweepers 2 x Small Sweepers 2 x Pedestrian Sweepers 2 x Orderly Barrows 2 x Other	12 x FTE

Question 4

Assuming that you follow the Environmental Protection Acts guidelines of separating land into 4 zones (high intensity of use, medium intensity of use, low intensity of use and areas of special circumstances), how frequently do you schedule cleaning each zone?

Mid Devon	Tiverton town centres cleaned daily Credition twice a week, Cullompton every other week Villages cleaned every 4 weeks Lands are not separated into zones	
South Hams	High: Daily Medium: Weekly Low: Monthly	
West Devon	High: Daily Medium: Weekly Low: Monthly	
Exeter City	High: Daily service in the city centre with continual cleaning from 06:00 – 18:00 Medium: We have moved away from schedules and operate on a demand led service with experience operatives. Low: Ditto Special Circumstances: Ditto	
Teignbridge	High	Daily
	Medium	4 weekly / 2 weekly
	Low	8 weekly / 16 weekly
	Special Circumstances	Annually / ad hoc as required
North Devon	High	Daily
	Medium	Weekly
	Low	Monthly
	Special Circumstances	3 Monthly

Question 5

If you do not follow these zones, how do you categorise areas of land and how do you schedule cleaning?

Mid Devon	Land is not categorised.
Torridge	We use the code of practice for Refuse and Litter
Other Districts	All other districts follow the Environmental Protection Act Guidelines

Question 6

Do you measure/monitor the performance of street cleaning in your district? If so, how? (e.g. using the NI195 methodology)

Mid Devon	Until recently, no monitoring took place. Supervisors now occasionally undertake random checks after an area has been swept.
Torridge	The supervisors will undertake random checks of areas around the District.
South Hams/ West Devon	South Hams currently no monitoring however our intention since our review is to introduce monitoring through the NI195 methodology West Devon – yes we do monitor through the NI195 methodology and this was last done in August
Exeter City	We will soon be commencing this work following the cessation of NI195 but along these guidelines.
Teignbridge	Yes – NI 195 methodology for just Litter and Detritus
North Devon	No monitoring carried out

Question 7

Do you monitor weekend sweeping services? If so how?

Mid Devon	No sweeping in mechanical sweepers takes place over the weekends. Other services are not monitored at the weekend.
Torridge	The assistant supervisor is also a sweeper driver so monitors when he is working. The other weekend we do not monitor it is based on trust as members of the public and councillors will inform the office if it is below standard.
South Hams/ West Devon	No we don't
Exeter City	Supervisors work 5 in 7 and alternate weekends with 2 days off in the week as compensation.
Teignbridge	Yes – ad hoc checks are made by Supervisors
North Devon	No monitoring carried out

Question 8

How do you receive the information that a new road has been adopted, and how is it then added to schedules?

Mid Devon	We should receive an email from Devon County Council, but this is sporadic. The GIS layer on Routesmart is updated monthly.
Torrige	Information is received from Devon County Council
South Hams/ West Devon	This is notified through planning and then passed to Devon County Council who informs us once it has been adopted. This is then added to the appropriate schedule
Exeter City	DCC adoptions officer, but this can be sporadic
Teignbridge	Notification is received from DCC and the road is added to the schedule manually
North Devon	The operatives just know and do it!

Question 9

Do you have any voluntary groups who undertake street cleansing (such as litter-picking) and if so do you have any input into their schedule or support them?

Mid Devon	Uffculme Green Group, Tiverton Volunteer litter pickers, Cullompton and Crediton Scouts, Sustainable Crediton, several Parish Councils. All are able to borrow equipment from Mid Devon District Council and are provided with an information pack which includes insurance.
Torrige	There are a number of groups that will undertake litter picking and beach cleaning within the district. They do this on their own accord and provide their own insurance the authority provides refuse sacks litter pickers and collects the waste from an agreed location.
South Hams/ West Devon	<p>South Hams – yes we do have voluntary organisations who do this and these include doing beach cleans and litter picks of towns. We provide assistance by providing litter picking equipment and bags if required. We also arranged for the waste to be collected afterwards and often provide free parking in our car parks for the volunteers. Unfortunately, we have no input into their schedule.</p> <p>In West Devon we have a number of groups that operate litter picks within the towns and we offer the same requirements as South Hams.</p>

Exeter City	Yes, local businesses help out from time to time. Local scout group in Topsham do an annual clean of the Reed Beds in Topsham. Supported by equipment and removal of waste by us.
North Devon	Yes, we provide litter picking equipment
Teignbridge	<p>We have a voluntary group who undertakes litter picks once a month. We do not have any input into their schedule. They have their own equipment but we do collect all of the waste from them on the next working day after the event has taken place. We have agreed collection points.</p> <p>We also have other groups who litter pick regularly, 1 – 2 times a year and we support them by supplying the equipment and collecting any waste following the event. We do not have input into the schedules.</p> <p>We have a target to support 17 community groups for litter picking in 2016/17, currently standing at 16 groups helped, excluding the regular monthly group.</p>

Question 10

Do you have a dog and litter bin policy? (i.e. any agreements with parish councils, do you position a bin for every request?)

Mid Devon	A new dog and litter bin policy is currently awaiting approval.
Torridge	The District Authority provides litter bins and installs them free of charge, dog bins are purchased from the Local Authority and we install them and service them going forward.
South Hams/ West Devon	<p>South Hams – please see our policy attached for the introduction of dog bins. We do however intend to introduce a formal policy and are currently in the process of reviewing where all our litter bins are located, size, frequency emptied etc to go forward with a protocol for introducing new litter bins, reviewing existing bins and looking at ways of improving the effectiveness of the service.</p> <p>West Devon – no official policy, however, we no longer add additional bins to our current WD stock. If a parish or town requests a new bin then they must purchase and finance the emptying of the new bin. We then add these new bins to our schedule and invoice every 6 months.</p>
Exeter City	We have just started to comingle litter and dog waste to improve capacity and extend the provision to dog walkers. No policy.
Teignbridge	<p>No – there is a project scheduled for quarter 3 2017/18 financial year to write a policy.</p> <p>Although we do not currently have a policy, we do use the following principles: We do not automatically position at every request but assess the need and install if required. We don't install bins into private land, unless they are completely funded by the land owner (for the bin, installation and regular emptying) We do not install bins where it is unreasonable to access for emptying</p>
North Devon	No

Question 11

Do you work in partnership with any other agencies or departments when undertaking street cleansing? (e.g. landscaping, grounds maintenance, Highways Agency)

Mid Devon	No
Torridge	Only for one unique location which is Clovelly High Street, a cobbled path that leads down to lower Clovelly and is adopted by Devon County Council
South Hams/ West Devon	We are working in partnership with the Highways Agency and this group has just been started in the last 12 months.
Exeter City	Just started having meetings with Highways Agency
Teignbridge	Grounds Maintenance – co-ordinate with grass cutting Highways England & Devon County Council Highways to work with planned road closures Currently looking at developing a Service Level A greement with Highways England
North Devon	No

Question 12

Does your district undertake any private cleansing work? If so, how much does this earn per annum?

Mid Devon	Cleaning of Tiverton Market - £7270 p/a Cleaning of cemeteries and car parks, both of which are internal recharges.
Torridge	No
South Hams	No
West Devon	Emptying of dog and litter bins on behalf of the Parish and Town Councils £9500
Exeter City	Very minimal, used to work in schools hot washing and removing gum but Devon County Council budget cuts stopped this
Teignbridge	Yes – Newton Abbot Racecourse - £1,780 per year Numerous Town and Parish Councils and other land owners for the emptying of dog and litter bins on their land - £6,660 per year
North Devon	Yes – private shopping area car parks £700 pa

Question 13

Do you have any specialist graffiti/ chewing gum removal equipment?

Mid Devon	One pressure washer for the use of graffiti removal (in the Estates Department)
Torridge	Bideford Town Council has a chewing gum removal machine
South Hams/ West Devon	No
Exeter City	Yes, we have a scrubber machine for scrubbing pavements and 2 vans with donkey engine to heat water with lance and scrubbing desk
Teignbridge	Yes - Graffiti removal bowser
North Devon	No

Question 14

Do you allow any parish councils to undertake work on your behalf?

Mid Devon	Some carry out litter picks supported by Mid Devon District Council Tiverton and Cullompton Town Councils both receive funds from Mid Devon District Council to clean their town centres.
Torridge	Yes as stated above, we will loan equipment and bags and dispose of the litter collected. The only criteria is that any voluntary / parish clear ups groups have to use their own insurance and comply with all rules/ regulations
South Hams/ West Devon	No
Exeter City	N/A
Teignbridge	No
North Devon	No

Question 15

Are you considering any changes to your current street cleaning service?

Mid Devon	<p>Yes, hence this review.</p> <p>We wish to measure the productivity levels of the current service.</p>
Torridge	<p>Not at the moment concentrating on waste and recycling.</p>
South Hams/ West Devon	<p>South Hams – In July we just reviewed the service and have now introduced Rapid Response Teams across the District which focuses our resources better and more flexibly as well as introducing a new, more efficient, mechanical sweeping operation. We have divided the District into four areas: Ivybridge and the surrounding areas (Area A); Totnes and the surrounding areas (Area B); Dartmouth and the surrounding areas (Area C); and Kingsbridge and its surrounding areas (Area D). Each area has access to a small mechanical sweeper, a hit squad (a vehicle with a two man crew) and a barrow man. This resource should see an improved level of cleanliness standard but we also recognise it may require some adjustments as the service beds in.</p> <p>The service is also supplemented by a large mechanical sweeper and three litter bins crews. We aim to balance workloads better and improve the efficiency of the service through the use of new technology. We are also aware that some of the coastal towns need supplementing in the summer months, particularly in respect of litter bin emptying. To this end we have utilised a summer litter bin collection round and where appropriate manual street sweeper.</p> <p>The Hit Squads are an integral part of the street cleaning service. They are multi-tasked to cover container and bag deliveries/repairs (domestic and trade), fly-tipping, bulky waste collections service, and general feature or event street cleaning. The four Hit Squads reflect the areas identifies above (A-D) and each have dedicated areas they cover on each day of the week. We have produced a draft map to reflect the areas they cover. This map is primarily a guide as deviations can be made to respond to urgent service needs, in particular fly-tipping. This review has also enabled us to identify a day when bulky waste will be collected (Wednesday's) allowing better planning for residents when trying to dispose of their bulky household items. The teams have a range of tools to complete their duties including brushes, hoes, shovels, tool boxes, overalls, masks etc. In addition, replacement vehicles with more bespoke facilities (areas to carry tools, store waste, more easily load materials etc.) are being provided as part of the review.</p> <p>The map will be available publically when we are more confident of the borders for each day's work (work planning has dictated the areas to date). This division helps us manage the work better and will be built in to any electronic</p>

	<p>communication tools that we utilise. We are currently proposing to utilise a mobile (tracked) device to manage the day-to-day work of each hit squad. This mobile device will be closely linked to the In-Cab technology we are currently installing into the main refuse, recycling and garden waste collection vehicles. It will enable us to take work requests from the Council's CRM (W2) and 'route' this work to create efficiencies. The Hit Squad members will have the ability to close cases off on a real time basis using the mobile device (iPads) enabling the Council to respond more effectively to customer needs and expectations.</p> <p>West Devon – this is a managed contract with FCC and we are not considering any changes</p>
Exeter City	We want to move more towards city centre priorities and remainder of the city more to demand led service or even reactionary work only. Policy to be available early October.
Teignbridge	A project is planned for improvements to the IT system for the operational management of the street cleaning service and is due to commence during 2017
North Devon	No

Question 16

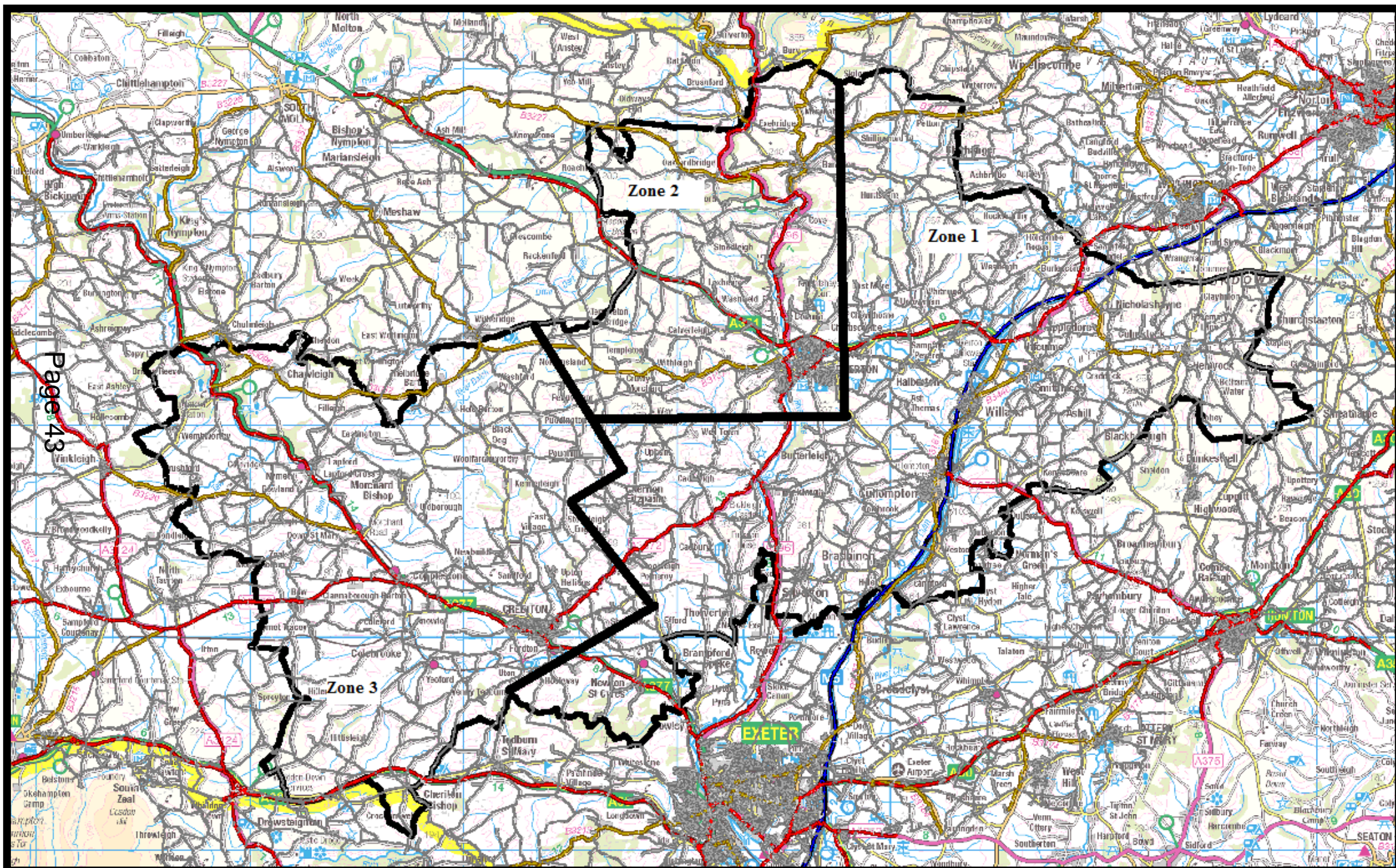
Have you made any efficiencies in the street cleansing service in recent years, and were they successful?

Mid Devon	No efficiencies made recently.
Torridge	We have zoned all the town centres and surrounding areas happy to go through with yourselves
South Hams/ West Devon	<p>South Hams – We have had to make a saving of £125,000 hence the review of the cleansing service in July 2016</p> <p>West Devon – been in a contract with FCC for last 7 year no review carried out for efficiencies</p>
Exeter City	Yes, by only cleaning streets that need cleaning and this was achieved by getting rid of schedules and targeting "in need" streets. Mobilising sweepers in vans has meant that litter bins can be checked and emptied if needed and identifying streets that need cleaning.
Teignbridge	No
North Devon	Made crew responsible for specific zone – successful

Question 17

Do you benchmark the service? If so, how and how often?

Mid Devon	No
Torridge	No, not at the moment
South Hams/ West Devon	This currently is not being done but we have the intention to do this in the future
Exeter City	No
Teignbridge	We monitor 'Satisfaction with the cleanliness of streets' annually and 'Street cleaning & litter responsibilities. £'s per household', which for 15/16 was £19.78.
North Devon	No



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Litter and Dog Bin Policy



Version: 1.1
Date Reviewed: March 2017
Next Review: March 2020

1.1 Introduction

Mid Devon District Council has no legal duty to provide litter and dog waste bins but it does have a duty to keep Council owned land and public highways clear of litter and refuse as far as practicable.

Bins are provided, maintained, and emptied as the main method of controlling the litter and dog waste problems that many areas experience. There are approximately 394 litter and 300 dog bins in varying condition across the District with a capital cost in the region of £136,000. This is a large number for the size of the district and as funding continues to be reduced from central government a reduction in the number should be considered.

Whilst the Council is committed to providing sufficient bins to help discharge its responsibilities under the Environmental Act 1990, the Council has never had a policy for agreeing bins. It has often allowed town and parish Councils to locate additional bins, if they pay for the new bin installation and then take the on-going cost for the emptying of the bin. Going forward new bins will only be located in areas where it can be demonstrated that there is a genuine need for one. All locations must be approved by MDDC in consultation with local town and parish Council.

This policy helps to support Government advice in developing an integrated strategy to the problem of litter and cleanliness that includes defining standards and working in partnership with local communities.

1.2 Purpose of this Policy

The purpose of this policy is to detail how the Council will deal with:

- Requests for new bins
- Emptying and maintaining existing bins
- Replacing existing bins
- Dual dog and litter bins
- Increase Recycling of Litter

2.0 Requests for New Bins

All requests for new bins must be received in writing from either Town or Parish Councils using the form in Appendix A. The request must demonstrate why there is the need for a bin and include:

- Plan of the location for the bin and nearest alternative
- Type of Bin
- Financial Assistance provided by the local Council
- A risk assessment determining any hazards that the placement of the bin may cause to members of the public or MDDC staff
- Survey of litter/dog mess over a three month period

Bins will only be supplied, installed, maintained or emptied if they are on land for which MDDC has responsibility. This includes streets, parks and green spaces, but doesn't include private land such as schools, canal towpaths or riverbanks. Should a third party request a new or replacement bin on their land MDDC will consider the request, and if approved a bin will be supplied and installed at a cost to the third party. The responsibility of emptying such a bin would remain with MDDC and a charge made for this service in advance.

Where deemed appropriate litter bins with recycling facilities may be installed instead of, or in addition to, standard litter bins.

This policy does not suggest public consultation on the installation of bins in general. However in some circumstances, it is recommended, such as when bins are proposed in close proximity to houses.

As there are on-going human and financial resource implications with the installation of any new bin, due consideration should be given to all requests for bins using the criteria detailed below:

2.1 Site Survey:

A site survey, to include the following criteria:

- Suitability of the location including the need to reduce street clutter, particularly in more sensitive locations such as Conservation Areas and near to listed buildings.
- Scale of the litter/dog waste problem- will it make a real impact on litter or can this be addressed in other ways e.g. by enforcement.
- Number and location of existing bins in the area.
- Accessibility to all including collection vehicle.
- Cost of installation.
- Costs for emptying the bin as some in more remote areas can have disproportionate transport costs.
- The possibility of valid objections from neighbours.

If MDDC deems the location to be unsuitable for reasons of safety, such as stopping to empty a bin, proximity to housing or installation difficulties an alternative location may be suggested.

2.2 Alternative Arrangements:

Possible alternatives, including:

- Changing the size/type of existing bins in the area (e.g. dog bin to dual dog and litter bin)
- Moving an existing bin to a different location.

Bins will only be installed on sites which are safe and where there is a genuine need for a bin. We will not install bins on private land or in a location which may encourage the disposal of trade waste. The EPA 1990 makes provision for the collection and disposal of commercial waste, and the Council expects businesses to provide and empty their own bins for the litter they create, including retail premises such as takeaways, kiosks etc.

Once a decision has been made by MDDC regarding the outcome of a request for a bin, that decision will not be reviewed for a minimum of six months.

3.0 Emptying and Maintaining Bins

Only those bins purchased by the MDDC will be maintained and emptied, or those with an agreement with the owner.

Bins will be emptied on such a frequency that will prevent them overflowing. This will be based on their locations and related to the intensity of use. The frequency may also vary according to the time of year and for special events. Monitoring will ensure that these frequencies are sufficient.

All bins will be maintained to a standard that is fit for purpose. When a bin is damaged or stolen it will be replaced only if it meets the criteria above for new bins. Also any bins that have a history of constant vandalism will not be replaced.

Bins that have been supplied, installed and maintained by a Parish Council remain the responsibility of the Parish Council and will not be included in any assessment, replacement, refurbishment and repair process. Should these bins be in need of a replacement a request for a new bin should be submitted.

4.0 Replacing and Removing Existing Bins.

The Council will aim to improve the effectiveness of individual bins through a program of removal and replacement, using larger capacity bins where required or combining separate dog and litter bins into one. We will continually monitor the usage of bins to determine their viability. Bins not being used or being used infrequently may be removed.

Where individual bins are repeatedly targeted with vandalism, a flexible approach to finding a suitable solution should be found. This may include using a different type of bin, moving the bin to a nearby location or removing the bin entirely. When the most appropriate solution is to move or remove the bin, consultation should be carried out with local Council to ensure they support the solution.

If a member of the public, a Parish Council, other interested party or MDDC deems a bin to no longer be needed in a particular location an assessment will be carried out similar assessment as that used for the placement of a new bin will be carried out. If the bin is shown to be in a suitable location it will remain in place. If the assessment shows the bin to be in an unsuitable location an alternative location may be suggested or the bin may be removed entirely following consultation with local people.

5.0 Dual Dog and Litter bins

All dog and litter bins are collected by the same round for each area and the waste is taken to the same disposal point. It therefore serves no purposes to split this waste before collection. Dog owners should be advised that dog waste in bags can be put in any public litter bin, reducing the need for specific dog bins. There are many dog and litter bins in the district which have been located next to each other. A review of bin locations could identify bins which could be removed and a dual purpose bin installed instead.

6.0 Recycling Litter bins

Much of the waste collected in litter bins could be recycled. The Council will consider in high use locations such as town centres the installation of split litter bins (one side recyclables the other for non-recyclables). The recycling of this waste will both benefit the environment but also reduce disposal costs and thus generate an income from both recycling credits and sale of the material.

Highways England and Mid Devon District Council Joint Partnership Approach to Tackling Litter



Introduction

Highways England is committed to playing its part in keeping our roads free from litter and will develop and enhance partnership arrangements with Local Authorities and build on existing collaborative working relationships to allow a joined up approach to be taken on tackling litter on All Purpose Trunk Roads (APTRs). This approach supports and strengthens the vision as outlined in the previously published [Litter Strategy of 2014](#).

Partnership Commencement Date:

General Principles and Responsibility for Litter Clearing:

Litter clearing duties were assigned under the [Environmental Protection Act 1990 Section 89](#) as follows:

- 'Special roads' are the responsibility of Highways England – this effectively includes motorways and a very small number of APTRs.
- APTRs, unless selected as special roads, are the responsibility of the local authority.

Background

We all want to live and work in a country we can take pride in, but litter is a problem that blights both our rural and urban landscape, with our roads being no exception. Not only is litter unsightly, it can be hazardous to other road users and road workers during the clearing process, while also being environmentally and economically costly. The act of littering is therefore an anti-social behaviour, which together we need to work hard at eradicating.

The cost of litter collection activities for both Highways England and Local Authorities presents a financial burden on the taxpayer. As well as being unsightly and costly, particularly when litter collecting activities take funding away from other important maintenance activities, litter creates a safety hazard to road users and to those involved in litter clearing activities.

Joint Partnership Working Arrangements:

To improve coordination of litter clearing operations and to minimise disruption on the network, Highways England will work with Local Authorities and District, Borough or City Councils who have no specific highways or traffic management functions to:-

- Build strong relationships with our partners and stakeholders through regular engagement
- Agree a litter clearance schedule between parties as to what activities are planned
- Share and clearly communicate dates for planned road/lane closures and traffic management as soon as practical, so that routine maintenance, litter clearing, sweeping and cleaning activities can be undertaken simultaneously
- Agree on, and implement, litter clearing initiatives
- Disseminate regular updates via a programme of works

Highways England will develop its partnerships with Local Authorities including District, Borough and City Councils who have no specific highways or traffic management functions through building strong relationships with key operational personnel and working collaboratively together through regular engagement. Partnership arrangements are set out in the attached Litter Strategy Partnership Agreement in Appendix 1.

The Essence of this Agreement

Highways England and Mid Devon District Council share a common objective in relation to litter collection and the need for a partnership approach and effective communications is vital to secure effective co-ordination. There are mutual benefits to both organisations to work jointly together to ensure that disruptions to the travelling public are minimised and the sustained objective is to continue to build on the positive, day-to-day close relationships between Highways England, the local authorities, and where necessary others, to provide a seamless service to our mutual customer, the travelling public.

The partnership agreements provide the vehicle to deliver our stated intentions and to adopt them as underlying principles; they provide the basis for voluntary arrangements to be developed between Highways England and Mid Devon District Council.

Implementation and Review

All parties to these agreements are urged to implement the protocols and procedures contained within this document in accordance with arrangements set out in Appendix 1.

This partnership agreement will be updated regularly and all significant changes will be agreed by all parties but as a minimum shall be reviewed annually.

Limitations and Constraints

This partnership agreement does not constitute a legally binding document or commitment between any parties and any other agreements made between Highways England and Mid Devon District Council remain unaffected by the Partnership Agreements.

This statement of intent is made in good faith and Highways England and Mid Devon District Council will use their best endeavours to meet the aims and objectives set out above.

LITTER STRATEGY PARTNERSHIP AGREEMENT

Between
Kier Services Highways,
Mid Devon District Council
And
Highways England

Square brackets denote area specific text items to be completed by the Service Provider/ Local Authority and also denote contract specific differences allowing this single template to be used for various contract types. All of the text in red should be removed, completed, replaced or amended to suit local circumstances as appropriate.

1. Introduction

- a) Kier Services Highways is contracted under the Managing Agent Contractor (MAC) by Highways England.

At present, only motorways and selected APTRs are the responsibility of Highways England and the Kier Services Highways is required to carry out litter clearing, sweeping and cleaning activities.

- b) Mid Devon District Council is the Local Authority through which the highway passes and which is legally required to ensure that the land, so far as is practicable, is kept clear of litter and refuse. This involves accountability for keeping clean the majority of APTRs across the Strategic Road Network within the geographic area of Mid Devon District Council.

- c) Highways England, Kier Services Highways and Mid Devon District Council are committed to proactively exploring and identifying ways to create a cleaner Strategic Road Network in order to minimise the impact litter has on both the natural and built environment, and, where appropriate, to building collaborative relationships to jointly achieve this goal.

- d) Highways England, Kier Services Highways and Mid Devon District Council recognise and respect each other's roles and responsibilities.

2. Purpose of the Litter Strategy Partnership Agreement

Highways England, Kier Services Highways and Mid Devon District Council will seek to build and enhance their relationship, consulting and co-operating where it is of mutual benefit, in order to support and complement each other's contribution to a cleaner environment and Strategic Road Network, including exploring ideas and opportunities of mutual benefit.

Kier Services Highways will endeavour to create opportunities to share

resources with Mid Devon District Council including traffic management and the use of Impact Protection Vehicles (IPVs), to perform litter clearing, sweeping and cleaning activities.

Confidentiality

All information, discussions and documents shall remain confidential between Highways England, Kier Services Highways and Mid Devon District Council and both parties will take proper and all reasonable measures to ensure the confidentiality of such information that is agreed and deemed appropriate.

3. Working Together

Highways England, Kier Services Highways and Mid Devon District Council will hold regular executive level liaison meetings to develop and monitor a work programme that delivers litter clearing, sweeping and cleaning activities.

The three parties share a number of common objectives and so the need for effective communication is vital to secure successful co-ordination. Communication methods will be defined on an area specific basis. The three organisations will work together to ensure any disruption to customers caused by litter clearing, sweeping and cleaning are minimised.

4. Review of Litter Strategy Partnership Agreement

This Litter Strategy Partnership Agreement will be reviewed annually and updated as necessary.

Signed on behalf of Highways England

Emma Bazeley, Highways England

Date _____

Signed on behalf of Kier Services Highways



Howard Jones, Operations Manager

Date 08.02.17_____

Signed on behalf of Mid Devon District Council

Local Authority Operations Manager

Date _____

STREET SCENE ENFORCEMENT SERVICE REVIEW

Cabinet Member(s): Cllr Karl Busch
Responsible Officer: Stuart Noyce, Waste & Transport Manager

Reason for Report: A Review of the Street Scene Enforcement Service has been undertaken over the last twelve months. This report outlines the findings of the review and gives members an opportunity to comment on proposed new ways of working and agree the priorities of the service going forward.

RECOMMENDATIONS: That the PDG reviews the report and updated policy (Appendix A) and feed back any areas of concern or proposed changes to the Cabinet.

Relationship to Corporate Plan: Street Scene Enforcement Service is a frontline service which works throughout the District ensuring cleanliness and attractiveness of our public realm through both education and enforcement.

Priority 4: ENVIRONMENT - Aim 3: Protect the natural environment.

Financial Implications:

A change in the working practices of the team will reduce the number of vehicles required from four to three. This equates to annual saving of £3,510 per annum.

Legal Implications:

The updated policy enables the service to enforce the following acts:

Traffic Management Act 2004, s82

Clean Neighbourhood and Environment Act 2005

Environmental Protection Act 1990

Refuse Disposal (Amenity) Act 1978 s3

Environmental Protection Act 1990 s149(1)

Animal Welfare Act 2006

Animal Welfare Act 1995

1.0 Introduction

1.1 The Street Scene Enforcement Service has undertaken an internal review of its current working practices. It was completed over a twelve month period by both staff and management. The team consists of One Manager (1 FTE), Four District Officers (3.8 FTEs), Two Administration Assistants (0.5 FTE) and One Administration Apprentice (0.5 FTE). The admin support team is shared with other Street Scene Service functions such as waste thus why only a total of 1FTE is charged to this service.

1.2 The review had three objectives:

- 1) Identifying smarter working practices which could help deliver efficiencies for the Council.
- 2) Ensure that its priorities beyond non statutory work match those of members.
- 3) Review of current policies and IT systems.

1.3 The team has been through a period of instability and change in recent years due to multiple management restructures and changes to the Councils responsibilities. An example is Devon County Council taking back responsibility for its On Street Parking

Enforcement. It was decided that with the services move to its new depot, an expected period of stability and the need to deliver efficiencies for the 2017/18 budget that 2016 would be an ideal time to review the services current working practices which had remained unchanged for some time.

2.0 Current Functions

- 2.1 The duties currently carried out by the service are outlined below. They can be grouped broadly into three categories:

Statutory – The authority has a legal duty to undertake this activity. This includes: Stray dogs; Dangerous Dogs; Fly tipping investigations; Abandoned Vehicle Removal.

Mandatory – Activity which if not undertaken could lead to a loss of income, service disruption or reputational damage for the authority. This includes: Car Parking Enforcement; Trade Waste Enforcement; Environmental crime investigation; Travel; HR activities; paperwork;

Discretionary – activity which the authority can to some extent choose how much or little it wants to do. This includes: Litter patrols; Dog Fouling Patrols; Cleansing Inspections; Compulsory Recycling; microchipping events.

3.0 Street Scene Enforcement Policy

- 3.1 During the review it was identified that some policies used were in need of review and updating. All policies have now been updated and included within one policy document. The detailed policy document can be found in Appendix A. The following policies are included within the document.

Section 1	Civil Parking Enforcement Discretion Policy
Section 2	Fixed Penalty Policy
Section 3	Fly Tipping Policy
Section 4	Compulsory Recycling Policy
Section 5	Abandon Vehicles Policy
Section 6	Stray Dog Policy
Section 7	Microchipping Policy
Section 8	Collar and Tag Policy

4.0 District Officer Working Pattern

- 4.1 The current working pattern for the District Officers in the service has been used for some time. Each full time officer is contracted to work 37 hours per week. This is worked over five days (Mon-Fri, 7.4 hours per day) and each officer also works six hours on a Saturday, once every four weeks on car parking duties.
- 4.2 A revised working pattern has been developed by management and staff during the review and will be introduced from 3rd April 2017. Under the new working pattern, officers will work four of six days (Mon – Sat) on a rota basis (9.25 hour days). The new rota is set out in Appendix B.
- 4.3 This new working pattern means there will be three officers working on each day. This will reduce the number of vans needed in the service by one. The savings from this reduction (includes vehicle purchase, maintenance, tax and insurance) are £3,510 per annum. A reduction in traveling mileage and thus fuel is hard to estimate at this time so will be reviewed after one year.

- 4.4 In addition to the financial benefits, the new work pattern will create other benefits. The period covered on Saturdays (increased from six hours to nine hours) will deliver more parking enforcement capacity on the busiest day which could protect parking income further. A move away from the traditional 9am-5pm working day will allow officers to undertake patrols (such as dog fouling) at earlier or later times. It will also give officers the ability to communicate with residents outside of traditional office hours if the resident is not available during the working day/week.
- 4.5 Due to the nature of the district, District Officers currently spend large parts of the day driving to and from site. The district is currently patrolled by three of the officers (District Split into three) which allowed the fourth to undertake either project work, such as compulsory recycling, be on annual leave or act as their rest day. The new working pattern will split the district into two areas, north and south (See Appendix C). Each area will have two officers assigned to it. This will allow officers to build up knowledge and history of ongoing issues, build local relationships such as local Council clerks and provide cover. On each week day, each area will have one officer assigned to it and the third officer will undertake project work. By each officer only traveling to and from site four times a week rather than five times a week, less time should be lost from travelling.

5.0 District Officers Activity

- 5.1 At present the activity for the District Officer Team is monitored by manual timesheets that are submitted by the officers at the end of each week. The summary of time spent on each activity for the past twelve months can be seen in Appendix D.
- 5.2 The District Officers aim to be out in the District as much as possible but some of the work requests that come in cannot be opened on their devices while on site. As the current IT system has limited reporting functions, such as which Officer has been allocated which requests it takes a long time to calculate accurate amount of time for each type of activity.
- 5.3 If the new IT systems that are currently being considered (see section 6) are introduced, then all work requests will be fed direct into the new system and then the admin team can allocate the work out directly to the District Officers mobile devices while on site. This new system will also have built in time recording, saving time from District Officers not recording time sheets and reports can then be run direct from the system.
- 5.4 If the amount of time spent on statutory and mandatory duties remains unchanged this leaves approximately 300 hours per quarter to be allocated to discretionary duties. This time allocation has previously been officer led but it is proposed that going forward this time is allocation by members and its outcomes reported back to this PDG. This will allow members to allocate resources to their perceived issues and priorities.
- 5.5 The table below is a suggested allocation of time for discretionary duties for the first six months of 2017/18 but welcome feedback from members of the PDG.

Duties	Allocation of Remaining Time	Duties	Allocation of Remaining Time
Compulsory Recycling	40%	Condition Survey of Litter/Dog Bins	10%
Cleansing Inspections	10%	Dog Fouling Patrols	20%
Litter Patrols	20%		

6.0 IT Systems

Work Flow Recording & Allocating System

- 6.1 Work requests from the public for the team are recorded on the corporate CRM system. Through the review it was identified that the current CRM system is not suitable for the District Officers who are out on site for the majority of the time. Information that comes into Customer First cannot always be communicated to the District Officers so is sent to Street Scene Services Admin team who then in turn try to contact the District Officers. This is often inefficient and could delay the dealing with requests. The recording and reporting of information from the system (e.g. Fly tipping information) is often not suitable and not easy to analyse.
- 6.2 Working with IT, a system that is already being used by Environmental Health has been identified that will enable the service to carry out better mobile working. This should reduce paper usage, duplication of data entry and deliver a more efficient way of reporting and assigning work to the District Officers. This new system will develop more opportunities for customers to “self-serve” and develop the content of the website to increase customer online contact and move customer contact away from face to face and telephone. The introduction of the new system will require some existing staff time to implement but the overall on-going cost should be similar to the current system.

Parking Enforcement System

- 6.3 The current system used for off street car parking enforcement was inherited from DCC in 2008. At present the District Officers patrol all MDDC pay & display car parks on a daily basis and the amenity car parks monthly. The current hand held devices that are used are no longer supported by the manufacturer for the software or hardware, so any repairs or updates would come at a cost. There are no GPS facilities on the hand held devices or panic alarm facility. District Officers currently need to come back to the office at the end of each day to download all Penalty Charge Notices (PCN's) issued throughout the day. This means if a member of the public calls into pay or challenge the PCN on the day of issue the Council cannot process this as there is no information in the back office system until the download.
- 6.4 A new parking enforcement software system has been jointly procured with other Devon authorities in line with the Councils procurement plan. The new system that will be introduced in quarter one of 2017/18 will enable the customers to view their PCN's online to challenge or pay. It will also allow the customer to purchase virtual permits. The permit will be registered to the vehicle and will not require window permits. This should save on paper, postage and admin time.
- 6.5 The new system will also allow the District Officers to issue Fixed Penalty Notices (FPN) for environmental crime such as littering on the devices.
- 6.6 The system works in real time and will download information securely straight to the cloud. Meaning any PCN and FPN issued by the District Officers will be visible to the members of the public straight away. The members of the public can then view all the details of the notice that has been issued including all pictures taken so they can then pay online or make a challenge online.

7.0 Conclusion and Recommendation

- 7.1 That the PDG reviews the report and updated policy (Appendix A) and feed back any areas of concern or proposed changes to the Cabinet.

Contact for more Information: Jan Norman, Environment and Enforcement Manager Ext.4601

Circulation of the Report: Cllr Karl Busch, Management Team

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Street Scene Services Enforcement Policy

Date of issue: March 2017
Review date: March 2020

Section 1

Civil Parking Enforcement Discretion

Traffic Management Act 2004, s82

*Civil Enforcement of Parking Alleged Contraventions (England)
General Regulations 2007.*

*Civil Enforcement of Parking Alleged Contraventions (England)
Representations and Appeal Regulations 2007.*

This document contains:

1. Policy Statement of Mid Devon District Council for Civil Parking Enforcement.
2. Types of Appeals (Challenges and Representations).
3. Statutory Grounds under which a Formal Representation may be made.
4. Detailed examples of Representations under specific grounds.
5. Details of the Independent Adjudication Service – The Traffic Penalty Tribunal.

Policies set out in this document provide guidance only.

Each case must be considered on its own merits, taking into account all of the evidence available and the exceptionality of the circumstances surrounding any case.

NB: Mid Devon District Council enforce within their own car parks and as such are considered as the Enforcement Authority in those locations only. On-Street enforcement (yellow line enforcement etc) is the responsibility of Devon County Council.

How to contact Mid Devon District Council regarding off-street parking issues within a Council owned car park:

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

Tel: 01884 255255

e-mail: parkingservices@middevon.gov.uk

NB: Representations (appeals) against the issue of any Penalty Charge Notice (PCN) by Mid Devon District Council will only be considered if made in writing , and is within the legally prescribed time, and is made by the person or organisation entitled to make the representation.

Mid Devon District Council will endeavour to respond to all communications within 10 working days. All responses will be in writing and will address all issues raised within each representation.

If you make a representation and do not receive a reply within 10 working days or 15 calendar days, whichever is the soonest, please contact the Council's Parking Services Department as soon as possible.

C O N T E N T S

- 1a. Policy Introduction
- 1b. Policy Statement
- 1c. Types of Appeal
- 1d. Statutory Grounds under which to make Formal Representations:
- 1e. Detailed Examples of Representations on specific grounds
- 1f. The Independent Adjudication Service

Section 1a

Introduction

The policies set out in this document are intended to provide guidance and information to the public and Council employees carrying out car park enforcement duties.

The policies and approach are consistent with current best practice and aim to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the legislation and associated guidance, the Traffic Penalty Tribunal (TPT) and the Local Government Ombudsman.

These policies represent a foundation upon which fairness, openness, transparency and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by councils must not be unduly rigid in their application.

The policies address the following:

- The Statutory Grounds upon which representations can be made at each stage.
- Mitigation – what constitutes mitigating circumstances, how this is considered and applied.
- The acceptance and rejection of representations.

It is important to recognise that each case will be considered on its own merits and will not be unduly influenced by previous decisions. Proportionality, objectivity, fairness and reasonableness must be paramount in the mind of the officer considering any representation.

Policy Statement of Mid Devon District Council for Civil Parking Enforcement within their own Car Parks

Mid Devon District Council is committed to making sure that it provides Equality of Opportunity in how its services are delivered. This commitment has been translated into its core values by ensuring that different groups and individual needs are reflected in the delivery of service.

The staff of Mid Devon District Council will ensure that they will offer all necessary assistance to any person to ensure that they are aware and can avail themselves of all services and rights due to them.

By carrying out Civil Parking Enforcement within its own car parks Mid Devon District Council will:

1. Maintain its car parks to a standard that encourages drivers to park legally and safely thereby improving traffic flow on the highway and making the District a more pleasant and environmentally safe place in which to live and visit.
2. Provide parking at a reasonable cost to the public so as to encourage the local economy.
3. Actively support the needs of disabled people bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car. This will ensure that people with disabilities are able to have equal access to all facilities within the District.

The policy shall be regularly reviewed and will take into account:

1. Existing and predicted levels of demand for off-street parking.
2. The availability and pricing of off-street parking.
3. The accuracy and quality of existing lines, signs within the car parks.
4. The levels of compliance that Mid Devon District Council considers to be acceptable and the level of enforcement necessary to achieve them.
5. The views of the public who shall be actively consulted on all matters relating to the extension of parking restrictions.
6. The views of Devon Police.
7. The provision of suitable parking facilities for disabled people.
8. The provision of suitable parking facilities for motorcyclists.
9. Consideration of the Council's overall aims with regard to the environment, fear of crime within the District and the sustained economic growth of the District.

Section 1b

Types of Appeals:

Under the terms of the Traffic Management Act 2004 (TMA) any appeal made to Mid Devon District Council is termed as a “Representation” and will either be:

1. **Informal Representation (aka A Challenge):** This refers to any representation made before the Council issues the Statutory Notice¹ to Owner to the person who is the registered owner / keeper at DVLA or the person that Mid Devon District Council believes to be the owner / keeper at the time of the alleged contravention.

The Informal Representation may be made by any party directly concerned with the vehicle who may not be the keeper, i.e. the driver at the time of the alleged contravention.

An Informal Representation should be made where the appellant believes that there are compelling reasons why the Penalty Charge Notice should not have been issued. These may be for any reason and any mitigating circumstances will be considered by the Council. Representations should be accompanied by any supporting evidence and will be considered against the evidence collected by the Council's Civil Enforcement Officer at the time of the alleged contravention, which may include contemporaneous notes, both written and electronic as well as digital photographs.

If made within 14 days of service of the Penalty Charge Notice, thereby during the period in which the 50% discount for payment applies, the discount period shall be “frozen” so as not to disadvantage the appellant. Should the representation be rejected the appellant shall be notified in writing by the Council and the discount period recommenced and apply for 14 days from the date of written notice of rejection.

Only one Informal Representation will be accepted in respect of any alleged contravention. If this is rejected by the Council no other informal representation will be accepted and, if received, will be returned to the appellant.

Any informal representation received after the discount period has expired will be considered but the discount period will not be recommenced and the full penalty amount shall be payable should the representation be rejected.

2. **Formal Representations:** This refers to a representation made by the registered owner / keeper of the vehicle, according to DVLA, or the person(s) believed to be the registered owner / keeper by Mid Devon District Council.
3. This person(s) shall be the person(s) who has received the Statutory Notice to Owner¹ from the Council and the representation is made within 28 days of service of the Notice.

¹ A Statutory Notice to Owner (NTO) shall be sent to the person(s) that DVLA state was the registered keeper, at the time of the alleged contravention, or the person(s) that Mid Devon District Council believe to be the owner / keeper. This will be done after the Penalty Charge Notice remains unpaid for a period of 28 days.

Formal Representation from another party may be accepted only if the Council accept that they are acting as the authorised representative of the registered keeper / owner of the vehicle. In such cases the Council will require sight of the written authority from the registered keeper / owner before considering any such representation. In the absence of such authority the Council shall reject the representation without consideration and the registered keeper / owner shall be notified, in writing, of the rejection.

If a Formal Representation is made by a third party acting as the authorised representative of the registered keeper / owner of the vehicle, this does not remove the registered keeper / owner's liability for the penalty charge / Notice to Owner.

Formal Representations must be made on one of the grounds specified within the Statutory Notice to Owner (See Section 4 of this document). However, where these are not appropriate, the Council will consider mitigating circumstances and these should be described in full by the appellant and, in all cases, any supporting evidence included with the representation.

If the formal representation is rejected by the Council the appellant will be notified in writing by the Council who will issue a "Formal Notice of Rejection of Representation" which will give reasons why the representation was rejected. The appellant will always be considered as the registered keeper / owner of the vehicle, irrespective of the fact that the representation may have been made by an authorised representative.

The Formal Notice of Rejection will allow 28 days, from and including the date of service ²of the Notice, for the penalty charge to be paid or an appeal to the Independent Adjudicator to be made (see "4" over leaf). Failure by the keeper to either pay the penalty or make an appeal to the Independent Adjudicator within 28 days will result in a Charge Certificate being issued. This will have the effect of increasing the outstanding penalty amount by 50%. After the issue of the Charge Certificate no further appeal will be accepted. A Charge Certificate must be paid in full within 14 days of service.

Failure to pay the increased charge could result in the Council seeking a County Court Order for Recovery, which will add a further £7 to the outstanding amount. Failure to pay at this stage will then result in a Court Warrant of Execution being obtained and passed to Bailiffs for recovery. Bailiffs will add their fees to the outstanding debt and these can be significant.

² Date of Service is considered as being on the 2nd working day after the date of posting by 1st class post. All documents are posted on the date of issue. Working days do not include Saturdays, Sundays or any designated public (Bank) holiday.

4. Appeal to the Independent Adjudication Service: If a Formal Representation is rejected by the Council the registered keeper / owner of the vehicle (the appellant) has the right and will be given the opportunity to appeal the case to the independent parking adjudicator, The Traffic Penalty Tribunal.

Full details of how to appeal to the Independent adjudicator will be included with the Formal Notice of Rejection of Representation sent by the Council. If this is not received please contact the Council immediately.

The appeal must be made on one of the 9 grounds stated within the appeal form and the appeal must be made within the stipulated timescale (28 days of service of the Notice of Rejection of Formal Representation). Appeals made outside of this time may be rejected by the Adjudicator unless just cause for the delay can be demonstrated by the appellant.

Please see Section 1e of this document.

Section 1c

Statutory Grounds under which to make Formal Representations:

Important Note:

Although the following are the 9 possible statutory grounds under which to make a formal representation as defined by the Civil Enforcement of Parking Alleged contraventions (England) Representations and Appeal Regulations 2007, full consideration will be given and account taken of all formal representations received whether or not they fall within the description of "Statutory Grounds". It is for this reason that a 10th ground, encompassing any other information the owner / keeper would like the Council to consider. This 10th ground will be considered as "mitigation"

The 9 Statutory Grounds are:

- G1. The alleged contravention did not occur:
- G2. That the recipient of this Notice:
 - i. never was the owner of the vehicle in question;
 - ii. had ceased to be its owner before the date on which the alleged contravention occurred; or
 - iii. became its owner after that date.
- G3. That the vehicle has been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner:
- G4. That the recipient of this Notice is a vehicle-hire firm and:

- iv. the vehicle in question was at the material time hired from that firm under a hiring agreement; and
 - v. the person hiring it had signed a statement of liability acknowledging their liability in respect of any penalty charge notice served in respect of any parking alleged contravention involving the vehicle during the period of the hiring agreement.
- G5. That the penalty charge exceeded the amount applicable in the circumstances of the case.
- G6. That there has been a procedural impropriety on the part of the Enforcement Authority or its agent.
- G7. That the Order which is alleged to have been contravened in relation to the vehicle concerned, except where it is an order to which part VI of schedule 9 to the 1984 Act (a) applies, is invalid.
- G8. That the notice to owner should not have been served because;
- vi. the penalty charge had already been paid in full;
 - vii. the penalty charge had been paid, reduced by the amount of any discount set in accordance with Schedule 9 to the 2004 Act, within the period specified in para 1(h) of the schedule to the General Regulations.
- G9. Where a PCN was served by post on the basis that a Civil Enforcement Officer was prevented by some reason from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle, that no CEO was so prevented.

The 10th Ground – Mitigation:

- G10. MITIGATION: The Council is required to use discretion when enforcing penalty charge notices and will do so if genuine mitigating circumstances exist.

Section 1d

Detailed Examples of Representations on specific grounds*

*These examples are for guidance only and the list is by no means exhaustive. We aim to give an indication as to how cases will be dealt with by the Council. In all cases representations should be an honest account of the appellant's position and should be accompanied by as much factual, supporting evidence as possible.

The area of Parking Enforcement is very emotive but the Council will not tolerate abusive, threatening or violent behaviour towards any member of its staff, whether it is verbal or physical and will take every action necessary to protect the interests of its staff.

Mid Devon District Council is responsible for enforcement within its own car parks only. On-Street enforcement within the District is carried out by Devon County Council.

Consequently Mid Devon District Council can only deal with representations relating to PCN's that were issued by them within their car parks.

- G1: The alleged contravention did not occur:

In car parks: THE COUNCIL MAY REJECT REPRESENTATIONS:

1. If a valid pay & display ticket was not purchased or not clearly displayed as required.

G1.2 Where the motorist claims that a parking pay & display machine was faulty

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If service records confirm a fault or that the machine had been taken out of service at the time of the alleged contravention;
2. If there is reasonable doubt because evidence not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If there was another ticket machine nearby that was working correctly at the time;
2. If there is no record of the machine being faulty or taken out of service;
3. If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.

G1.3 Where a motorist claims that the restriction is not clearly signed or marked

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If signs and/or markings are missing or unclear;
2. If signs and markings are inconsistent with each other and/or Traffic Order or legislation.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Order.

G1.4 Where a motorist was carrying out building works

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If valid dispensation to park at the location in question had been issued and was on display in the vehicle;
2. If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation;
3. If it can be proven that works were an emergency.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. In all other circumstances.

G1.5 Where a motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the Civil Enforcement Officer's pocket book and/or computer notes confirm that the vehicle drove away before a PCN could be served, i.e. PCN not handed to the driver or fixed to the vehicle.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the Civil Enforcement Officer's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle.
2. If the Civil Enforcement Officer has issued a Regulation 10 PCN by Post.

G1.6 Where a motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN, which was issued

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. Following consideration of all available evidence;

THE COUNCIL MAY REJECT REPRESENTATIONS

1. Following consideration of all available evidence;
2. If there is no evidence or if the evidence presented does not support the claim or is inconclusive.

G1.7 Where motorist claims that a valid authorisation to park, had been issued

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If records show that the motorist holds a valid authorisation to park.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the motorist cannot provide a copy of the valid authorisation to park or if there is no record of any issue of the authorisation;
2. If the motorist did not park in accordance with the authorisation.

NB: *A valid authorisation to park could be a pay & display ticket, permit, season ticket, RING Go or dispensation.*

G1.8 where the motorist claims that a pay & display ticket was purchased and displayed

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued.

and

2. The Civil Enforcement Officer confirms that a face down ticket or a ticket that was displayed but concealed in some other way was seen.

and

3. It is the first alleged contravention of this kind.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the motorist is unable to produce a valid pay & display ticket.
2. The Civil Enforcement Officer was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen.
3. The motorist has made a similar representation before and had a previous PCN cancelled, after giving them the benefit of the doubt; or
4. The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park.

G2 That the recipient:

Never was the owner of the vehicle in question;
Had ceased to be its owner before the date on which the alleged contravention occurred;
Became its owner after that date.

G2.1 Never was the owner of the vehicle in question;

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the DVLA confirms that the motorist was not the registered keeper at the time of the alleged contravention.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the alleged contravention.
2. If the previous registered keeper provides proof that the motorist bought the vehicle before the alleged contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the alleged contravention.
3. If the motorist is proven to have hired the vehicle for the day on which the alleged contravention occurred and signed an agreement to take responsibility for PCNs incurred, subject to the time of hire (see policy G4, below)

G2.2 Had ceased to be its owner before the date on which the alleged contravention occurred;

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the current registered keeper is able to provide proof that the vehicle was disposed of before the alleged contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or
2. If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the current registered keeper is unable to prove that they neither disposed of the vehicle before the alleged contravention nor provide the name and address of the person to whom they disposed of the vehicle.
2. If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide

G2.3 Became its owner after that date;

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the current registered keeper is able to provide proof that the vehicle was purchased after the alleged contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or
2. If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the current registered keeper is unable to prove that they neither purchased the vehicle after the alleged contravention nor provide the name and address of the person from whom they bought the vehicle.
2. If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.

G2.4 Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the alleged contravention

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. Only when a hire agreement exists (see policy G4, below).

THE COUNCIL MAY REJECT REPRESENTATIONS

1. In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.

G3 That the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner

G3.1 where the current registered keeper claims that the vehicle had been stolen

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the registered keeper provides a valid police crime report reference number.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the current registered keeper is unable to provide any proof of theft.
2. If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged.

G3.2 Where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner) without permission.

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the registered keeper provides a valid police crime report reference number.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. In all other circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy G4, below).

G4 That the recipient is a vehicle hire firm:

The vehicle in question was at the material time hired from that firm under a vehicle hiring agreement;

The person hiring it had signed a statement of liability acknowledging his/ her liability for any PCN served in respect of any alleged contravention involving the vehicle;

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the hire company are able to provide proof that the vehicle was hired at the time of the alleged contravention, i.e. a signed agreement;

and

2. If the hire company are able to provide the full name and address of the person to whom they hired the vehicle;

or

3. The vehicle is on long term lease and the company provides full details of the person / organisation leasing the vehicle. In such cases the lessee stands in the place of the registered keeper.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the hire company are unable to prove that they neither hired out the vehicle on the date of the alleged contravention nor provide the name and address of the person to whom they hired the vehicle.
2. If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the alleged contravention.
3. If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.

G5 That the penalty charge exceeded the amount applicable in the circumstances of the case.

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the PCN or Notice to Owner showed the correct amount of penalty charge

G6 That there has been a procedural impropriety on the part of the enforcement authority

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If any requirements imposed by the TMA or the TMA Regulations in the relation to the imposition or recovery of a penalty charge have not been observed.
2. If any document has been served in advance of the time scale set out in the TMA regulations.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If all requirements imposed by the TMA or the TMA Regulations in the relation to the imposition or recovery of a penalty charge has been observed.
2. If all documents have been served in accordance with the time scale set out in the TMA regulations.
3. If the motorist merely considers the restrictions to be unfair.

G7 That the Order which is alleged to have been contravened in

relation to the vehicle concerned is invalid

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the Traffic Order which prescribes the restrictions that the vehicle was parked in alleged contravention was either not constructed correctly, i.e. is ultra-vires, or was not made correctly, i.e. not consulted on properly.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the Traffic Order which prescribes the restrictions that the vehicle was parked in alleged contravention of was constructed and made correctly.
2. If the motorist merely considers the restrictions to be unfair.

G8 That the Notice to Owner should not have been served because the penalty charge had already been paid in full or by the amount reduced by any discount set within the period set

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the penalty charge amount had been paid in full.
2. If the penalty charge amount, reduced by any discount set within the period set, had been paid in full.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the penalty charge amount had not been paid in full.
2. If the penalty charge amount, reduced by any discount set within the period set, had not been paid in full.

G9 In the case where a PCN was served by post on the basis that a Civil Enforcement Officer was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle, that no Civil Enforcement Officer was so prevented

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the Civil Enforcement Officer's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle.
2. If the Civil Enforcement Officer's pocket book and/or computer notes did not confirm that the vehicle drove away before a PCN could be served (In such a case the PCN must have been fully prepared prior to service), i.e. PCN not handed to the driver or fixed to the vehicle.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the Civil Enforcement Officer's pocket book and/or computer notes confirm that the vehicle drove away before a fully prepared PCN could be served, i.e. PCN not handed to the driver or fixed to the vehicle.

G10 Any other information that the motorist / vehicle owner want the Council to take into consideration

MITIGATING CIRCUMSTANCES:

Mitigation is any reason that may have caused the motorist to commit the alleged contravention which was either beyond their control or unavoidable. The scope of this is very wide and the examples below are, by no means, presented as a definitive list but serve to demonstrate how such representations are viewed and dealt with by the Enforcement Authority.

Motorists have the right to make representations in any case where they feel that they have just cause to do so. This should not be seen, however, as a tool to confuse the issue as Council Officers dealing with these cases are well trained and have comprehensive evidence at their disposal for each and every case.

The following examples primarily deal with on-street contraventions as, in normal circumstances, the Council would expect that anyone parking in a car park would pay the required parking fee before leaving the vehicle. Only in very extreme circumstances would this not be the case.

MC1 Where the motorist claims to have become unwell while driving

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described.
2. When the notes made by the Civil Enforcement Officer support the motorist's representations.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described.
2. Where other evidence contradicts the motorist's claims

MC2 Where the motorist claims to be a doctor, nurse or health visitor attending a patient

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the motorist concerned possesses a Medical Dispensation badge (BMA, HEBS) that the COUNCIL concerned recognises and approves and/or is exempt under the relevant Order.
2. If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby.
2. If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.
3. If motorist was parked in an area, which does not correspond with claims made in representations, i.e. far from patient's property, say, in a car park

MC3 Where the motorist stopped to use the toilet

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. In all other circumstances

MC4 Where the motorist stopped to collect (prescribed) medication from a Chemist

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. In any lesser circumstances.

MC5 Where the motorist was a patient visiting a doctor's surgery

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the motorist can provide a letter from a doctor to confirm that the visit was very urgent and that they were unable to walk from the nearest legal parking space.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the motorist was not the patient but only driving the vehicle carrying the patient;
2. If the motorist was attending a pre-arranged, non-urgent appointment;
3. If the motorist could reasonably have been expected to parked legally elsewhere.

MC6 Where the motorist claims to have been recently bereaved

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.

2. THE COUNCIL MAY REJECT REPRESENTATIONS

1. Only if there is a significant reason to doubt the sincerity of representations, i.e. the Civil Enforcement Officer's notes indicating that the motorist was going about a normal day, say, shopping or working, or the bereavement is considered to be a long time ago.

MC7 Where the motorist was unavoidably delayed in returning to their vehicle and parking time purchased had expired

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If supported by appropriate evidence, the motorist's claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional will be considered.
2. If the motorist became incapable of driving, since parking the vehicle. This would need to be fully supported by evidence.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the delay described by the motorist was avoidable or non-essential, i.e. queuing in a shop;
2. If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting;
3. If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained and charged by the police.

MC8 Where the motorist “fed” a meter or pay & display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. Where the restrictions are not made clear by on site signage.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. In all circumstances where this activity is prohibited by the restrictions in place.

MC9 Where the motorist left the vehicle parked without a valid ticket on display to obtain change.

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the motorist had not left the car park while obtaining change and a ticket was purchased.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the Civil Enforcement Officer's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e. carrying shopping, or had left vehicle in car park, while obtaining change (5 minutes will normally be allowed to obtain change in an off-street parking place).

MC10 Where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight.

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If reference to restrictions on tariff board(s) are incorrect or missing.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. In all other circumstances,

MC11 Where the motorist claims to have been unaware of a recent rise in tariff

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If statutory notices were not erected in accordance with procedural regulations;
2. If revised tariff is not on tariff board(s).

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct.

MC12 Where the motorist had parked with one or more wheels outside of a marked bay in a car park

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence.
2. Otherwise, in no circumstances.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. When clear and incontrovertible supporting evidence (photographs/Sketch plan) is available.

MC13 Where the motorist is a Blue Badge holder or transporting a Blue Badge holder and they did not have their Blue Badge and/or clock on display or could not be read or had expired

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If it can be established that this is the motorist's first alleged contravention of this type and they can provide evidence that they are a Blue badge holder or were transporting a Blue Badge holder and that this was a genuine error.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. If the motorist has previously had a PCN cancelled for the same alleged contravention and has been warned to display a valid badge /time clock, correctly in the future.

MC14 Where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, residents' permit, business permit or visitors' permit

THE COUNCIL MAY ACCEPT REPRESENTATIONS

1. If the renewal of the authorisation was delayed by the COUNCIL administrative processes.
2. If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence).
3. In the case of season tickets and resident's /business parking permits only, if the authorisation had expired by less than 14 days.

THE COUNCIL MAY REJECT REPRESENTATIONS

1. In all other circumstances.

In the event of more than one vehicle registration included on season ticket or permit, subsequent production of the season ticket will not necessarily cause automatic cancellation of the PCN as the season ticket may have been used on the other vehicle.

MC15 Where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued

THE COUNCIL MAY ACCEPT REPRESENTATIONS

In no circumstances.

THE COUNCIL MAY REJECT REPRESENTATIONS

In all circumstances.

MC16 Where the motorist claims they were attending a funeral

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If no evidence exists to the contrary, taking into account the sensitivity of this issue.

THE COUNCIL MAY REJECT REPRESENTATIONS

Only if there is a significant reason to doubt the sincerity of the representations.

MC17 Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.

THE COUNCIL MAY REJECT REPRESENTATIONS

If it can be established that such conditions did not cause lines and signs to be obscured as claimed.

If the Civil Enforcement Officer's notes/photographic evidence etc. directly contradict the motorist's version of events.

If any reasonable alternative indication of the restriction was available to the motorist. (i.e. the lines were clearly visible 5 yards further on).

If the location of the alleged contravention was unlikely to be subject to the natural conditions described by the motorist, i.e. it was under cover

MC18 Where the motorist claims that their vehicle had broken down

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If the motorist is able to provide evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts.

THE COUNCIL MAY REJECT REPRESENTATIONS

If the motorist is unable to provide evidence of any kind that their vehicle had broken down.

If the cause of the vehicle “breaking down” was due to negligence on the part of the motorist, i.e. the vehicle had not been properly maintained, had run out of petrol or water or a similar reason.

If the Civil Enforcement Officer’s notes contradict the motorist’s version of events.

MC19 Where the motorist claims that they were attending an emergency or another vehicle that had broken down

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident or incident, or that they were attending to another vehicle that had broken down.

THE COUNCIL MAY REJECT REPRESENTATIONS

If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down.

If the Civil Enforcement Officer’s notes contradict the motorist’s version of events, i.e. the motorist was not seen attending an emergency or another vehicle, which was broken down.

MC20 Where the motorist claims to have put money into the wrong ticket machine

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If it is agreed that the position of the ticket machine used by the motorist is likely to cause confusion.

THE COUNCIL MAY REJECT REPRESENTATIONS

If the ticket machine used by the motorist is positioned in such a place that confusion is not likely.

If the motorist has had representations accepted for a similar alleged contravention previously.

MC21 Where the vehicle in question was on police, fire brigade or ambulance duties

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If a senior officer of the service concerned, supports the representations and there is no reason to doubt that the vehicle was engaged on operational activities.

THE COUNCIL MAY REJECT REPRESENTATIONS

In all other circumstances

MC22 Where the motorist claims to have been collecting or depositing monies at a bank

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading.

Or

If specific arrangements have been agreed.

THE COUNCIL MAY REJECT REPRESENTATIONS

In all other circumstances

MC23 Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If the motorist claims that there was no indication of the restriction, and the Civil Enforcement Officer's notes/photographs do not confirm that appropriate signage was in place.

If the process followed to make the temporary order was defective in some way.

THE COUNCIL MAY REJECT REPRESENTATIONS

If the Civil Enforcement Officer's notes/photographs confirm that the vehicle was parked in an area restricted by the Temporary Order or Notice, and that appropriate signage was in place and clearly visible.

MC24 Where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time, e.g. is living abroad or is in prison

THE COUNCIL MAY ACCEPT REPRESENTATIONS

In no circumstances

THE COUNCIL MAY REJECT REPRESENTATIONS

On all occasions

MC25 Where the registered keeper liable for payment of the PCN is said to have died

THE COUNCIL MAY ACCEPT REPRESENTATIONS

Where the circumstances can be confirmed.

THE COUNCIL MAY REJECT REPRESENTATIONS

Only if there is a significant evidence to doubt the sincerity of the representations.

MC26 Where the vehicle driven by the motorist is diplomatically registered

THE COUNCIL MAY ACCEPT REPRESENTATIONS

In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle.

All un-recovered penalty charges from keepers of diplomatically registered vehicles, the information concerning these debts should be passed on to the Foreign and Commonwealth Office.

[Source – Secretary of State's Traffic Management and Parking Guidance, Vienna Convention on Diplomatic Relations, Diplomatic Privileges Act 1964 and Government Report on Review of Vienna Convention...]

THE COUNCIL MAY REJECT REPRESENTATIONS

In no circumstances

MC27 Where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location

THE COUNCIL MAY ACCEPT REPRESENTATIONS

To prevent 'double jeopardy', if confirmation provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident have been instituted.

THE COUNCIL MAY REJECT REPRESENTATIONS

In all other circumstances

MC28 where a COUNCIL officer or Member parked in alleged contravention and claims to have been on COUNCIL business

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If the officer was carrying out emergency or other statutory work.

THE COUNCIL MAY REJECT REPRESENTATIONS

If it can be established that the officer/Member could have reasonably parked elsewhere.

MC29 where the motorist stopped to drop off someone

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If the circumstances are seen by the Civil Enforcement Officer. If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger (child, elderly or disabled person) to home, or school.

MC30 where motorist states they were in police custody when PCN issued

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle. If the time of arrest (proof required from the Police) provides confirmation that motorist was legally parked and was unable to move vehicle before the restriction started.

THE COUNCIL MAY REJECT REPRESENTATIONS

If no proof provided. If vehicle could have been legally parked before arrest.

MC31 where motorist states they were visiting a friend or relative in urgent circumstances

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If due to an emergency the parking alleged contravention could not be avoided due to the exceptional nature of the incident

THE COUNCIL MAY REJECT REPRESENTATIONS

If the Civil Enforcement Officer's Pocket Book notes provides significant reason to doubt sincerity of representation

MC32 where motorist claims they were parked on private property

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If land search maps confirm location is private property & not subject of the relevant Traffic Regulation Order.

THE COUNCIL MAY REJECT REPRESENTATIONS

In all other circumstances

MC33 where motorist had parked while asking directions / opening gates to private property

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If evidence provided by the Civil Enforcement Officer does not contradict representations.

THE COUNCIL MAY REJECT REPRESENTATIONS

In all other circumstances

MC34 where motorist stopped to answer mobile phone

THE COUNCIL MAY ACCEPT REPRESENTATIONS

In no circumstances

THE COUNCIL MAY REJECT REPRESENTATIONS

On all occasions

MC35 where motorist states that the details on the PCN are incorrect, e.g. location

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer.

THE COUNCIL MAY REJECT REPRESENTATIONS

If the Penalty Charge Notice was fully and correctly completed.

MC36 where motorist states they were unaware of enforcement on Bank/Public holidays

THE COUNCIL MAY ACCEPT REPRESENTATIONS

In no circumstances

THE COUNCIL MAY REJECT REPRESENTATIONS

On all occasions

MC37 where motorist states that restriction was marked after the vehicle had been parked

THE COUNCIL MAY ACCEPT REPRESENTATIONS

If records confirm that signage/lining/ placement of cones or suspension notices was likely to have taken place after the vehicle parked.

THE COUNCIL MAY REJECT REPRESENTATIONS

If there is evidence to show that markings were already in place at the time of parking.

Section 1e

The Independent Adjudication Service.

If the Council does not uphold your Formal Representation you will be given the opportunity to appeal your case to the Independent Parking Adjudication Service: The Traffic Penalties Tribunal who are based in Manchester and hear appeals in respect of Penalty Charge Notices issued by Local Authorities in England apart from those issued in London.

Appeals can be heard either by post or at a personal hearing, this can be “face to face” in front of an adjudicator or over the telephone as a “conference call”. Those conducted “face to face” will be at a location selected by the appellant. All appeal hearings are informal but are legally binding on both parties. Costs are not normally awarded to the successful party but these may be awarded if the adjudicator feels that a party has acted “frivolously, vexatiously or totally unreasonably”.

It is Mid Devon District Council aim to, whenever possible, attend all personal hearings to present the Council’s case.

All parties involved in an adjudication hearing must act honestly and show respect for the other parties.

Details of the appeals process, including the specific grounds under which appeals can be made, will be sent to the appellant with the Formal Notice of Rejection of Formal Representation. Once received the appeal form must be completed and sent to the Adjudication Service within 28 days of the date of the Notice of Rejection. – Please read the appeal form carefully. Do not send the form to the Council as this will delay the matter and may lead to the appeal being rejected by the Adjudication Service.

If you do not receive an appeal form with the Notice of Rejection please contact the Council immediately.

If an appeal is made the Council will be notified by the Adjudication Service and will have 21 days in which to submit their response to the appeal. This will usually consist of a full evidence bundle along with a detailed summary including the Council’s submission.

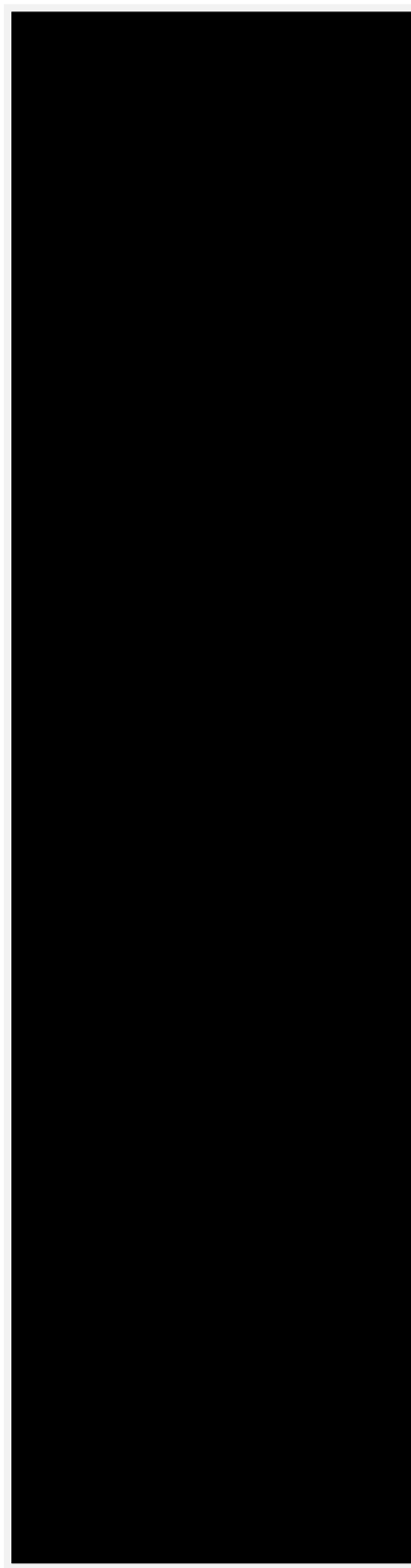
If you include additional evidence with your appeal to the adjudication service the Council may accept this and will choose not to contest the appeal.

You will receive copies of the Council’s evidence bundle directly from the Council and you will be informed, formally, of the outcome of the appeal by the adjudication service. Please read this outcome letter properly as it may contain specific instructions for you to follow.

Section 2

Street Scene

FIXED PENALTY



Contents

2a	Introduction
2b	Principle
2c	The legislation and offences
2d	Penalties and Payments
2e	Procedure
2f	Minors and Juveniles
2g	Partnerships
2h	Advice and other bodies
2i	Comments and complaints about the policy

2a. Introduction

Fixed Penalty Notices are a means of punishing offenders for unlawful behaviour and offer a quick, flexible means of dealing with certain offences. It avoids overloading the judicial system with unnecessary cases. They allow a person who admits to the committing of an offence to end the matter promptly, avoid Court action and possibility of a criminal record.

Authorised Enforcement Officers can issue Fixed Penalties for offences contained within the Clean Neighbourhoods and Environment Act 2005 and the Environmental Protection Act 1990.

2b Principle

Mid Devon District Council is committed to providing a good local community for the public and protecting the environment.

As well as an enforcement tool, the use of fixed penalty notices is intended to encourage behaviour change and to bring improvements to local environmental quality and to protect the public safety.

Using Fixed Penalties brings with it a great deal of responsibility to ensure that the powers are used correctly, proportionately and lawfully – a responsibility that Mid Devon District Council takes very seriously.

At all times it must be remembered that the instances where the issue of a Fixed Penalty is considered, an offence indicative of a crime has been committed. The use of Fixed Penalties is a discretionary power and its use will take into account the proportionality of the offence or crime. Therefore, there will be occasions where an authorised officer will decide a Fixed Penalty will not be issued and the level of the offence or crime warrants a prosecution.

2c The legislation and offences

Clean Neighbourhood and Environment Act 2005

- Offence of failing to clear up dog faeces anywhere within the area of Mid Devon.
- Offence of failing to put a dog on a lead when directed to do so by an Authorised Officer.

Environmental Protection Act 1990

Offence of Littering

A Penalty can either be issued on the spot or through the post depending on the circumstances and type of offence. Enforcement Officers will observe offences whilst on dedicated patrol, on a pure chance basis whilst engaged on other duties, or following an approach by members of public willing to stand as a witness in any subsequent Court action.

If a Fixed Penalty is not paid within the prescribed time limit, the authority will normally start prosecution proceedings for the original offences. No proceedings will be taken for the offence before the expiration of 14 days following the date of the notice. The offender will not be liable to conviction for the offence if payment of the fixed penalty is received during the period of 14 days.

2d Penalties and Payments

Each Fixed Penalty Notice will contain details of the offence and the payment required. It will also have the address for Mid Devon District Council and the time limit for payment.

The table below shows the payment due for the given offence and the timescale for payment following the date of issue. All dates quoted are calendar days. The Council currently insists on cash, credit card or card supported cheques for the full amount. Payments can be made on-line, over the telephone, through the post or in person.

The table below shows the fixed penalty costs which will be issued.

Table to show Fixed Penalty costs

	Dog Fouling	Litter	No-smoking	Dog on lead
Up to 10 days	£50	£50	£150	£50
Up to 14 days	£80	£80	£150	£80

** Denotes the time from when an unpaid Penalty will be considered for prosecution.*

2e Procedure

Where an authorised officer witnesses an offence, they will, if possible, approach the offender and identify themselves as an Enforcement Officer for Mid Devon District Council and show an identity card. The officer will be in uniform and at all times and carry an identity card. The offence observed will be explained and the offenders details taken. If the use of a Fixed Penalty is deemed appropriate, explanation will be given regarding the issue of Fixed Penalty and its use as an alternative to prosecution and possible criminal

record. An alleged offender may be asked to provide ID to confirm the personal details provided.

In some cases, for example litter thrown from a moving vehicle, an immediate approach is not possible so the Penalty will be sent in the post. Mid Devon District Council can request assistance and information from the Police, DVLA and other bodies to help with its investigations. In these cases, the Penalty will be issued as soon as possible with a full written explanation of the circumstances and procedure involved.

A Fixed Penalty will only be issued where it is both appropriate, in line with the Council's Principle and Environmental Policy. There will be a clear indication that an offence has been committed. There will be sufficient supporting evidence to enable a prosecution should the Penalty Notice go unpaid.

A Fixed Penalty Notice will not be issued if it is regarded as inappropriate or not in line with our principle above. Examples of this could include repeat offenders who should be considered for prosecution. Other examples might include un-cooperative persons, aggravating circumstances or where it is suspected the offender seems confused through impairment or drugs or alcohol. In cases like this, an Enforcement Officer will consider seeking support from other bodies such as the Police or another agency.

2f Minors and Juveniles

A fixed penalty notice can lawfully be issued to anyone over the age of 10. However, in view of the complexity of the youth justice system, Mid Devon District Council will normally only issue fixed penalty notices to those over 17 years old. This authority is mindful of the welfare needs, legal issues and other concerns relevant to children and young people and is keen to ensure they are adequately observed.

In straightforward cases, where an Enforcement Officer deals with a person under 17 years old, they will obtain the child's details and the name of their parents or legal guardian at the time for the offence and if on enquiry it is decided that a fixed penalty is suitable, the fixed penalty notice will be issued to the offender personally with a parent or legal guardian present. If for any reasons it is issued in writing, a responsible adult should be notified at the same time.

In the case of a person under the age of 17, in deciding whether a Fixed Penalty Notice is appropriate, this authority will consider whether the offender has received a fixed penalty previously or if a Reprimand, Warning or other sanction should be considered instead. We will also take into account his or her family circumstances and whether he or she suffers from vulnerabilities.

2g Partnerships

Mid Devon District Council issues Fixed Penalty Notices in partnership with Devon and Cornwall Police, and any other authorised personnel. All authorised officers use the same penalty notices.

2h Advice and other bodies

Any person having had a Fixed Penalty Notice served upon them can consider seeking independent advice on the matter from the Citizens Advice Bureau or a solicitor. Advice is also available from the website www.directgov.uk

2i Comments and complaints about the policy

The Council welcomes any comments, complaints, queries or suggestions about this Policy. You should set out any such matters in writing to the following address:

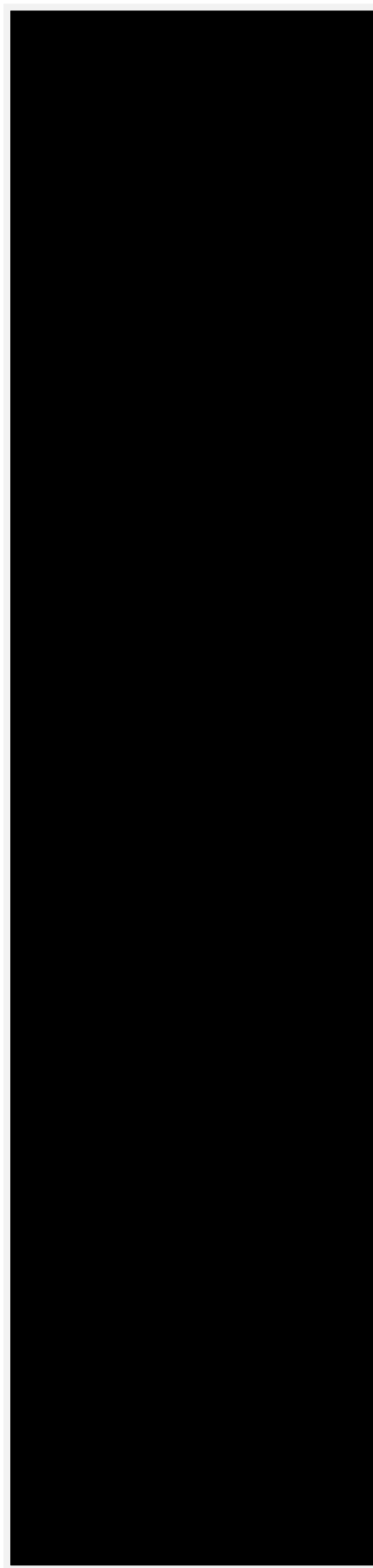
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
Devon EX16 6PP

The Council's complaints procedure is available for grievance against any actions or decisions taken by its officers.

The current policy will commence March 2017 and will be revised in March 2020 unless a change in legislation makes an interim review necessary.

Section 3

Fly Tipping



Contents

- 3a Introduction and legislation
- 3b The procedure for Flytipping
- 3c Fixed Penalties
- 3d Getting payment
- 3e Sending reminder letters
- 3f Costings
- 3g Other linked policies

3a. Introduction

Fly tipping is the illegal dumping of waste; it can vary in scale significantly from a bin bag of rubbish to a large quantity of waste dumped from a truck. Enforcement legislation is embodied within the Environmental Protection Act 1990.

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 came into force on the 9 May 2016, which amends the Environmental Protection Act 1990 to allow the issuing of fixed penalties for waste deposit offences.

Mid Devon District Council will not investigate any flytipping which has been deposited on private land.

3b. The Procedure

- Mid Devon District Council will take a proactive approach in its attitude towards tackling fly tipping.
- All reported fly tipping will be investigated within 2 working days and removed within a further 5 working days (unless this is found to be on Private land).
- In cases of fly tipping found on public open spaces or on highways etc a letter shall be sent to the alleged offender with an explanation of the offence committed and an invitation for them to attend an interview under caution. The purpose of the invitation is to ascertain why the offence was committed and to see if there is a plausible explanation for the committed offence. If the interviewers are not satisfied, consideration will be given to either issuing a Fixed Penalty Notice or prosecuting.
- Evidence held by the District Council shall be held in prosecution files in a locked cabinet
- Interviews under caution will be carried out under the Police and Criminal Evidence Act 1984 (PACE).

The table below identifies the process to be used for flytipping:

ACTION	TIMESCALE	NOTES
Contact complainant	2 working days	<ul style="list-style-type: none"> To acknowledge contact and obtain information
Visit Site	4 working days	<ul style="list-style-type: none"> Photograph fly tipping. Search waste for evidence on site or at depot. If amount is excessive over 50 tonnes inform Environment Agency.
Remove fly tipping	5 working days	<ul style="list-style-type: none"> Arrange with Waste Management if investigating officer is unable to remove.
Evidence found	4 working days	<ul style="list-style-type: none"> Open new prosecution file. Complete witness statement. Label exhibits. Print photo, label and date.
Invite alleged offender to attend a PACE interview	3 months	<ul style="list-style-type: none"> Ensure prosecution file is up to date. Book interview room. Arrange for member of Benefits to carry out PACE interview.
PACE interview	6 months	<ul style="list-style-type: none"> Listen carefully to offender, decide on action. Issue fixed penalty notice if appropriate. Update file.

4c. The Fixed Penalty Notice

If it is identified following a PACE interview that a Fixed Penalty Notice should be issued the following details must be included:

- The alleged offence, for example fly tipping;
- Details regarding the offence which contravenes the Environmental Protection Act 1990 Section 33 (1)(a);
- When and where the offence took place;
- How the FPN has been issued (in person or by post);
- The fine imposed (and if there's a discount for paying early)
- When the fine must be paid by (this must be at least 14 days);
- How the fine can be paid.

3d. Getting Payment

Mid Devon District Council will request payment is made within 14 days.

3e. Sending Reminder Letters

Reminder letters will be sent to those where payment has not been made. The letter must detail the full payment cost, when the payment must be made by, and what happens if payment is not made.

Authorising enforcement staff

Enforcement Officers must be authorised in writing by the authority to issue FPNs.

Taking offenders to court

Offenders may be taken to court for the offence committed.

Mid Devon District Council will wait 14 days after issuing an FPN before legal action is taken.

Legal proceedings will commence within 6 months of the offence.

3f. Costings

Fly tipping penalty charges:

Maximum full penalty	£150-£400
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Minimum discount penalty	120
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3g. Other linked policies

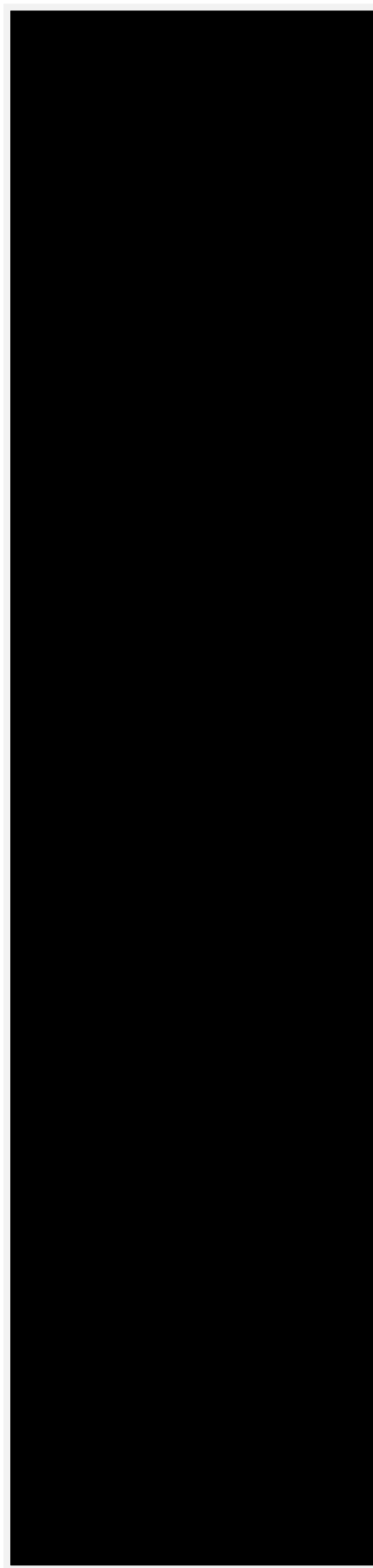
Other linked policies include :

Fixed Penalty Policy;

Compulsory Recycling Policy.

Section 4

Compulsory Recycling



Contents

- 4a Introduction
- 4b The Legislation and Offences
- 4c Penalties and payments
- 4d Procedure
- 4e Other linked policies
- 4f Appendix 1
- 4g Appendix 2

4a Introduction

Mid Devon District Council have 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. There is a green recycling box for cardboard and cartons. Both of these boxes are collected fortnightly.

From Autumn 2015, there is 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 kind of materials. It is not aimed at those who are already doing the right thing but at those who insist on not recycling.

4b The legislation and offences

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

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

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

4c Penalties and Payments

The presentation of waste for collection in the incorrect containers, on an incorrect day or before 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(z)(a) 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.

4d 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.

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, or who put it out later, or on the wrong day.

Step 1 – Waste or recycling found in wrong container, put out late or on the wrong day will not be collected and will be stickered – District 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 – 1st occasion in six months – the District Officer calls at home. Ensures resident is fully informed about recycling and issues information leaflet – **first warning issued and recorded** (Letter to householder, see appendix 1, and an entry in the District Officers' pocket notebook) – waste collected – NFA.

Step 3 – 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**. See Appendix 2.

The 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.

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

4e Other linked policies

Fixed Penalty Notices

4f Appendix 1



Date

Address details

Street Scene Services

Phoenix House

Phoenix Lane

Tiverton

Devon

EX16 6PP

www.middevon.gov.uk

Contact: Street Scene Services
Telephone: 01884 255255
Email: Streetscene@middevon.gov.uk
Fax / DX:

Dear Occupier

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

As you will be aware, Mid Devon District Council introduced compulsory recycling across the district in November 2015. 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 may have **put waste into the wrong receptacle**. A brief assessment was made at the time as to whether to check the bags. This may be due to the fact that a number of black sacks had been put out for one household (our best recyclers are putting out less than one black sack full of waste for two weeks, the rest is being recycled); the weight of the bags (heavy bags would have been checked) or it would have been obvious that there were recyclable items in there (for example the chink of bottles, visual sight of what is inside if the bags were split, the feel of cartons inside).

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

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

B. 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

C. You must **ONLY** place the following items in the green recycling box supplied by the Council:
Cardboard and drink and food cartons

D. You must ONLY place the following items in the blue food caddies:
Food waste

E. 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

If we can help you in any way with recycling, or if 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,

On behalf of Street Scene



ENVIRONMENTAL PROTECTION ACT 1990
Section 46
Household waste for collection

Notice served by: Mid Devon District Council

To: **Name and address of household**

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 **address to be inserted here** 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:

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

No bins/bagged or boxed waste shall be presented for collection before 6.00pm on the evening before your appointed day of collection or after 6.00am on the morning of your collection. At all other times 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.

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

Dated:_____ Signed:_____

Name: _____

Designation: Enforcement Officer

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.

Section 5

ABANDONED VEHICLES

Contents

- 5a Introduction and the legislation
- 5b The Process
- 5c Notice periods
- 5d Contact details
- 5e Costings

5a. Introduction and Legislation

Local Authorities have a duty under Section 3 of Refuse Disposal (Amenity) Act 1978, to remove a vehicle, which is abandoned in their area, subject to certain provisos.

5b. The Process

Abandoned vehicles on private land will not be investigated or be removed by Mid Devon District Council, apart from vehicles in car parks and on Housing Revenue Accounts land whereby Mid Devon District Council will give 15 days' notice that it intends to remove the abandoned vehicle.

Mid Devon District Council will inspect each vehicle that has been reported (provided it is not on private land) as abandoned within 2 working days to confirm that it should be considered as abandoned. If the investigating officer has any doubts regarding the vehicles status an initial letter will be sent to the owner in advance of enforcing an official notice period.

- If a vehicle is deemed to be possibly abandoned then the vehicle will be dealt with according to standard operating procedure.
- As the Council has no storage facilities it will place a 7 day notice onto the vehicle with some value. Where a vehicle that no registered keeper coming forward after 7 days, the vehicle shall be collected from site and destroyed.
- A vehicle that has no registered keeper will have a statutory period of 24 hours before it is removed and destroyed.
- Where appropriate the complainant will be notified of the outcome.

Local authorities have the power to recover cost of removal, storage and disposal from the registered keeper for abandoning the vehicle.

5c ABANDONED VEHICLES – Notice periods

ACTION	TIMESCALE	NOTES
Contact complainant	Two working days	<ul style="list-style-type: none"> To acknowledge contact and obtain information.
Complete Abandoned Vehicle Report form on site	Two working days	<ul style="list-style-type: none"> To satisfy inspector of correct details
District Officer checks if the vehicle has an MOT and tax on Gov.UK		
<p>Action taken will be varied and each case considered in its own merit.</p> <p>Investigation can include door knocking in the vicinity of the vehicle or using local knowledge/sources/officer judgement.</p>	1-4 weeks, however, this is dependent on the situation and longer may be required.	<ul style="list-style-type: none"> Use of Gov.Uk or DVLA WEE or 101 may be supportive in the investigations
If necessary, confirm with DVLA the owners details and establish the vehicles excise duty status		<ul style="list-style-type: none"> This information is obtained via a direct and computer link with DVLA, Swansea
Consider options that can be taken		<ul style="list-style-type: none"> Issue an initial warning letter Issue a 7 day notice to remove vehicle Issue a 24 hours' notice to remove vehicle Monitor situation Or raise a Fixed Penalty Notice – S2A of the RDA 1978 as inserted by S10 of CNEA 2005 -£200 FPN instead of prosecuting offence
Initial warning letter issued		

Issue 7 day Notice to remove vehicle Final check with DVLA to ensure there are no changes in registered keeper details		<ul style="list-style-type: none"> Vehicle will be removed on day 8 and scrapped.
Issue 24 hours' Notice to remove vehicle Final check with DVLA to ensure there are no changes in registered keeper details		<ul style="list-style-type: none"> Vehicle will be removed after 24 hours and scrapped.
Contractor will provide a Certificate of Destruction		
Sundry debtor invoice issued to owner		<ul style="list-style-type: none"> If payment is not received consider prosecution
Where appropriate the complainant will be notified of the outcome		

5d. Contact details of removal companies

The current contractor for the removal of abandoned vehicles is Newberry Metals. Contact details are:

Head Office:

Newberry Metals
4 Ashton Road
Marsh Barton
Exeter
Devon
EX2 8LN

Local Office:

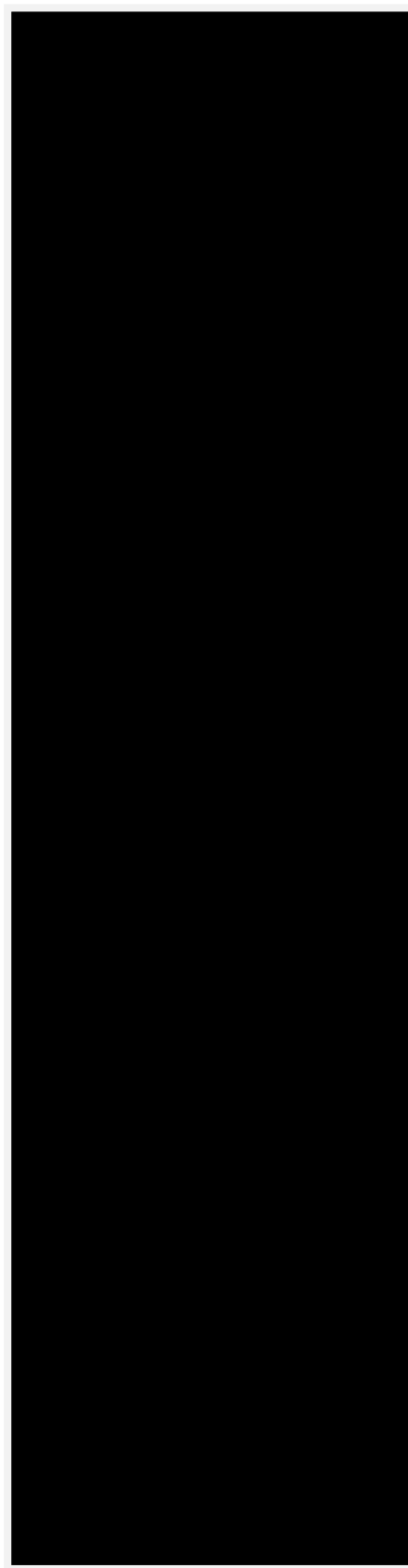
Newberry Metals
58 Blundells Road
Tiverton
Devon
EX16 4DE

5e. Costings

At present the contractor will collect vehicles at no cost to Mid Devon District Council and there is no exchange of payment.

Section 6

Stray Dogs



Contents

- 6a. Introduction
- 6b. The principle
- 6c. The Legislation and Process
- 6d. Penalties and payments
- 6e. Contact details
- 6f. Other linked policies

6a. Introduction

The Council has a duty under s149(1) of the Environmental Protection Act (1990) (EPA) to appoint an officer “for the purpose of discharging the functions for dealing with stray dogs found in the area of the authority”

6b. The Principle

Mid Devon District Council is responsible for the seizure and transport of stray dogs:

- Patrolling the District and enforcement of dog fouling legislation;
- Encouraging responsible dog ownership through presentations and talks;
- Seizure and transport of stray dogs.

Members of the public who find a stray dog are required by the Environmental Protection Act to either return the dog to its owner, or report it to the local authority. The finder will be contacted within an hour. The Council does supply a collection service during normal working hours and will endeavour to collect the dog by the end of the day.

6c. The Legislation and process

The current legislation requires a dog in a public place to be fitted with a collar and tag bearing the name and address of the owner (see also microchipping policy). Where a stray dog has a form of identification or the owner of the dog is known, the District Officer will make every effort to return the dog to its rightful owner. However, if the owner cannot be contacted a ‘notice of seizure’ (s.149 (3) & (4) EPA) will be issued. The notice specifies that the dog has been seized, retained at kennels and that it is liable to be disposed of if it is not claimed within seven clear days from the date of the notice.

The owner of a stray dog is ‘not entitled’ to the return of the animal until they have paid all the expenses incurred and a further prescribed sum (s149 (5) EPA). Should the dog not be claimed or the owner declines to pay the sums outstanding, the ownership of the dog is legally transferred to the Council after seven clear days. The Council is then entitled to sell or re-home the dog (except for the purposes of vivisection) or to have it humanely destroyed.

Seizure of a dog

The Environmental Protection Act specifies that in each case, a dog seized as a stray is required to be detained and a notice of seizure served upon the owner (where known). In addition, the policy of the Council is that, on the first occasion that a dog is seized, the District Officer will make all reasonable efforts to identify the owner and return it to them before taking it to the kennels. The District Officer carries a scanning device to identify dogs fitted with a microchip. If the address of the owner is identified, the District Officer will either visit or telephone, if contact is made, the dog will be returned.

Returning a dog

A dog will only be returned to an address if there is someone able to receive the dog – it will not be left at an unoccupied property, for example where the owner is out.

The Council currently insists on cash, credit card or card supported cheques for the full amount (statutory fee, handling fee, kennelling fees, plus any veterinary costs incurred) **before a stray dog is released to a claimant.** Once all fees are paid the District Officer will arrange to deliver the dog back to the owner. The owner will be required to be at home to receive the dog and sign for its receipt.

Kennelling Fees

Kennelling fees of £15.00 per day (subject to annual review).

Out of Hours

The stray dogs' service is a 24 hours service. Dogs held in kennels over a weekend can only be returned on a Monday (Tuesday following Bank Holidays), following payment of the fees and charges.

Unclaimed Strays

Stray dogs are held for a minimum period of seven clear days following seizure, or following service of a notice of seizure, whichever is the latest. After this period, ownership of the dog reverts to the Council.

Section 149(6) of the Environmental Protection Act entitles the Council to deal with unclaimed stray dogs in one of three ways:

- By selling it or giving it to a person who will, in their opinion, care properly for the dog;
- By selling it or giving it to an establishment for the reception of stray dogs; or
- By destroying it in a manner to cause as little pain as possible:

Provided that no dog shall be sold or given for the purposes of vivisection.

Once transferred to the Council or re-homed to a new owner, the former owner of a stray dog has no legal claim for the return of the animal.

The details of the person to whom ownership is transferred by this Council is required to be recorded on a public register. Under normal circumstances, the majority of unclaimed strays are re-homed and therefore it is this information which is recorded in the public register, rather than any subsequent new owner. The register is available for public inspection.

6d. Penalties and Payments

The Council currently insists on cash, credit card or card supported cheques for the full amount (statutory fee, handling fee, kennelling fees, plus any veterinary costs incurred) **before a stray dog is released to a claimant.**

Statutory fee £30.00
Plus related administration and kennelling fees.

6e. Contact details

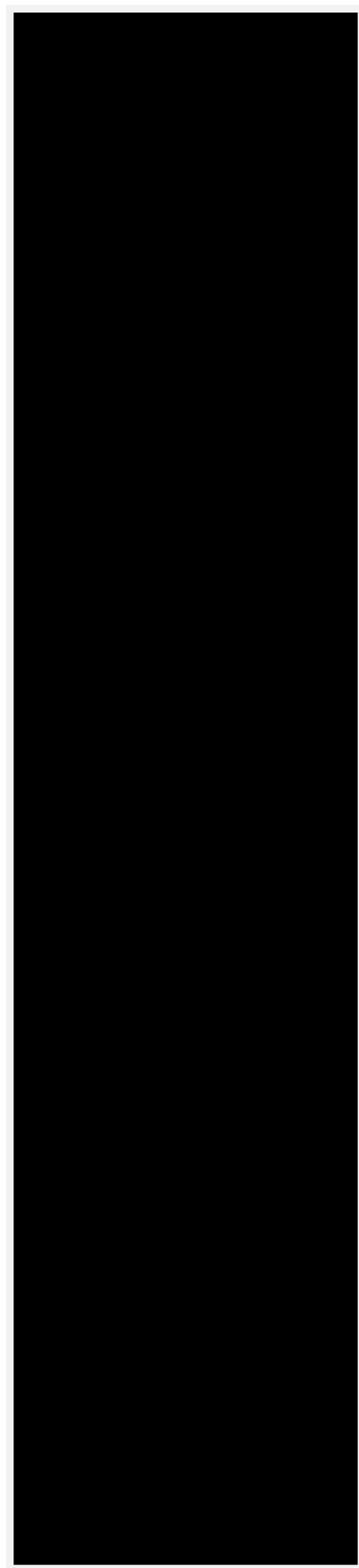
Lost or found dogs – telephone Customer First, 01884 255255 (*24 hours a day*)

6f. Other linked policies

Microchipping Policy
Collar and Tag Policy

Section 7

MICROCHIPPING



Contents

- 7a. Introduction
- 7b. The Legislation
- 7c. Procedure
- 7d. Appendices
- 7e. Annex A - Notice requiring a keeper to have their dog microchipped
- 7f. Annex B - Letter to Keeper – dog taken into possession for microchipping
- 7g. Annex B (i) - Dog taken into possession for microchipping
- 7h. Annex C - Letter to Keeper – transfer of a dog to a new keeper without a microchip

7a. Introduction

On the 6th April 2016 it became compulsory for all dogs to be microchipped. This is a move welcome by many, including Mid Devon District Council District Officers who, since July 2012, have microchipped almost 500 dogs for free in association with the Dogs Trust (Registered Charity Number 227523). This has resulted in a decrease in the number of stray dogs having to be kennelled by the Council by allowing dogs to be re-united with their owners sooner, therefore reducing the associated costs accrued by the Council for kennelling fees.

The permanent identification of dogs through microchipping not only has the benefit of allowing lost and stolen dogs to be re-united with their owners quickly, but will also encourage responsible ownership, deter dog theft and help tackle puppy farming and the associated problems.

Microchipping also has a number of animal welfare benefits including the swift contact of owners by veterinary surgeons for emergency procedures (for example dogs that have been involved in road accidents), easy identification of dogs in properties in emergency situations so that dogs and owners can be moved and reunited quickly, and the easy identification of owners involved in animal cruelty complaints.

Alongside Mid Devon District Council's statutory function to seize stray dogs, as District Officers we also work closely with Mid Devon District Councils Licensing Department, Housing and Neighbourhood Officers and the Police. Therefore compulsory microchipping will assist us in our work throughout Mid Devon.

7b. The Legislation

The Microchipping of Dogs (England) Regulations 2015 came into force on the 6th April 2016, and is made under section 12 of the Animal Welfare Act 2006. These Regulations provide for the compulsory microchipping of dogs and the recording of a dog's identity and keepers contact details on a database.

Under the Regulations a keeper means: –

- (a) in relation to an assistance dog
 - (i) until the dog ceases working as an assistance dog, the body responsible for its training and allocation;
 - (ii) after the dog has ceased working as an assistance dog, the person with whom it normally resides;
- (b) in relation to a new born puppy, the owner of the bitch which gave birth to it;
- (c) in relation to any other dog, the person with whom it normally resides.

Obligation to microchip dogs

From the 6th April 2016, every keeper of a dog that has not been implanted with a microchip by that date and where the dog is older than 8 weeks and not a certified working dog under the Animal Welfare Act 2006 must ensure that it is microchipped.

However this does not apply where a Secretary of State approved certificate has been completed by a veterinary surgeon stating that a dog should not be microchipped for health reasons (this also applies to imported dogs who must otherwise be microchipped within 30 days of being imported). The certificate must state the period for which the dog will be unfit to be microchipped. A dog is deemed to be microchipped where the implanted chip complies with requirements detailed in the Regulations and where these details are recorded on a database by a database operator as specified within the Regulations.

Change of keeper

From 6th April 2016, where a dog is transferred to a new keeper, the new keeper must (unless the previous keeper has already done so) record their full name, address and contact telephone number (if any) and any change in the dog's name with the database on which the dog's details are recorded.

From 6th April 2016, no keeper may transfer a dog to a new keeper until it has been microchipped unless a certificate has been issued stating that the dog should not be microchipped for reasons of the animal's health.

Implanting of microchips

No person may implant a microchip in a dog unless they are a veterinary surgeon or a veterinary nurse acting under the direction of a veterinary surgeon; a student of veterinary surgery or a student veterinary nurse acting under the direction of a veterinary surgeon; or they have been satisfactorily assessed on a training course approved by the Secretary of State; or before the day on which the Regulations come into force they received training on implantation which included practical experience of implanting a microchip.

Authorised person

A Local Authority in whose area a dog is kept may authorise in writing any person "an authorised person" to act for the purpose of enforcing these Regulations in its area.

Powers of an authorised person

An authorised person under the Regulations will be able to –

- (a) serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days
- (b) where the keeper has failed to comply with the above notice, an authorised person, without the consent of the keeper can –
 - (i) arrange for the dog to be microchipped and

- (ii) recover from the keeper the cost of doing so
- (c) take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping in accordance with (b) (i).

Offences

Offences that will relate to our enforcement role are –

1. Failure to transfer a dog to a new keeper without a microchip (unless a certificate has been issued stating that the dog should not be microchipped for health reasons)
2. Failure to comply with a notice served by an authorised person requiring dog to be microchipped within 21 days
3. Obstructing an authorised person who is arranging for the dog to be microchipped, recovering the cost of doing so and/or taking possession of a dog for the purposes of microchipping.

Time limits and Penalties

The above offences are punishable on summary conviction (Magistrates) by a fine not exceeding level 2 (£500) on the standard scale with a 6 month time limit upon discovery of an offence to commence a prosecution).

Appeals

A keeper may appeal to the First-tier tribunal against a notice served requiring the keeper to have the dog microchipped within 21 days.

7c. The Procedure

In order to enforce the Microchipping of Dogs (England) Regulations 2015 it is proposed that the Mid Devon District Council District Officers are authorised in writing by the Local Authority as “authorised persons” in their roles as District Officers.

1. In accordance with the Regulations it is proposed that as authorised persons, Mid Devon District Council District Officers upon receiving a complaint about a dog that is not microchipped, but is required to be so, or where a stray dog is picked up and found to have no microchip but is required to have one then the following procedure will be followed:-

1(a) Serve on the keeper a Notice (see 7f Annex A) requiring them to have the dog microchipped within 21 days. A keeper may appeal against this notice.

1(b) Where the keeper has failed to comply with the Notice, arrangements will be made for the dog to be taken into possession to (a) check whether the animal has been microchipped and (b) to arrange microchipping of the dog with an approved implanter.

Dependant on the circumstances, Mid Devon District Council District Officers will either transport the dog to the implanter or make an appointment for the keeper to attend (this will be addressed on a case by case basis).

1(c) A written warning will be issued to the keeper (see 7g Annex B) advising them that failure to comply with the Notice is an offence under the Regulations. The letter will also state that (a) the dog is being taken into possession and (b) give details of the microchipping appointment.

1(d) If a dog is taken into possession and removed from the keeper's property to be microchipped then a Notice will be issued to the keeper (see Annex B (i)) which will then be returned to the Mid Devon District Council District Officers when the dog is returned to the keeper.

1(e) If the dog is taken to the implanter by a Mid Devon District Council District Officers then arrangements will be made for an invoice to be raised and sent to the keeper.

Change of Keeper

1. In accordance with the Regulations it is proposed that where it is found that a dog has been transferred to a new keeper without a microchip (unless a certificate has been issued stating that the dog should not be microchipped for health reasons) then the following procedure will be followed:-

2(a) A written warning will be issued (see 7h Annex C) reminding the keeper of their responsibilities under the Regulations including the penalties for failure to comply.


2(b) Where a second complaint is received about the same keeper, the keeper will be invited in to attend an interview carried out under the Police and Criminal Evidence Act 1984. Where there is evidence to suggest that an offence has been committed the case will be forwarded to the Mid Devon District Council Legal Department for consideration.

7d. Appendices

Detailed overleaf.

7e. Annex A

Notice requiring a keeper to have their dog microchipped

	Street Scene Services Phoenix House Phoenix Lane Tiverton Devon EX16 6PP Tel: 01884 255255
---	--

The Microchipping of Dogs (England) Regulations 2015

Ref:

Name:

Address:

Date:

Under The Microchipping of Dogs (England) Regulations 2015, from 6th April 2016 all dogs that are older than 8 weeks, are not a certified working dog and have not been issued with a certificate by a veterinary surgeon stating that the dog should not be microchipped for health reasons, must be microchipped.

It has come to our attention that the following dog(s) has/have not been implanted with a microchip: (insert name, colour, breed and sex).

As the keeper, you are hereby required to have the above mentioned dog(s) microchipped within 21 days of the date of this notice.

*Proof of microchipping of the above mentioned dog(s) must be submitted to Mid Devon District Council by the end of the following working day of the appointment.

Failure to comply with this notice is an offence and may result in further action being taken against you by Mid Devon District Council.

Signed..... District Officers	Date.....
----------------------------------	-----------

**We will accept a copy of a certificate issued by the implanter/an email from the implanter with microchip number or a copy of the microchip sticker as proof of microchipping.*

7f Annex B

Letter to keeper – dog taken into possession for microchipping



INSERT ADDRESS

Street Scene Services

Phoenix House

Phoenix Lane

Tiverton

Devon

EX16 6PP

www.middevon.gov.uk

Our Ref: **INSERT NOTICE REF**

Contact: Street Scene Services

Telephone 01884 255255

Email: streetscene@middevon.gov.uk

INSERT DATE

Dear Sir/Madam

THE MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2015

I write following on from the Notice that was issued to you on **(insert date)** requiring you to have the following dog(s) microchipped (insert name, colour, breed and sex) within 21 days of the date of issue. According to our records, this Notice has not been complied with.

Failure to comply with this Notice is an offence under the above Regulations. Upon conviction a Magistrates Court can order a fine of up to £500.

Using powers under the above Regulations, it has therefore become necessary to take the following dog(s) into our possession to check whether the dog(s) has/have been microchipped. Should the dog(s) be found to not have a microchip then arrangements will be made for the dog(s) to be microchipped by an approved implanter at a cost to yourself.

Should you wish to discuss the contents of this letter or if you have now had the dog(s) microchipped then please contact a District Officers on the above telephone number.

Yours sincerely

District Officers

7g Annex B (i)

Dog taken into possession for microchipping

To **(insert keeper's name)**

Address **(insert keepers address)**

Insert name of dog(s), colour(s), breed(s) and sex

In accordance with The Microchipping of Dogs (England) Regulations 2015, I hereby take the above dog(s) into possession on (insert date) at (insert time) for the purposes of microchipping. This will be carried out at (insert implanter details) on (insert date and time). The dog(s) will be immediately transported to (insert implanter details) and immediately returned to (insert keepers name and address).

Signed by

District Officers

The following dog(s) have now been microchipped in accordance with The Microchipping of Dogs (England) Regulations 2015:-

Insert name of dog(s), colour(s), breed(s) and sex and microchip number. Details have been sent to (insert registered database) for registration of keepership.

Upon return of dog(s)

I confirm that the above dog(s) have been returned to me today **(insert date and time)**.

Name

Signed by

7h Annex C

Letter to keeper – transfer of a dog to a new keeper without a microchip



INSERT ADDRESS

Street Scene Services

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

Our Ref: **INSERT REF**

Contact: Street Scene Services
Telephone 01884 255255
Email: streetscene@middevon.gov.uk

INSERT DATE

Dear Sir/Madam

THE MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2015

It has come to our attention that you have recently transferred a dog(s) to a new keeper without a microchip(s). The following dog(s) was sold/given/transferred by you on (insert date)

Insert name of dog(s), colour(s), breed(s) and sex

I therefore write to remind you of your responsibilities under the above legislation with regards to change of keeper.

Regulation 8 (2) states that:-

‘From 6th April 2016 no keeper may transfer a dog to a new keeper until it has been microchipped unless a certificate issued under regulation 3(2) or 3(3) states that the dog should not be microchipped for reasons of the animal’s health’.

Failure to comply with this Regulation is an offence. Upon conviction a Magistrates Court can order a fine of up to £500.

On this occasion no further action will be taken, however any further offences may result in further action being taken against you by Mid Devon District Council.

Should you feel that the/these dog(s) is/are exempt from the requirements of having it/them microchipped or you wish to discuss the contents of this letter then please feel free to contact a District Officers on the above telephone number.

Yours sincerely

District Officer

Section 8

COLLAR AND TAG

*(to be read in conjunction with
MICROCHIP POLICY)*



Contents

- 8a . Introduction
- 8b. Legislation
- 8c. Offences
- 8d. Time limits and penalties
- 8e. Procedure
- 8f. Annex 1
- 8g. Annex 2

8a.. Introduction

Mid Devon District Council as a Local Authority has a statutory function to seize stray dogs.

It is noticeable that dogs coming into the custody of Mid Devon District Council are rarely those that are wearing a collar and tag.

8b. The legislation

The Control of Dogs Order 1992 came into force on the 1st April 1992 and is made under section 13 of the Animal Health Act 1981. This Order is executed and enforced by officers of Mid Devon District Council.

Article 2 (Wearing of collars by dogs) states that:-

Every dog while in a highway or in a place of public resort shall wear a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached to it.

This does not apply to the following:-

- (a) Any packs of hounds
- (b) Any dog while being used for sporting purposes
- (c) Any dog while being used for the capture or destruction of vermin
- (d) Any dog while being used for the driving or tending of cattle or sheep
- (e) Any dog while being used on official duties by a member of Her Majesty's Armed Forces or Her Majesty's Customs and Excise or the police force for any area
- (f) Any dog while being used in emergency rescue work, or
- (g) Any dog registered with the Guide Dogs for the Blind Association.

8c. Offences

The owner of a dog or the person in charge of a dog who, without lawful authority or excuse, proof of which shall lie on him, causes or permits the dog to be in a highway or in a place of public resort not wearing a collar as prescribed in article 2 shall be guilty of an offence under the Animal Health Act 1981.

Any dog in respect of which an offence is being committed under this Order may be seized and treated as a stray dog under section 149 of the Environmental Protection Act 1990.

8d. Time limits and Penalties

Section 71A of the Animal Health Act 1981 (Time limits) states that time limits for offences are within the period of 3 years starting with the date of the commission of the offence and within the period of 6 months starting with the day on which evidence that the prosecutor thinks is sufficient to justify the proceedings comes to his knowledge.

Section 75 of the Animal Health Act 1981 states that a person guilty of an offence to which this section applies is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5* on the standard scale or to both.

*Criminal Justice Act 1982

8e. Procedure

The Animal Health Act 1981 gives Mid Devon District Council the power to pursue a prosecution against those who fail to comply with The Control of Dogs Order 1992.

Where a dog is seen without a collar or tag attached to it bearing details of the owner as required by article 2 of The Control of Dogs Order 1992, the owner will be served with a Collar and Tag Notice as displayed in 8f Annex 1.

This Notice gives the owner/person in charge of the dog 7 working days from the date of the Notice to provide evidence to Mid Devon District Council that a collar and/or tag bearing the owner's name and address has been purchased. Upon presentation of the collar and/or tag, the Notice must be completed by the inspecting officer and no further action will be taken.

A record should be made of the service of this Notice and a copy kept on file.

Should the owner/person in charge fail to provide evidence within this time then a further Notice must be served with a letter as detailed in 8g Annex 2 giving the owner/person in charge of the dog a further 7 working days to produce evidence of a collar and/or tag.

Failure to produce a collar and/or tag on this occasion will result in an investigation being carried out into why the owner/person in charge has failed to present a collar and/or tag to Mid Devon District Council.

The owner/person in charge shall be invited to attend an interview carried out under the Police and Criminal Evidence Act 1984 and where there is evidence to suggest that an offence has been committed the case should be forwarded to the Mid Devon District Council Legal Department for consideration.



Street Scene Services
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
Tel: 01884 255255

Ref:

Name:

Address:

At....(insert time)....hrs on....(insert date)....a....(insert description of dog)....owned by you/in your charge, was seen/found straying in....(insert location)....

The dog did not have a collar or tag attached to it bearing details of the owner as required by Article 2 of The Control of Dogs Order 1992.

Consideration will be given to prosecuting you for failing to comply with this requirement unless within 7 days of service of this Notice you attend the Mid Devon District Council office as above with a collar and/or tag bearing the owner's name and address (telephone number will suffice).

Signed: MDDC Officer:	Date:
--------------------------	-------

For office use only:

MDDC office - TAG SEEN AND CHECKED AS BELOW
Details on the tag:

Signed: MDDC Officer: (print name)	Date:
--	-------

8g. Annex 2



INSERT ADDRESS

Street Scene Services

Phoenix House

Phoenix Lane

Tiverton

Devon

EX16 6PP

www.middevon.gov.uk

Our Ref: **INSERT NOTICE REF**

Contact: Street Scene Services

Telephone 01884 255255

Email: streetscene@middevon.gov.uk

INSERT DATE

Dear Sir/Madam

**ANIMAL HEALTH ACT 1981
THE CONTROL OF DOGS ORDER 1992**

I write following on from our conversation on **(insert date)** when I issued you with a Notice under the above Order requiring you to present a collar and/or tag bearing your name and address (telephone number will suffice) for your dog. This Notice was served upon you following on from your dog **(insert name, sex, colour and breed description)** who was **seen/found/handed** into the custody of Mid Devon District Council on **(insert date)** without a collar and/or tag as required under The Control of Dogs Order 1992.

To date this Notice has not been complied with. I therefore enclose a further Notice requiring you to present a collar and/or tag bearing your name and address (telephone number will suffice) to Mid Devon District Council within 7 days of the date of the Notice. Failure to produce a collar and tag by this date may result in further enforcement action being taken.

I must take this opportunity to remind you that every dog while in a highway or in a place of public resort shall wear a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached to it.

The owner of a dog or the person in charge of a dog who, without lawful authority or excuse, proof of which shall lie on him, causes or permits the dog to be in a highway or in a place of public resort not wearing a collar as prescribed in article 2 of The Control of Dogs Order 1992 shall be guilty of an offence under the Animal Health Act 1981.

Contravention of The Control of Dogs Order 1992 is an offence against the Animal Health Act 1981. Upon conviction a Magistrates Court can order a fine of up to £5,000 and/or a term of imprisonment of up to 6 months.

Should you wish to discuss the contents of this letter please contact a Dog Warden on the above telephone number.

Yours sincerely

Street Scene Services

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Appendix B – New Working Pattern

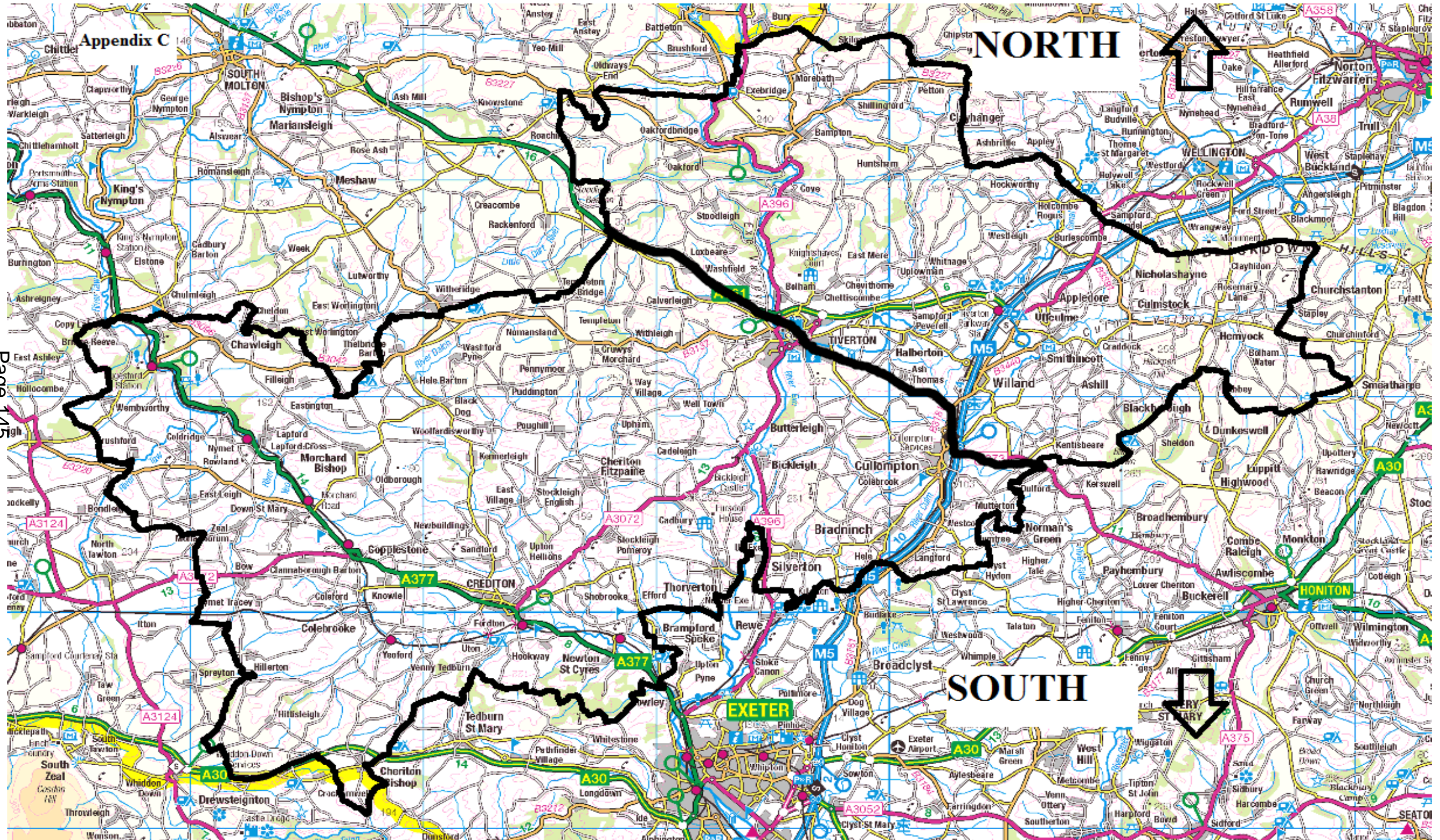
<u>WEEK 1</u>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
NORTH	Officer 1	Rest Day	B	O	B	B + O	Rest Day
	Officer 2	B + O	O	B	O	Rest Day	Rest Day
SOUTH	Officer 3	O	Rest Day	B + O	B + O	B	Rest Day
	Officer 4	B	B + O	Rest Day	Rest Day	O	B + O
<u>WEEK 2</u>							
NORTH	Officer 1	B + O	Rest Day	O	B	O	Rest Day
	Officer 2	Rest Day	B + O	B	O	B	Rest Day
SOUTH	Officer 3	O	B	Rest Day	Rest Day	B + O	B + O
	Officer 4	B	O	B + O	B + O	Rest Day	Rest Day
<u>WEEK 3</u>							
NORTH	Officer 1	B	B + O	Rest Day	Rest Day	O	B + O
	Officer 2	O	Rest Day	B + O	B + O	B	Rest Day
SOUTH	Officer 3	B + O	O	B	O	Rest Day	Rest Day
	Officer 4	Rest Day	B	O	B	B + O	Rest Day
<u>WEEK 4</u>							
NORTH	Officer 1	B	O	B + O	B + O	Rest Day	Rest Day
	Officer 2	O	B	Rest Day	Rest Day	B + O	B + O
SOUTH	Officer 3	Rest Day	B + O	B	O	B	Rest Day
	Officer 4	B + O	Rest Day	O	B	O	Rest Day

B = Car Parks / Stray Dogs / Abandoned Vehicles

O = Dangerous Dogs / Refuse issues / Patrols / Environmental crime Investigations

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Appendix C – Area Split



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Appendix D - Summary of Officer Time

2016/17				2015/16
TASK	Q1	Q2	Q3	Q4
Lost/Found Dogs	47	35	49	74
Dangerous Dogs	49	21	9	95
Fly tipping	50	44	42	72
Littering	6	4	4	14
Graffiti	0	0	0	0
Fly Posting	0	0	0	0
Abandoned Vehicles	75	92	178	111
Trade Waste	2	1	27	3
Office Work	119	193	172	129
Case work office	50	30	50	0
Education	2	0	1	1
Training	28	0	37	25
Dog Fouling	17	8	60	61
Car Parking	312	529	516	275
Waste work	13	1	1	5
Foot Patrols	10	8	32	24
Travel	102	223	225	201
Microchipping	0	0	0	74
Investigation Files	30	0	0	12
Team Meetings	75	63	74	5
External Meetings	0	0	0	0
Compulsory Recycling Policy	461	250	65	50
Vehicle Cleaning	8	6	5	6
Annual Leave	310	244	221	346
Bank Holiday	52	74	51	98
Sickness	15	0	14	152
Special leave	0	7	0	49
Total Hours	1833	1833	1833	1833

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HOMES PDG
14th March 2017

PRIVATE SECTOR HOUSING FEES AND CHARGES

Cabinet Member: Cllr Ray Stanley

Responsible Officer: Simon Newcombe, Public Health & Professional Services Manager

Reason for Report: To provide members with the revised fees and charges for statutory and discretionary functions within the Private Sector Housing team.

RECOMMENDATION(S): That Cabinet approve the revised fees as set out in Appendix 1 - Schedules 1 and 2.

Relationship to the Corporate Plan:

Economy - Improving and regenerating our town centres

- Intervening in empty homes,
- Ensuring that flats over shops are safe for occupation, and
- Inspecting and regulating houses in multiple occupation that are often found in town centres.

Homes – Facilitating the housing growth that Mid Devon needs, including affordable homes

- Working with landlords to improve housing conditions across the private rented sector
- Bringing empty homes back into use as housing across the various tenures including private rented, affordable rent and home ownership.

Community - Promote physical activity, health and wellbeing

- Working to improve health inequalities by ensuring the private housing sector is safe to live in and does not adversely affect health and wellbeing.
- Enforcing standards within houses in multiple to ensure that vulnerable residents residing in these properties are protected from harm.

Environment – Reduce our carbon footprint

- Providing advice to residents on energy efficiency measures and fuel poverty
- Ensuring that rented accommodation meets minimum energy efficiency requirements.

Financial Implications: The revised fees and charges are set out in Appendix 1 of the report. The fees have been updated to reflect current service delivery costs. Any income generated from this activity is unpredictable based on the nature of enforcement action. It is therefore not possible to forecast any income levels for the year.

Legal Implications: There are no major legal implications. Where there are specific provisions under legislation, statutory functions or discretionary services for fees to be charged then these are indicated in the body of the report.

Risk Assessment: There are no major risks. A failure to update the relevant fees and charges could mean we are not able to adequately recover costs where we are able to do so.

1.0 Introduction

- 1.1 The Private Sector Housing team within Public Health Services carries out duties to ensure that private accommodation meets minimum standards. In particular there are regulations for the licensing, management and use of houses in multiple occupation (HMO), carbon monoxide detectors and smoke alarms, and hazards within the home.
- 1.2 All enforcement activities and relevant fees and charges within this report are set out in compliance with the legislation and the Public Health Services Enforcement Policy adopted in August 2016.

2.0 Changes to the fees and charges

- 2.1 A breakdown of the Council's current and proposed charges in respect of the private sector housing functions is included in Appendix 1 Schedule 1. In addition Appendix 1 Schedule 2 provides 2016/17 comparative information on charges across Devon to provide a level of benchmarking.

HMO Licensing

- 2.2 Section 63(3) of the 2004 Act gives the Council the power to recover all reasonable costs associated with the administration of the HMO licensing function.
- 2.3 The current HMO licensing fee was set in 2006 when licensing was first introduced and has not been revised since.
- 2.4 The officer time and resources involved in processing a new application have been reviewed and a revised fee calculated. As part of this review the issuing of licence renewals has also been considered.

Charging for enforcement action

- 2.5 The Housing Act 2004 section 49 gives the local housing authority the power to charge for certain enforcement action. The provisions are clear that only the costs associated with determining whether enforcement action is necessary, identifying the type of action and the serving of the notice can be recovered.
- 2.6 The average officer time and resources for carrying out these functions have been calculated and a standard fee has been proposed.
- 2.7 Although the charge can be applied to all enforcement action under part one of the Act, it is proposed that the charge is only applied to Improvement notices, prohibition orders, emergency remedial action, emergency prohibition orders and demolition orders.

- 2.8 It is not considered appropriate to charge for the service of hazard awareness notices as these do not require the work to be carried out and are not placed as a local land charge.
- 2.9 It is also proposed that demand for payment of the charge is only applied where emergency action is required, such as emergency remedial action and emergency prohibition orders or there is non-compliance with any notice that has been served. This will encourage compliance with notice requirements and housing standards generally.

Immigration housing request visits

- 2.10 Historically applications to live and/or work in the UK have required the local housing authority to undertake an inspection of the proposed living accommodation to check its suitability and ensure there would not be overcrowding. These visits no longer need to be undertaken by the local housing authority as part of an application but occasionally the team will receive a request to carry out a visit and provide a report.
- 2.11 As this is not a statutory requirement it is acceptable for the Council to charge for the provision of this service. The proposed fee covers the average amount of officer time involved in dealing with a request, visiting and producing the relevant report.

Financial penalties for Housing Act offences

- 2.12 The Housing and Planning Act 2016 introduces an amendment to the Housing Act 2004 to allow local housing authorities to impose a financial penalty on an owner of a property where they have failed to comply with provisions under the 2004 Act as an alternative to prosecution.
- 2.13 The maximum penalty will be £30,000, however the regulations relating to this provision have not yet been issued and therefore the manner in which the penalty is set has not been determined.

Penalty Charges for offences under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

- 2.14 The Smoke and Carbon Monoxide alarm regulations came into force on 1st October 2015. The local housing authority must publish a statement of principles which it proposes to follow in determining the amount of the penalty charge.
- 2.15 Mid Devon District Council have not yet published such a statement and therefore has been unable to enforce these regulations. The private sector housing team intend to publish the statement of principles as soon as possible.
- 2.16 The maximum penalty for an offence under these regulations is £5000. It is proposed that the Council introduces the maximum penalty with a 25% reduction if payment is made within 14 days of the demand for payment.

Financial penalties for offences under the Electrical Safety Standards

- 2.17 Section 123 of the Housing and Planning Act 2016 makes provision for the local housing authority to impose a financial penalty on an owner of a property where they have failed to comply with the electrical safety standards.
- 2.18 This part of the Act is due to come into force in April 2017 and regulations that detail how this will be enforced and how the penalty will be set are due before this comes into force. Once the regulations have been issued a financial penalty level can be set.

Works in default

- 2.19 It is proposed that interest is paid on all costs associated with carrying out works in default (including the costs of the work itself) where the demand for payment remains unpaid after the initial 28 days. A £100 administrative fee is proposed with an interest rate of 3%.

3.0 Summary

- 3.1 There are a number of areas across private sector housing where recovery of costs or applying financial penalties could be introduced. At present Mid Devon District Council only applies a fee for HMO licensing applications. This report identifies the other areas where fees and charges can be applied and proposes that these be introduced as set out in Appendix 1.

Contact for more Information: Tanya Wenham Lead Officer (Private Sector Housing) 01884 234610 / twenham@middevon.gov.uk

Circulation of the Report: Cabinet Member for Homes, Homes PDG, Management Team

Appendix 1

Schedule 1 – Private Sector Housing proposed charges/fees

HMO licensing		
New licence	Current fee	Proposed fee
All HMOs	£530	
3-5 Units		£793
6-10 units		£838
11+ units		£883
Renewal	£530	
3-5 Units		£658
6-10 units		£680
11+ units		£703

Charging for enforcement action		
New licence	Current fee	Proposed fee
Improvement notice	£0	£333
Prohibition Order	£0	£333
Emergency Remedial Action	£0	£333
Emergency prohibition order	£0	£333
Demolition Order	£0	£333

Immigration housing request visits		
New licence	Current fee	Proposed fee
All requests	£0	£199

Financial penalties		
	Current fee	Proposed fee
Smoke and carbon monoxide alarms	£0	£5000 reducing by 25% if paid within 14 days of demand
Electrical Safety Standards		TBC
Housing Act offences		TBC

Works in default		
	Current	Proposed fee
Interest on works and associated costs	0%	£100 admin fee plus 3% interest

Schedule 2 – Benchmarking Local Authority Charges (fees current for 2016/17)

Local authority	HMO Licence fee	HMO Licence Renewal fee	Charge for notices	Immigration visit fee	Fixed penalty Notices for CO and smoke detectors
West Devon/South Hams	£350	£350	£38.50	£78	<i>Not available</i>
East Devon	£350	£350	<i>Not available</i>	<i>Not available</i>	£5000 50% reduction for payment within 14 days
North Devon	£418	£418	<i>Not available</i>	<i>Not available</i>	<i>Not available</i>
Exeter	£730	£730	£240-£273	£200	<i>Not available</i>
Plymouth	£800	£800	<i>Not available</i>	<i>Not available</i>	£5000 10% reduction for prompt payment
Torridge	£435	£435	£190-£222	<i>Not available</i>	<i>Not available</i>
Teignbridge DC	£570	£360	£350	£85	£5000 50% reduction for payment within 14 days
Torbay	£840	£840	<i>Not available</i>	<i>Not available</i>	<i>Not available</i>
Mid Devon proposed	£793-£883	£658-£703	£333	£199	£5000 25% reduction for payment within 14 days
Average for Devon	£587	£549	£337 (not including West Devon/South Hams)	£140	

HOMES PDG
14 MARCH 2017

VULNERABILITY POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Claire Fry, Housing Services Manager

Reason for Report: To explain the rationale for a new policy for the Housing Service relating to identifying and supporting vulnerable tenants and to seek the adoption of this.

RECOMMENDATION(S): That Cabinet recommends the adoption of the Housing Service Vulnerability Policy.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively in accordance with legislative requirements and the provisions of the regulatory framework. The Council must also consider the impact of an aging population and help people retain their independence and remain in their own home.

Financial Implications: Income from the lifeline alarm service and Handyperson Scheme are accounted for within the Housing Revenue Account and supports housing expenditure.

Legal Implications: Having a clearly defined policy ensures consistency of approach.

Risk Assessment: Failure to provide housing management staff with the appropriate policies could result in a less consistent and effective service.

1.0 Introduction

- 1.1 The Council is committed to improving the Housing Service and generating additional income. The implementation of a new Vulnerability Policy will provide guidance on identifying and supporting vulnerable tenants to help them to sustain their tenancy and promote independence.
- 1.2 Tenants Together approved the draft Vulnerability Policy at their meeting on 2 March 2017.
- 1.4 Cabinet is asked to consider the new policy and to agree the adoption of it.

2.0 Overview of policy

- 2.1 The policy provides a framework for staff which sets out the Council's approach to identifying and supporting vulnerable tenants. It highlights the different vulnerabilities that people face and explains some of the services available to support them.

- 2.2 The policy explains the different ways a person's vulnerability can be brought to the attention of the Council. For example, it may be highlighted through their Devon Home Choice application, service requests, local knowledge obtained or information supplied by external agencies, such as health, education or probation.
- 2.3 The different factors that increases vulnerability are highlighted in the policy, for example, a medical condition affecting mental or physical health, having a learning disability, language barriers where English is not a tenant's first language or being a victim of domestic abuse.
- 2.4 There are other risk factors associated with a person developing mental health difficulties and these have been explained in the policy. This could be linked to biological factors caused by genetics or hormone imbalance, social factors such as poverty deprivation, unemployment or isolation and psychological factors which refer to the kind of person someone is and how they cope with life demands.
- 2.5 It is recognised that vulnerability can be experienced for short periods of time or on a long term basis. Officers of the Council, where available, will provide assistance to support the tenant in sustaining their tenancy or will make a referral to an external agency for advice and support.
- 2.6 Examples of support provided by the Council includes: providing aids and adaptations to promote independent living, providing advice on housing matters and benefits, making referrals for debt and financial advice or liaising with other external agencies with specialist knowledge and services.
- 2.7 It is important that when it is brought to the Council's attention that someone has a vulnerability, that this is recorded. Therefore a clause has been introduced which states that information will be stored on the Council's housing management system so it can be referred to when offices are carrying out housing functions.
- 2.8 The policy promotes the additional services that the Council offers, to encourage tenancy sustainment and independence. These include the Handyperson Scheme including cooker connection, lifeline alarm service and providing aids and adaptations to the home. At the same time, it generates additional income for the Council, for those services where a charge is applicable, for example, the Handyperson Scheme or lifeline alarm service.
- 2.9 The Council understands that moving home can be stressful for some people, especially those with a vulnerability. The policy promotes a service available for elderly and vulnerable tenants who have recently moved into a Council property. They are entitled to up to 2 hours of an operative's time, free of charge, to assist the tenant with minor improvements around the home, for example putting up curtain rails or putting together flat pack furniture. The criteria for eligibility of this service is set out in the policy.

- 2.10 The Council is committed to the principles of openness and transparency and for this reason, the policy includes a clause relating to this. If, for any reason, there are any operational matters which impact upon the Council's ability to operate this policy, they will ensure that information about this is given to residents and other stakeholders.

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

Circulation of the Report: Councillor Ray Stanley, Management Team

List of Background Papers: A copy of such papers to be made available for public inspection and included on Website

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Mid Devon District Council

Vulnerability Policy

Policy Number: HSG v1.1

March 2017

Version Control Sheet

Title: Vulnerability Policy

Purpose: To implement a new Vulnerability Policy in accordance with good practice and relevant legislative requirements.

Owner: Housing Services Manager
cfry@middevon.gov.uk
Telephone number 01884 234920

Date: **March 2017**

Version Number: v1.1

Status: New policy

Review Frequency: **Every 4 years or sooner if required and in accordance with good practice and changes in legislation**

Consultation **This document was sent out for consultation to the following:**

Cabinet Member
Staff
Tenants Together
Management Team
Homes PDG

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	22 February 2017	
Tenants Together		
Management Team	7 March 2017	
Homes PDG		
Cabinet		

1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC), Housing Service's approach to identifying and supporting vulnerable tenants to help them to sustain their tenancies and promote independence.

2. Scope

This policy highlights the different vulnerabilities that people may face and explains some of the services available them. This policy covers the following points and should be read in conjunction with the related documents as stated below:-

- Factors contributing to vulnerability
- Signs of potential vulnerability
- Children and vulnerable adults
- Support available
- The Equality Duty
- Additional services offered

3. Related Documents

- a. Tenancy Agreement
- b. Income Management Policy
- c. Anti-social behaviour Policy
- d. Domestic Abuse Policy
- e. Harassment Policy
- f. Community Alarm Policy
- g. Aids & Adaptations Policy
- h. Hoarding Policy
- i. Homelessness Strategy
- j. Allocations Policy
- k. Safeguarding Children and Vulnerable Adults Policy
- l. Council Tax Reduction Scheme, Exceptional Hardship Policy

4. Definitions

The following definition applies to this policy:

Vulnerable means any individual who is, or may be, in need of help or support due to mental health difficulties, disability, age, illness or frailty and who are, or may be, unable to look after their home and/or their wellbeing or unable to protect themselves from harm or exploitation by others.

5. Factors contributing to vulnerability

5.1 A person's vulnerability or that of a member of their household may be brought to the Council's attention through:-

- A Devon Home Choice application;
- Requests for service, for example, Officers may become aware of a vulnerability when a tenant reports a repair;

- Local knowledge, through observation and/or information gathered whilst carrying out day to day housing management functions, eg following a Tenancy Home Check or as a result of income recovery action; or
- Information supplied by external agencies, for example, health, education or probation.

5.3 There are many factors that may increase vulnerability, for example, mental health difficulties such as stress, anxiety, depression, dementia, bipolar disorder or schizophrenia.

5.4 There may be risk factors associated with a person developing mental health difficulties, such as:-

- Biological factors caused by genetics or hormone imbalance;
- Physical factors, such as a disability;
- Social factors, such as poverty, deprivation, being a victim of domestic abuse, unemployment or isolation; or
- Psychological factors which refer to the kind of person someone is and the way they cope with life demands.

5.5 Many people may have an increased risk of vulnerability. The risk factors may include:-

- A medical condition affecting their mental or physical health;
- A learning or physical disability;
- Language barriers;
- Substance misuse and/or an addiction;
- A recent history of homelessness;
- Financial problems, such as debts;
- Been a victim of domestic abuse or hate crime;
- Breached their tenancy;
- Had a relationship breakdown or suffered bereavement; or
- Difficulty in sustaining a tenancy and at risk of losing their home;
- Had a recent stay in hospital or other institutional care;
- Been in care;
- Just been released from prison

5.6 There are a number of signs which may be taken as evidence of vulnerability (although there may be other indicators not included in this list):

- Lives alone and lonely
- Self neglect
- Difficulty managing housekeeping tasks
- Frail
- Having mobility problems
- Having a physical disability or other sensory difficulty
- Hoarding or other behaviour which results in health and safety issues or damage to the Council's property
- Erratic behaviour

- A failure to respond to correspondence, telephone calls or visits
- Being the victim or perpetrator of anti-social behaviour or harassment
- Having difficulty managing finances and paying bills
- Having an history of addiction or substance misuse

5.8 Homeless households moving into the Council's own housing stock may also be vulnerable and may require additional support to enable them to sustain their new tenancy.

6. Children and vulnerable adults

6.1 The Council has a duty to protect children and vulnerable adults. If it is brought to the Council's attention where a situation has arisen where a child or a vulnerable adult is suspected or known to be at risk of abuse, Officers will refer to the Council's Safeguarding Children and Vulnerable Adults Policy and Procedures. They will also liaise with the relevant agencies to raise their concerns.

6.2 Our Officers will have appropriate training to enable them to recognise signs of abuse of children or vulnerable adults; and to identify people who can no longer live independently. If they recognise that a tenant needs help to look after themselves, or to protect themselves or their assets, appropriate referrals will be made.

7. Support available

7.1 The Council recognises that vulnerability can be experienced on a temporary or long term basis. Where vulnerability is highlighted, Officers of the Council will, where available, provide assistance or refer the individual to an alternative agency for advice and/or support.

7.2 Housing applicants will be given an opportunity to discuss the needs of their household during the allocation process.

7.3 There are two Community Housing Support Officers (CHSOs) who work within the Neighbourhood teams. Their role is to enable tenants to live independently within the community, providing support to sustain their tenancies and promoting social inclusion. They are able to signpost or to refer tenants to other agencies which can provide support and/ or assistance, as necessary.

7.4 These CHSOs will visit tenants who were previously homeless on a weekly basis for six weeks after the start of their tenancy, and after that, on an ad hoc basis, where necessary.

7.5 The Council will provide support to a tenant to sustain their tenancy. This may include:

- Visiting new tenants six weeks after moving into their tenancy, or more frequently, if necessary, in the first few weeks after letting

- Providing aids and adaptations to promote independent living;
- Providing financial help and advice
- Providing advice on getting repairs done;
- Providing documents in different formats , on request
- Sending documents to someone who can act on the behalf of the tenant, for example a family member or someone with Power of Attorney;
- Carrying out home visits for those tenants who cannot access the Council's Office;
- The provision of a hearing loop at Phoenix House;
- Offering a Lifeline alarm service, for a charge;
- Liaising with other agencies with specialist knowledge and services;
- Providing housing advice;
- Providing extra security through the Sanctuary Scheme for victims of domestic abuse who wish to stay in their own home; and
- Offering a referral to a mediation service where there is a neighbour disputes

8. Additional services offered

- 8.1 For elderly and vulnerable tenants who have recently moved into a Council property, up to two hours of one of our workmen's time will be offered by the Housing Service, free of charge, to assist the tenant. In order to qualify for this service, the tenant must apply within two weeks of moving into their home and must be aged over 65 and/or registered as disabled.
- 8.2 The Council provides aids and adaptations for tenants or their household members who have a disability or who are suffering from long term ill health, to help them remain and live independently in the home. This will be dealt in accordance with the Council's Aids & Adaptations Policy.
- 8.3 The Handyperson Scheme will assist tenants with gardening and home improvements for a charge. All charges are in accordance to the National Housing Federation Schedule of Rates. Types of minor works that will be carried out include: hanging pictures, putting up shelves, fixing curtain rails and putting together flat-pack furniture.
- 8.4 The gardening service will be charged at an hourly rate plus VAT. The type of service offered includes, cutting grass, clearing paths of weeds and trimming hedges and trees that do not exceed 4ft.
- 8.5 The Council will offer a gas or electric cooker connection service at a competitive charge and this will be carried out by trained operatives.

9. Recording Vulnerability

- 9.1 The Housing Service uses an electronic integrated housing management system and appropriate flags will be used on this especially when an adjustment is required to tailor the service to meet the needs of the tenant.

- 9.2 Where appropriate, this information will be shared with contractors and other third parties, in accordance with the relevant legislation and regulations relating to data protection.
- 9.3 All relevant information regarding vulnerabilities will be held electronically in the Council's document management system and will be shared appropriately and in accordance with relevant legislation and regulations relating to Data Protection.

10. Service standards

- 10.1 We are committed to the principles of openness and transparency and for this reason we will ensure that this policy is well-publicised. If there are any operational matters which impact upon our ability to operate this policy, we will ensure that information about this is given to tenants and other stakeholders.

11. References

- Housing Act 1985
- Data Protection Act 1998
- Homelessness Act 2002
- Mental Capacity Act 2005
- Equality Act 2010

11. Equality and Diversity

- 11.1 The Housing Service tailors its services to meet the diverse needs of individuals. We foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality.
- 11.2 When making any decision about how to resolve certain matters, usually involving breaches of tenancy, the Housing Service must take the Equality Duty in to account. If someone is vulnerable, we will still take enforcement action but we must be able to demonstrate that we have reviewed the situation, taken account of all relevant factors and tailored our service to meet the needs of the tenant, and, where appropriate, considered alternative courses of action. Such assessments are undertaken as a matter of routine by Officers dealing with day to day housing management issues.

12. Review

- 12.1 This Policy has been written in line with good practice and current relevant legislation. Unless there are any changes to such legislation beforehand, the next review of this Policy is due March 2021 and every four years thereafter.

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HOMES PDG
14 MARCH 2017

TELECARE POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Claire Fry, Housing Services Manager

Reason for Report: To explain the rationale for a new policy for the Housing Service relating to the lifeline alarm service they offer and to seek the adoption of this.

RECOMMENDATION(S): That Cabinet recommends the adoption of the Housing Service Community Alarm Policy.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively in accordance with legislative requirements and the provisions of the regulatory framework. The Council must also consider the impact of an aging population and help people retain their independence and remain in their own home.

Financial Implications: Income from the lifeline alarm service is accounted for within the Housing Revenue Account and supports housing expenditure.

Legal Implications: Having a clearly defined policy ensures consistency of approach.

Risk Assessment: Failure to provide housing management staff with the appropriate policies could result in a less consistent and effective service.

1.0 Introduction

- 1.1 The Council is committed to improving the Housing Service and generating additional income. The implementation of a new Community Alarm Policy will provide guidance on the lifeline alarm service available to residents of Mid Devon.
- 1.2 Tenants Together approved the draft Community Alarm Policy at their meeting on 2 March 2017.
- 1.4 Cabinet is asked to consider the new policy and to agree the adoption of it.

2.0 Overview of policy

- 2.1 The policy provides a framework which sets out the Council's approach to providing a lifeline alarm service for residents of Mid Devon to encourage them to remain and live independently in the home.
- 2.2 As at 23 February 2017, 1198 residents are signed up to the alarm service which generates an income of £221,051.20.

- 2.3 The policy explains the lifeline alarm service available to residents. The Council offers a typical lifeline alarm unit which is supplied with a standard lifeline pendant. The lifeline alarm provides help at the touch of a button, 24 hours a day, 365 days a year.
- 2.3 To meet the criteria for take up of the lifeline alarm service, the resident must live in Mid Devon. They must supply a modern BT socket and a three pin electric socket close to the BT socket to enable installation of the lifeline alarm unit. They must also provide additional information such as emergency contact details, relevant medical information which can be relayed to the emergency services.
- 2.4 The policy explains that the Council will charge the resident for the rental of the lifeline alarm and pendant and the service it provides including a one off installation fee of the lifeline unit. The rental charge includes the rental of the alarm, 365 days a year monitoring service and any repairs or the replacement of the alarm.
- 2.5 To ensure that the Council has a regular income stream, if a resident falls behind with payments for the alarm service or do not make arrangements to clear the debts, the Council reserves the right to terminate the service received. If the Council takes such action, it will be the responsibility of the resident to find an alternative provider.
- 2.6 Tenants of the Council's Housing Service who fall behind with payments will be dealt with in accordance with the terms and conditions of their tenancy agreement.
- 2.7 It is recognised that residents may opt for a lifeline alarm service due to a number of reasons. This maybe because of age, disability, ill health or simply because the resident lives alone and would like reassurance that help is available at a touch of a button.
- 2.8 The policy acknowledges that there are other benefits of a lifeline alarm, such as, peace of mind that the resident is safe in their home, provides greater freedom to get on with day to day living, reduces anxiety for family, friends and carers and can lower the risk of unplanned admission to hospital.
- 2.9 The Council is committed to the principles of openness and transparency and for this reason, the policy includes a clause relating to this. If, for any reason, there are any operational matters which impact upon the Council's ability to operate this policy, they will ensure that information about this is given to residents and other stakeholders.

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

Circulation of the Report: Councillor Ray Stanley, Management Team

List of Background Papers: A copy of such papers to be made available for public inspection and included on Website

Mid Devon District Council

Telecare Policy

Policy Number: HSG v1.2

March 2017

Version Control Sheet

Title: Telecare Policy

Purpose: To implement a new Telecare Policy in accordance with good practice and relevant legislative requirements.

Owner: Housing Services Manager
cfry@middevon.gov.uk
Telephone number 01884 234920

Date: **March 2017**

Version Number: v1.2

Status: New policy

Review Frequency: **Every 4 years or sooner if required and in accordance with good practice and changes in legislation**

Consultation **This document was sent out for consultation to the following:**

Cabinet Member
Staff
Tenants Together
Management Team
Homes PDG

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	22 February 2017	
Tenants Together		
Management Team	7 March 2017	
Homes PDG		
Cabinet		

1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC), Housing Service's approach to providing a chargeable Lifeline alarm and other telecare services to clients who have need of such support.

In delivering the Telecare Service, we aim to:

- Promote the benefits of Telecare to older and more vulnerable people
- Enable older and more vulnerable people to remain in their own homes
- Keep clients safe and improve their quality of life
- Work with health professionals to find the most appropriate equipment for clients
- Offer new equipment to clients as new technological solutions are developed and are available
- Provide help to clients which will help them to retain their independence "round the clock", at the touch of a button
- Provide a high quality service which delivers value for money

2. Scope

This policy sets out how the Lifeline alarm service provides help at the touch of a button, 24 hours a day, 365 days a year. It explains how this service and other telecare options can help to support older and more vulnerable people to remain living independently in their own homes and provides an overview of other related services. This policy covers the following points and should be read in conjunction with the related documents as stated below:-

- Services available
- Eligibility and charges
- Non-payment of charges
- Purpose of the Lifeline alarm
- Installation of the Lifeline alarm
- Faults

3. Related Documents

- a. Tenancy Agreement
- b. Income Management Policy
- c. Service Standards
- d. Lifeline Alarm Service leaflet
- e. Complaints & Feedback Policy

4. Definitions

The following definitions apply to this policy:

- **Resident** includes MDDC tenants, freeholders, leaseholders and private tenants

- **Tenant** means anyone who holds a Council tenancy with Mid Devon District Council
- **Telecare** is the use of assistive technology to monitor the health and wellbeing of clients in their own homes. This technology is being continually developed and the range of equipment available is growing.
- **Lifeline** is the name which the Council uses to describe our community alarm service.
- **Control Centre** is the name used in relation to the service provided by Officers who monitor calls from the Council's Lifeline clients

5. Services available

5.1 The Council offers a Lifeline alarm service to clients. A typical Lifeline alarm unit will be supplied with a standard Lifeline pendant.

5.2 A Lifeline alarm unit enables a user to summon help once the unit button or pendant is pressed. This sends a signal down the telephone line to the control centre where the specialist equipment is able to automatically inform staff who is calling. Officers in the control centre will take appropriate action which may involve telephoning a friend or relative nearby with a request that they visit the client, or summoning the emergency services.

5.3 The Lifeline pendant may be worn around the neck or on the wrist and is water-proof for the shower or bath. It enables a user to summon help anywhere in the home and adjacent garden, up to 50 metres from the unit, should the individual fall or become unwell, and if they are unable to get to a telephone.

Other services are available and these include the provision of keysafes, and fall detectors.

5.4 We will undertake a review of the personal details of clients, their needs and the help required on an annual basis to ensure that our records are accurate and that they are aware of the full range of services on offer which may be of interest to them. This is important because other, newer equipment which may be of use or of interest to the client may have become available since the last time a review was undertaken.

6. Eligibility and charges

6.1 Lifeline alarm service:

6.1.1 If a client requests a Lifeline alarm system, they will need to have a telephone socket with an active landline near a three pin electrical socket.

6.1.2 The Council will charge for the rental of the Lifeline alarm and pendant and the service it provides, including a one off installation fee of the Lifeline unit.

6.1.3 The rental charge includes the rental of the alarm, the continual monitoring of the service and any repairs, or the replacement of the alarm except where this

is necessary as a result of tenant misuse or damage, when a charge may be made.

6.1.4 The Council reserves the right to vary charges by giving at least four weeks' written notice before any changes take effect. These charges may increase or decrease from time to time. Generally, the charges are reviewed at the same time as the annual rent increase and any changes are implemented at the beginning of a new financial year.

6.2 Prices relating to other related services will be set by Officers taking into account the cost of provision, and any relevant on-costs.

6.3 A schedule of charges will be publicised on our website.

7. Non-payment of charges

7.1 If a resident falls behind with payments for the Lifeline alarm service and does not make arrangements to clear the debt, the Council reserves the right to terminate the service received. If the Council takes such action, it will be the responsibility of the client to find an alternative provider.

7.2 Our Officers will raise issues relating to non-payment with clients at an early stage. They will be mindful of the clients health and other needs when discussing repayment options and, where necessary, action to recover any outstanding debts. Any recovery action being considered will be subject to tests relating to reasonableness and proportionality taking into account the nature of the client the Telecare Service is designed to help.

7.3 If tenants of the Council's Housing Service fall into arrears with payments relating to telecare, action can be taken in accordance with the terms and conditions of their tenancy agreement.

8. Purpose of the Services Available

8.1 A Lifeline alarm benefits individuals who feel vulnerable in their home. This may be due to age, disability, ill health or simply because they live alone and would like reassurance that help is available at a touch of a button.

8.2 Other benefits of a Lifeline alarm include:

- Peace of mind that the individual is safe in their home;
- Provides greater freedom to get on with day to day living;
- Reduces anxiety for family, friends and carers; and
- Lowers the risk of unplanned admission to hospital
- Reduces the potential need for moves into residential care

8.3 The Lifeline can be used at any time of the day or night. It enables people to live independently and provides a home safety and personal security system. When a resident presses the pendant or alarm button, a message is sent to the control centre where trained operators take the most appropriate action,

whether it is contacting the relevant emergency contact or services such as Police or Ambulance services.

- 8.4 Telecare can help people to manage risk if they are older or more vulnerable. For example, if someone is concerned about a bogus caller, they can summon help using the Lifeline. If they are concerned about falling, a fall detector can detect when someone has fallen and send an alert through to the operators in the control centre who will arrange a suitable response.
- 8.5 The rationale for offering the other related services is that there may be many small jobs around the house that older and more vulnerable people cannot undertake, for a variety of reasons.
- 8.6 Clients often want to know that the contractors that they are using to undertake repairs or other minor works are competent, and that they are trustworthy. The workmen employed by the Council are all able to carry out any necessary work to a reasonable standard and are all bound to deliver a good level of service. This can be reassuring for older or more vulnerable people.

9. Installation of the Lifeline alarm

- 9.1 Before an alarm can be installed, the resident will be required to supply a modern BT socket and a three pin electric socket close to the BT socket.
- 9.2 The resident will be required to provide the following information when the alarm is installed:-
- Details of least two emergency contacts who live close by e.g next of kin, a neighbour, family member or friend who are willing to be called in the event of an emergency
 - GP's name, address and contact details
 - If no emergency contacts details are given, the name, address and contact details of any carer/care agencies and/or social worker should be provided (if relevant)
 - Any relevant medical information (this can be relayed to emergency services).
- 9.3 When a resident does not have an emergency contact that lives close by, they will be required to have a key safe installed at their property. The Council can install a key safe for a charge.
- 9.4 In the event that a key safe is to be installed, this will need to be mounted to the door or wall and be resistant to hammering and sawing for security purposes. It must be able to hold the key and have a combination lock. The number to the key safe must be supplied to us to the Council to pass onto the control centre who will only give the code out to the emergency services. This will allow instant access to responding personnel in an emergency situation.

10. Faults

- 10.1 The Council will respond to any faults with the Lifeline alarm equipment. However if there is no dialling tone on the telephone, the resident may have a line fault and it will be their responsibility to report this to their telephone provider. The alarm will inform the resident that there is a telephone fault.
- 10.2 If there is an electrical power cut the lifeline alarm unit will work for up to 36 hours with the red light flashing, and some alarms may set off a beeping noise. If the electrical power cut is more than a hour the lifeline alarm unit will automatically call the control centre to inform them that there is no electricity.
- 10.3 If a fault to the equipment has arisen as a result of misuse by the client, then a charge may be applied. Cases of this nature will be assessed on an individual basis, taking into account the personal circumstances of the client.

11. Service standards

- 11.1 We are committed to the principles of openness and transparency and for this reason we will ensure that this policy is well-publicised. If there are any operational matters which impact upon our ability to operate this policy, we will ensure that information about this is given to tenants and other stakeholders.
- 11.2 Our Officers will be trained to understand the particular vulnerabilities of our client group and will therefore always have identification available if required.
- 11.3 We will publicise the full range of Telecare and other related services and offer the most suitable equipment to enable clients to remain living independently in their own homes.
- 11.4 We will replace defective equipment, as necessary, provided the damage was not caused by misuse.
- 11.5 Our Officers are trained to understand their responsibilities in accordance with data protection and will treat all personal information in accordance with the relevant legislation.

12. Complaints

- 12.1 Any complaints about the Telecare service, or other related services, will be dealt with in accordance with the Council's

13. Equality and Diversity

- 12.1 The Housing Service tailors its services to meet the diverse needs of individuals. We foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality.

13. Review

- 13.1 This Policy has been written in line with good practice and current relevant legislation. Unless there are any changes to such legislation beforehand, the next review of this Policy is due January 2021 and every four years thereafter.

DRAFT

**ECONOMY PDG
16 MARCH 2017**

TIVERTON MARKET SCHEDULE OF TOLLS

Cabinet Member(s): Cllr Richard Chesterton
Responsible Officer: Stephen Walford, Chief Executive & Director of Growth

Reason for Report: To standardise the Market's pricing policy in a formal agreed Schedule of Tolls.

RECOMMENDATION: That the Schedule of Tolls be approved with adoption from 01/04/2017.

That the Schedule of Tolls be reviewed annually with the next review presented to the Economy PDG in March 2018.

Relationship to Corporate Plan: This report supports the Council's priority of 'Economy'.

Financial Implications: The Schedule is standardising tolls already being charged. Tolls are not being increased for standard pitches. There is a minor increase of £4 per week for the lockable units.

Legal Implications: There are no legal implications.

Risk Assessment: Failure to have a clear, published pricing policy may cause discrepancies in tolls charged and leave Market officers at risk of being accused of unfairly allocating discounts.

1.0 Introduction

- 1.1 The Market Management Team has produced a new Schedule of Tolls, to be introduced from 1 April 2017 (see Appendix A). The purpose of this is to reflect current pricing policy and standardise the tolls and charges at the Market with a clear structure showing discount schemes. In effect this is not changing any existing tolls but regularising those already in place.

2.0 Changes from Previous Schedule:

- 2.1 Tolls used to be £11 per table; whereas we now charge £11 per pitch, with each pitch allowed up to 2 tables. This is important as we are encouraging traders in the Market Hall to double-front their stalls inside the hall and outside under the canopy (with the glass doors open). This will improve visibility of stalls and permeability around the Market for customers walking through. If traders would like additional tables, they are now available at £6 each.
- 2.2 Currently the lockable units are offered on a daily licence. We are proposing to offer them on a weekly licence. Traders occupying these units are required to open on market days (Tuesdays, Fridays and Saturdays) with the option to open at no extra charge on non-market days. However, as they only pay for market days, should the Market run another event on a Wednesday, for example, we could offer the unit, or the space in front of the unit, to another

trader. A weekly licence will ensure the occupier has the unit and space in front throughout the week (during daytime trading hours). The weekly licence will increase weekly pitch fees by £4. However, we are proposing to introduce the new licence for new traders only from 01/04/2017 and for existing traders from 01/04/2018 (unless they wish to transfer sooner).

- 2.3 The Schedule now includes our Pop-up Art Stall (for artists to show their creative talents at the Market) and Charity Stall, which we offer for free to local charities.
- 2.4 Prior to 2015/16, traders had to pay for parking permits. We are proposing to continue offering free parking for traders, limited to one permit per pitch (if a trader has 3 pitches, they are eligible for 3 permits but only to be used by people working on their stall). Additional pitches are available at £1 each.

3.0 Research and Consultation

- 3.1 Other markets across the South West charge varying tolls from £5 to £15 per pitch. Typically the markets in smaller towns charge less per square foot than those in larger towns and cities. Tiverton Market's tolls are set fairly for the location, footfall and with the benefit of two tables, access to free Wi-Fi, free use of electricity and a free parking permit per pitch.
- 3.2 Nationally, the standard discount for payment by Standing Order appears to be 5%. Tiverton Market traders benefit from 10% discount by paying via this method. Otherwise, our discount schemes are on par with other Markets across the country.
- 3.3 We consulted traders and shared our proposed Schedule with them at the Trader Meeting on 7 February. Traders were given until the end of February to feedback their thoughts or ask questions. None of the traders gave formal feedback. However, the Market Management Team spoke to traders during the consultation period to gauge their response and all were positive. Three lock-up traders specifically commented in favour of the new weekly licence. We have received no negative responses to the proposed Schedule.
- 3.4 Since commencing consultation, we have had three traders request to pay their tolls via Standing Order (in addition to those already paying by this method). This benefits the Market as although the tolls are discounted by 10%, we receive a guaranteed income covering a pitch even when a trader is absent.

4.0 Outcomes

- 4.1 Increasing tolls at this stage may result in several traders' businesses becoming unviable. This would have a negative impact on Market income and counter our aims of supporting business growth.
- 4.2 We recommend maintaining the prices at the current rates with a view to reviewing tolls again (and the level of Standing Order discount) in 12 months.

- 4.3 Once approved, the new Schedule of Tolls will be displayed on the Council's website (and the Market's when it goes live in May 2017) and on the Trader Noticeboard in the Market Storeroom.

Contact for more Information: Alan Ottey or Zoë Lentell, Market Managers, 01884 243351, tivertonmarket@middevon.gov.uk

Circulation of the Report: Tiverton Ward Members and Cabinet

List of Background Papers: Appendix A: Schedule of Tolls April 2017

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Market Tolls and Charges

Prices correct as of 01/04/2017



GENERAL MARKET TOLLS

	Normal Price	Notes
INDOOR		
Casual Trader (\leq two tables)	£14.00 per day	Payable daily in advance. Traders move onto standard price when have been trading regularly for 12 weeks.
Standard Pitch (\leq two tables)	£11.00 per day	Payable daily in advance.
Extra table	£6.00 per day	Payable daily in advance.
LOCKABLE UNITS		
New traders (from 01/04/2017)	£37.00 per week	Payable weekly in advance.
Existing traders	£11.00 per day	Payable daily in advance. Transferring onto new rates from 01/04/2018.
OUTSIDE		
Casual Full pitch	£20.00 per day	Payable daily in advance. Traders move onto standard price when have been trading regularly for 12 weeks.
Casual Half pitch	£14.00 per day	Payable daily in advance. Traders move onto standard price when have been trading regularly for 12 weeks.
Standard Full pitch (200ft ²)	£17.00 per day	Payable daily in advance.
Standard Half pitch (100ft ²)	£11.00 per day	Payable daily in advance.
CHARITY STALL		
Charity Stall (\leq two tables)	£0.00 per day	Twelve pitches free per year. Additional items offered at 50% discount of standard price payable daily in advance.
Pop-up Art Stall (\leq two tables)	£0.00 per day	Twelve pitches free per year. Additional items offered at 50% discount of standard price payable daily in advance.

CHARGES

	Normal Rate	Notes
Display Cabinets	£4.00	Payable daily in advance.
Parking Permits (whole day)	£1.00	One parking permit is included free with each pitch. Additional permits to be purchased daily in advance.

FIXED UNITS

Notes

Café Space	Agreed separately as part of annual lease. Payable monthly in advance.
Shop Unit	Agreed separately as part of annual agreement. Payable monthly in advance.
Store Room	£37.00 per week. Payable weekly in advance.

DISCOUNTS

Normal Rate

Notes

Standing Order	10%	Payable monthly in advance (equivalent of £9.90 per pitch).
Business Assist	50%	Discount for three months; option to extend for further three months. Maximum time of six months.
Bulk Discount	16.7%	Traders occupying and paying for five pitches, get one additional pitch free. Discount applies daily.
Non-Market Day	£100%	There are currently no charges for regular indoor traders on existing non-general market days.
Discretionary	Varied	Previously agreed rates with traders prior to 01/04/2017. Existing agreed rates expire 31/03/2018.

VENUE HIRE

Normal Rate

Trader Rate*

Charity Rate

North End	£90.00	£70.00	£45.00
South End	£110.00	£80.00	£55.00
Whole Pannier Market Hall	£200.00	£150.00	£100.00
Trader Parking Permits	£2.00 each for day	£2.00 each for day	£2.00 each for day
Electricity Costs	£3.50 per hour (with additional £3.50 per hour if usage exceeds 10kw per hour)		
Staffing Costs	Costs for Council officer attendance/supervision (if required) will be calculated based on each individual event’s requirements. Standard costs are £15.50 per hour between 08:00 and 18:00, Monday to Saturday, and at £31.00 per hour at all other times. Please contact us on 01884 243351 for a quote.		
Repair and Cleaning Costs	Failure to adhere to the terms and conditions of hire may result in additional charges being applied (such as compensation for any repair or cleaning costs incurred resulting from damage or neglect of the hirer(s) or replacement for loss of Council-owned equipment or keys).		
*Trader rate applies to regular traders at the Pannier Market; casual traders will need to pay normal rate.			

THIRD PARTY MARKETS

Notes

Monday Market	Agreed separately as part of annual contract with third party.
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DRAFT ECONOMY PDG

DATE: 16 March 2017

MID DEVON WALKING GUIDES

Cabinet Member Cllr Richard Chesterton, Cabinet Member for
Planning and Regeneration
Responsible Officer Stephen Walford, Chief Executive & Director for Growth

Reason for Report: Members requested the Economic Development Team looked into the feasibility of reformatting / republishing the village walking leaflets.

RECOMMENDATION(S): That members consider the different options presented for promoting the local area and agree a recommended way forward.

Relationship to Corporate Plan: Renewing the walking guides will support the aims of the following Economy and Community objectives within the Corporate Plan:

Economy - Aim 4 - Grow the tourism sector

- Increase the number of people visiting, staying and spending money in the District
- Improve the marketing of Mid Devon as a visitor destination

Community - Aim 3 – Promote physical activity, health and wellbeing

- Actively promote the facilities that are available in our District for health and wellbeing such as walking (footpaths, open spaces and parks) and cycle paths

Financial Implications: There will be a cost implication both in printing paper formats (leaflets and booklets) as well as creating a web-based platform for the information. This could be offset by applying for external funding. However, the exercise will create substantial work for the team, and therefore there is an opportunity cost of not being able to proceed with other projects.

Legal Implications: None

Risk Assessment: None

1.0 Introduction

At the last Economy Policy Development Group members asked the Economic Development Team to look into the feasibility of reviving the popular walking leaflets originally produced by the Council in the 1990s as part of a range of materials promoting the Mid Devon countryside.

From 1990 to 1996 the Council offered to work with Parish Councils to produce 'Country Walks and Villages' leaflets, which had a format of two routes (one easy and one more challenging), a map and a description of the walk with local artist designs and illustrations. These were produced on environmentally friendly paper, securing funding to contribute towards the printing costs. Two leaflets were produced each year with a total of 13 parishes being covered across Mid Devon over a six year period (See Appendix A). A further series of Town Trails and

Church Trails were also produced together with materials on cycling routes in Mid Devon. More recently, two booklets of twelve walks each in the Culm Valley were initiated by the then 'Devon Gateway Development Trust' and supported by MDDC and Cullompton Town Council.

Recently a number of parishes have asked if we could update their walking leaflets. However, this is not an activity that the council currently has in its work programme (or budget).

2.0 Background

One of Mid Devon's main assets is our countryside, and walking is an important leisure activity both for our residents and visitors. Mid Devon could be a significant walking destination, and there is evidence that health & leisure related tourism is an increasingly important sector. Access to the countryside is also an important consideration when people are choosing where to live, and can be a significant criterion in where businesses decide to set-up / relocate. Mid Devon has an array of footpaths, bridleways, cycle paths and long-distance walking routes which are not sufficiently promoted as a local attraction/activity.

Apart from the extensive network of footpaths and bridleways there are a number of long-distance walking routes that pass through the District, including the Great Western Canal, Exe Valley Way, Little Dart Ridge & Valley Walk, Devonshire Heartland Way and Tarka Trail, as well as being on the route of the ever popular Land's End to John O'Groats long-distance challenge. Mid Devon also has two Sustrans networks for cycling – routes 3 & 344.

Promoting the district as an attractive place to visit and live with plenty of options for outdoor activity, whether this is a full-on walking holiday or a gentle stroll on a Sunday afternoon, will be important in raising Mid Devon's profile. However, in terms of Economic Development the real gain would be to link these activities to other rural business such as accommodation providers, food and drink business, attractions and heritage in order to maximise the benefit of visitors' presence to the local economy.

3.0 Information Sources

Research shows that visitors use a range of sources to gather information about their visit and to decide what to do when they are there. Whereas the internet is important for pre-planning, particularly in deciding where to stay, there is still a core constituent of visitors who prefer brochures / guides and leaflets to decide what to do while they are in the area. This is partly due to the type of people that Mid Devon currently attracts including a higher proportion of couples over 45 and those visiting friends and family, but also because of the vagaries of broadband availability in rural areas. Others prefer to ask friends and family for recommendations or seek information from elsewhere, for example from their accommodation provider.

There is no remaining stock of the original walking leaflets and their availability is dependent on local informal copying. Unfortunately, they were first produced at a time when digital formats were not widely used and so reproducing them in their

current format is not a straightforward process. There is currently no central place or websites to go to for information about local opportunities or activities or for local organisations to advertise these activities online.

There a number of walking guides covering the Mid Devon area produced commercially by Culm Valley Publishing (www.culmvalleypublishing.co.uk), as well as websites providing local routes and downloadable files e.g. Favourite Devon Walks <http://pinns.co.uk/devon/index.html>, however, these tend to promote a much larger geographical area, and therefore dilute the particular offer of Mid Devon.

2.0 Options

If the council was minded to consider the promotion of Mid Devon's walks for tourism/leisure purposes, four options have been set out below for member's consideration.

Option A

The simplest option would be to update and reformat the original leaflets. This would likely be the cheapest option, but even this would require that all the information be checked for accuracy, and there may well be some remedial work needed to the footpaths themselves to ensure they are safe to use and ready to promote. This option would produce a series of updated walking leaflets, but would potentially mean that the greater benefit to the local economy of linking these walks to local businesses (shops, pubs, cafes, attractions etc.) was not achieved. The cost of checking the routes and then reproducing the leaflets would need to be shared with the parishes that choose to take part.

Option B

To update the information in the original leaflets, as per Option A, but to enhance it with information about local businesses such as local eateries, accommodation providers, and other opportunities in the local area – local heritage along the walks cycle routes, horse riding etc. Once the information was collected and collated this could be reproduced in a number of different formats. The format could either be digital and hosted on our or another website, with parishes and accommodation providers able to download and reprint as required, or in partnership, we could publish a limited print run. To do this exercise well could take a considerable amount of time and work so it would be necessary to limit the number of areas focused on per year. The cost of paper formats could potentially be borne by contributions from parishes or business listing sponsorship.

Option C

This option is similar to Option B, but the information would be collected into three booklets / webpages promoting the Culm Valley, Crediton and the Exe Valley as broader descriptive areas. A PDF version could be available to download. The booklets would include not only walks but links into local heritage, picnic spots, viewing points, local amenities, wildlife spots and the wider offer more generally, while allowing space for local businesses to advertise e.g. accommodation, cafes, pubs, food producers. It would have the benefit over individual leaflets of being able

to cover a number of parishes at one go. This option would be less costly than Option B but it would provide a much fuller product to promote the local area. Repackaging this information as three area based leaflets would enable us to distribute and promote the area more widely.

Option D

Option D would include updating and enhancing local information as above, but focus on producing a central website that would be used to promote the area to visitors and local residents looking for things to do. This would have the benefit of being easily updatable, and be able to provide the information in a range of digital formats e.g. downloadable as apps, or as GPS waypoints that can be used on mobile devices, while being able to accommodate the leaflet format, but in a downloadable form with the cost of printing borne by the printer. There could also be additional functions such as being able to personalise information – e.g. being able to create individual itineraries, searching for dog-friendly routes / accommodation, being able to filter for walks including local eateries (pub walks) or create personalised walking / cycling routes.

This option has the potential for the greatest benefit to the local area as it could be used to promote the wider offer of Mid Devon, and is looking to future media usage by a new generation of visitors, while accommodating current demands. It would also enable links to accommodation providers and food and drink providers with their own websites (the SW coastal path does this well <http://www.southwestcoastpath.org.uk/>). To be useful and stay current it would need to be kept up to date and managed, but the TIC has shown interest in taking on this responsibility in the future.

Although developing a good quality website could be costly, the cost could be offset through external funding. A recommendation with this option would be to apply for LEADER funding to support the development of a single promotional website.

3.0 The Way Forward?

Of the four options, Option A is the least expensive, but will have the least benefit to the local economy. Options that involve enhancing this information with a wider look at the local offer, and linking it with local businesses have the greatest opportunity for promoting economic growth. Although many people still prefer paper formats, they are costly to produce and go out of date fairly quickly. With an eye on the younger generation and to the future of information consumption we need to make whatever content is produced as part of this project as easily accessible as possible, and therefore in digital format. Option D is the most expensive option, but has the potential of the greatest benefit for providing a comprehensive platform for promoting the district, and is more likely to attract external funding.

All the options are do-able, but they will all have implications on the workload of the economy team and therefore on what other major projects the team can take on. As such, if the PDG is minded to recommend that the economy team prioritise this project, it would be useful to understand members' views on other work projects that could be de-scoped or postponed.

3.0 Conclusion

Green infrastructure has been recognised within the HOTSW Productivity Plan consultation as an important asset and a potential driver for the local economy, but is also something that attracts new businesses into the area. Mid Devon has the potential for being a destination of choice for visitors looking for the unique mix that Mid Devon can offer, as well as being a wonderful place to live. Putting effort and time into promoting the area, by providing information about local walks, leisure activities and other opportunities with links to local businesses will surely benefit the wider economy. However, there is a decision to be made about how much time and effort to expend on doing this.

Contact for more Information: John Bodley Scott, Economic Development and Regeneration Manager, 01884 234363

Background Papers: Appendix A – List of Country Walks
Sample Country Walk no.

File Reference:

Circulation of the Report: Cllr Richard Chesterton
Stephen Walford, Director of Growth

Appendix A – List of Walking / Cycling Leaflets that were historically produced by MDDC

Country Walks and Villages Leaflets

No 1	Morchard Bishop
No 2	Silverton
No 3	Sandord
No 4	Grand Western Canal
No 5	Bampton
No 6	Crediton
No 7	Uffculme
No 8	Bradinch
No 9	Chawleigh
No 10	Lapford
No 11	Newton St Cyres
No 12	Cheriton Bishop
	Oakford Village Walks

In addition the following walking leaflets were produced:

Tiverton Town Trail
Cullompton Town Trail
Bampton Town Trail

Church Trails: Crediton
Church Trails: Exe Valley

‘Twelve Walks in the Culm Valley’
‘Another Twelve Walks in the Culm Valley’

Cycling Leaflets

Cycling in Mid Devon

CABINET
30TH MARCH 2017

REPORT OF THE HEAD OF PLANNING AND REGENERATION

FUNDING OF THE NEW GRADE SEPERATED JUNCTION ON THE A361 IN CONNECTION WITH THE TIVERTON EASTERN URBAN EXTENSION

Portfolio Holders Councillor Richard Chesterton
Responsible Officers Mrs Jenny Clifford, Head of Planning and Regeneration

Reason for Report: To provide an update on the funding and delivery of the new grade separated A361 junction to serve the Tiverton Eastern Urban Extension

RECOMMENDATION: That the report be noted.

Relationship to Corporate Plan: The Corporate Plan 2016-2020 establishes priorities around the delivery of economic growth including housing provision, business development and planning for and enhancing the built environment. The Tiverton Eastern Urban Extension is a strategic mixed use land allocation within the adopted Local Plan, the delivery of which is vital to realising the Council's spatial strategy. The provision of the A361 junction will unlock the ability to provide housing and employment floorspace on this site.

Financial Implications: See below.

Legal Implications: Legally binding 106 agreements will provide the mechanism for securing financial contributions towards the junction from development as part of the planning process.

Risk Assessment: See below.

1.0 Introduction

- 1.1 The delivery of development on the Tiverton Eastern Urban Extension depends upon the provision of a new grade-separated junction onto the A361. Only the first 330 dwellings may come forward in advance of the junction. Application 14/00667/MFUL for a 'left in left out' road junction on to the A361 was approved in August 2014. A further Application 14/01168/FULL for a full grade separated junction with access and egress onto both the westbound and eastbound carriageways of the A361 was approved in September 2014.
- 1.2 It was initially intended that the new junction would be delivered as a whole by Devon County Council with the first phase (left in, left out slip arrangement on the southern side) funded from development and the second comprising an overbridge and northern slips from the LEP. DCC submitted a £7.5 million funding bid to the LEP and the project was accepted for programme entry under Growth Deal 2 at the meeting of the LEP Local Transport Board in December 2014. It was therefore expected that this LEP funding would be forthcoming, although it was acknowledged to be subject to the Growth Deal 2 award from the Government.

1.3 DCC has been working towards junction delivery and since the grant of planning permission has completed junction design work, prepared tender documents, discharged pre-commencement planning conditions and made a lawful commencement of the planning permission on site. DCC wish to go out to tender shortly. More details on project timescale are below.

1.4 The following planning applications have been submitted to date and are expected to provide financial contributions towards the proposed junction:

13/01616/MOUT Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.(Applicant Waddeton Park Ltd. Relates to Area A: NE of allocated site). APPROVED WITH SIGNED S106.

Relevant funding secured through S106: £1,736,842 towards the A361 highway works. The applicant is currently looking to renegotiate the timing of the S106 highway contributions.

14/00881/MOUT 700 dwellings, 22,000 sqm B1/B8 employment land, care home, primary school, neighbourhood centre with LILO junction on to A361 and access / egress on to Blundell's Road. (Applicants Chettiscombe Trust Estate). RESOLUTION TO GRANT PLANNING CONSENT SUBJECT TO S106. (Note separate S106 covering traffic calming works on Blundell's Road is signed).

The Planning Committee resolution included securing £3,684,211 towards the A361 junction from this development via S106 together with the land. No such S106 has yet been signed. At the time of writing this report it is expected that an update report on S106 discussions and conditions in connection with this application will be considered at the meeting of Planning Committee on 29th March 2017.

2.0 **UPDATED POSITION ON JUNCTION DELIVERY, COSTS AND FINANCIAL PACKAGE.**

2.1 Information from DCC on the cost of the proposed junction are as follows:

Full junction £18.2 million delivered in two phases.

Phase 1 south side £11.0 million (includes design costs for the full junction)

Phase 2 north side and overbridge £7.1 million

2.2 It has now become apparent that the LEP is not currently in a position to provide the expected £7.5 million to support the A361 junction project. A total of three projects were accepted for programme entry under Growth Deal 2, with funding only available to support the other two (Forder Valley Link Road, Plymouth and M5 junction 25 Taunton). Meetings of the LEP Transport Board and Strategic Investment Panel in December 2016 and January 2017

respectively have confirmed this position. This has resulted in the need to reassess the junction's funding package with this work being led by DCC.

- 2.3 Further discussions with the LEP indicate that whilst funding may be found to support the junction, it is likely to be no more than £1.5 million. However, DCC have recently been awarded funds from the National Productivity Investment Funds and due to the significance the Council attach to this development they have allocated £2m to enable construction of the scheme to commence. In addition there is a possibility that the resurfacing of the A361 in the vicinity of the scheme is undertaken as part of a larger maintenance scheme. DCC now proposes that the junction be delivered in two separate phases. The latest funding package that would deliver the southern part of the junction is set out below. It is drawn to Members' attention that the use of soil nails (Application 17/00098/FULL) overcomes the need for a section of expensive retaining structure allowing a saving of over £1 million to be made. In addition, resurfacing is now only proposed on the southern side of the A361, with maintenance budget (not yet confirmed) to resurface the northern carriageway. Together these account for the difference between the £11 million Phase 1 costs referenced in para 2.1 and those in the table below. The second phase would be delivered at a future date as a result of developer finance from the remaining part of the site (Area B) and via a further infrastructure fund bid.

To deliver the first phase of the junction;

Contributions	£m	Notes
DCC National Productivity and Investment Fund	2	Must be spent 17/18
Waddeton Park development s106	1.2	Forward funding by DCC (spent by DCC on design costs for full junction)
Chettiscombe Trust development S106	1	Forward funding by MDCC
LEP / HCA	1.5	
Developer (Chettiscombe Trust)	2.8	Est construction value to complete link to Blundell's Rd – would follow as separate contract
TOTAL	£8.5m	Plus possible funds for resurfacing of the A361

- 2.4 The initial scheme to be constructed via DCC would deliver the proposed southern slips, the acoustic bund, acoustic fencing, southern side drainage and landscaping together with the resurfacing of the A361 on the southern carriageway only. See plan at **Appendix 1** for the extent of the works. The connecting road between the southern slips and Blundell's Road would be delivered by the developer (Chettiscombe Trust) at an estimated cost of £2.8 million. The slips from the A361 would unlock that development and be able to be used as a haul route for construction.
- 2.5 MDDC planning approvals will be needed to allow for the deletion of a section of retaining structure from the scheme through an alternative design using soil nails and for the variation of planning condition as the resurfacing of both carriageways of the A361 is currently required for 200m in each direction. It is now only the resurfacing of the southern carriageway that is proposed at this stage. The northern section will be addressed upon completion of the full junction.
- 2.6 The delivery of the southern part of the grade separated junction relies upon forward funding from DCC and this Council until development finance is available. DCC has already designed the full junction and undertaken site clearance works. These will be paid back from the Waddeton Trust S106 agreement.
- 2.7 At the meeting of Council on 22nd March 2017 it was agreed that MDDC take out a loan to help forward fund the junction. The loan is expected to be for £1 million and will be sought via the Public Works Loan Board. It will help unlock the delivery of development on this strategic site. Repayment of the loan together with interest will be secured via the Chettiscombe Trust S106 agreement. It is likely that the loan period will be in the order of 10 years.
- 2.8 Information on the programme to deliver the DCC element of the southern part of the junction is as follows:
- March 2017 – site clearance and tender out.
- April 2017 –tenders received
- June 2017 – tender decision (after elections)
- September 2017 – construction start after peak tourist period
- July 2018 – DCC tendered work complete.
- 2.9 S106 will need to secure the completion of the linking road between the DCC delivered works and Blundell's Road by Chettiscombe Trust. It is expected that the S106 will secure it's delivery within 12 months of the sale of sufficient land to generate net receipts that would fund it's cost. In addition, no part of

the Chettiscombe Trust development would be occupied until the link road has been completed.

3.0 RISKS OF JUNCTION AND DEVELOPMENT NON DELIVERY.

- 3.1 The Tiverton Eastern Urban Extension (TEUE) is identified within both the adopted Local Plan and proposed submission Local Plan Review as a major strategic housing site, the delivery of which is important in the Council being able to meet its objectively assessed housing need. At this point in time the Council does not currently have a five year housing land supply and is currently vulnerable to speculative development in unplanned locations. The TEUE is allocated in the adopted plan for up to 2,000 houses and in the Local Plan Review for up to 1,830.
- 3.2 At the forthcoming Local Plan Review Examination, the Council will need to be in a position to demonstrate the deliverability of its proposals and that on a site by site basis, the housing and associated allocations will come forward within the expected timescale. With the exception of the first 330 houses, the construction of housing on the TEUE depends upon the delivery of this junction. Housing delivery on the site is already behind that anticipated. The adopted masterplan for the site expected housing to begin to be delivered within 2015/16. To date, no houses have been built. By the end of 2016/17 it was expected that 87 houses would have been delivered on the site as a whole. Construction of the southern phase of the junction will allow the 700 houses and employment floorspace on the Chettiscombe Trust site to come forward.
- 3.3 The funding package set out above includes £2 million from the National Productivity and Investment Fund secured by DCC that must be spent by the end of the 2017/18 financial year. It will not be available for the project beyond this. Additionally indications are that £1.5 million LEP funding will need to be drawn down within a similar timescale otherwise a new bid will need to be submitted against future Growth Deal funding. The current funding package as set out in this report is therefore time limited. Unless the necessary steps are met and timescale adhered to, £3.5 million of public money to fund the junction will be lost. This would require a new bid for infrastructure funding and delay.
- 3.4 In order to ensure all necessary steps are in place to start construction in September 2017, the following timings must be met. DCC has requested letters from Chettiscombe Trust and MDDC confirming in principle works / contributions to the scheme. This is requested early March. The LEP Transport Board met on 14th March where funding was agreed in principle subject to a final bid with tender prices. This will be followed by a meeting of the LEP Strategic Investment Panel in early April. A signed S106 and final confirmation of MDDC funding would be required in May ready for DCC Cabinet in June to award the contract.
- 3.5 The grant of outline planning permission for the Chettiscombe Trust application does not in itself enable the commencement of development. Reserved matters permission will be needed in advance of the construction of any dwellings.

- 3.6 The Government is currently prioritising the delivery of housing and is actively seeking both greater housing numbers overall, but also the acceleration of build out. Councils will be expected to demonstrate that they are doing their part and to facilitate delivery and it is likely that future funding releases will depend upon the record of delivery.

Contact for more Information:

Mrs Christie McCombe, Area Planning Officer (Tiverton Eastern Urban Extension) 01884 234277 cmccombe@middevon.gov.uk

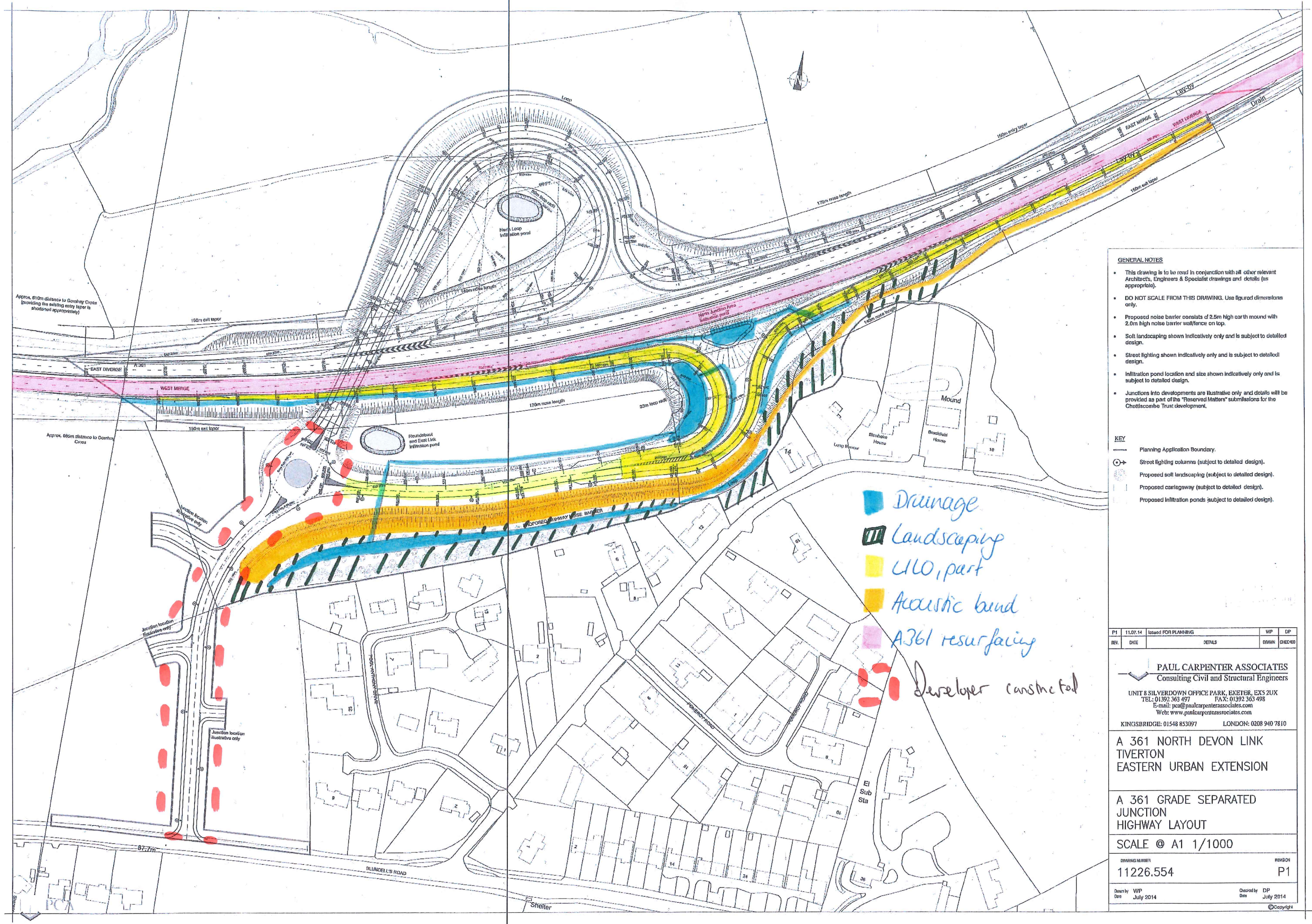
Mrs Jenny Clifford, Head of Planning and Regeneration
01884 234346 jclifford@middevon.gov.uk

Circulation of the Report: Cabinet Members

List of Background Papers:

Planning Committee 23rd April 2015, 9th March 2016, 3rd August 2016, 1st February 2017, 29th March 2017

Council 22nd March 2017



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COMMUNITY POLICY DEVELOPMENT GROUP 28 MARCH 2017

SERVICE LEVEL AGREEMENT GRANTS PROGRAMME 2017/18-2019/20

Cabinet Members **Cllr C Slade, Cabinet Member for Community**
 Cllr R Chesterton, Cabinet Member for Planning and
 Regeneration
Responsible Officer **Stephen Walford, Chief Executive & Director of Growth**

Reason for Report: To update Members on arrangements for the introduction of grant awards linked to Service Level Agreements for selected agencies during the period 1 April 2017 to 31 March 2020.

RECOMMENDATIONS that:

1. The recommended three-year funding levels set out in paragraph 2.3 be approved;
2. An allocation be made for agencies previously in receipt of an annual Strategic Grant but which applied unsuccessfully to the new Service Level Agreement grant programme as a transitional arrangement.
3. That the recommended level of grants to other external organisations set out in paragraph 3.0 be approved.

Relationship to Corporate Plan: The allocation of grants provides support to external agencies delivering services that advance the Council's corporate priorities. Grant allocations tend to be most closely aligned to the Economy, Homes and Community priorities, in particular:

Priority 2: Homes - Continue to work to prevent homelessness;

Priority 3: Community - Support local communities to retain and develop local facilities and services

The services to be provided will also contribute to the Economy priority by improving the local economic vitality, increasing footfall and spend in town centres and increasing the number of people spending money in the district.

Financial Implications: The strategic shift from providing annual grants for the provision of eleven services, to three-year service level agreements for three service areas will require the Council to set aside an annual grants budget up to and including 2019/20.

Risk Assessment: Decreases to selected agencies introduced within a short period of time may lead to closure of a valued service or have a negative impact on the activities and services provided to residents. It could also result in adverse publicity for the Council. Significant reductions in established grant allocations may risk a challenge

from (a) external organisations under public law and/or (b) the Secretary of State for Communities and Local Government.

1.0 Introduction

1.1 At its meeting on 27 September 2016 the Community Policy Development Group recommended that:

1. The Museum of Mid Devon Life and Tiverton Tourism Information Service be moved from the grants budget to a separate tourism budget;
2. A commissioning approach to future grant allocations should be adopted; and
3. Grants to be paid on an annual basis for the duration of the 2015-2020 Corporate Plan.

These recommendations were approved by Cabinet on 27 October 2016.

1.2. The commissioning approach taken by the Council consists of (a) ending annual grant awards for the provision of eleven services (see appendix 1); (b) moving the budget for the Museum of Mid Devon Life and the Tiverton Tourism Information Service to a separate tourism budget, and (c) introducing a new Service Level Agreement Grant Programme for the period 1 April 2017 to 31 March 2020 for the provision of the following services:

1. Welfare Advice and Information;
2. Support for Community Organisations;
3. Community Transport Services;

The service areas selected each have a social and economic benefit to the district, for example, by ensuring residents receive the welfare payments to which they are entitled, that people with mobility difficulties can travel to towns and villages and charitable organisations are able to become more self-reliant and bring additional funding into the area, supporting local jobs and services. The move to a Service Level Agreement Grant Programme will enable the Council to monitor performance more effectively and achieve best value for taxpayers.

1.3 The timetable for the introduction of the Service Level Agreement Grants Programme is set out in the application guidelines as follows:

#	Milestone	Date/Deadline
1	Application process opens to written submissions	Weds 21 Dec 2016
2	Deadline for written submissions	Mon 6 Feb 2017, 5pm.
3	Successful applicants notified and invited to give a presentation to the Council	Mon 20 Feb 2017
4	Applicant's presentations to the Council	13 th Mar 2017

5	Successful applicants notified	Mar 2017
6	The Council and successful applicant discussions on Key Performance Indicators and funding levels for Service Level Agreement	Mar/Apr 2017
7	Service Level Agreement funding commences	1 May 2017

- 1.4 The awarding of grants to external agencies is a discretionary function of the Council, it having no statutory responsibility to provide a grant programme to external organisations.
- 1.5 There is likely to be a continued expectation that additional reductions to the grants budget will be required to assist the Council's overall budget setting process, and this will be consideration when agreeing grant levels with agencies selected to deliver against each of the Service Level Agreement areas.
- 1.6 The possibility of creating a small budget as a transitional arrangement for agencies that will lose their annual grant award on 1 April 2017 is a further consideration.

2.0 Service Level Agreement Grant Programme (SLAGP) – Progress to date

- 2.1 The timetable set out in paragraph 1.3 is being adhered to. The SLA Grants Programme is a two-stage grant application process with agencies providing a written submission assessed against a detailed grant criteria. Applications that met the eligibility criteria were shortlisted and asked to give a presentation to a Grants Working Group nominated by the Community PDG.
- 2.2 Nine applications were received in total. Of these:
- Three were shortlisted for the Welfare Advice and Information SLA;
 - Three were shortlisted for the Support to Community Organisations SLA; and
 - One applicant was shortlisted for the Community Transport Services SLA.
- Two further applicants were considered not to have met the eligibility criteria enabling progression to the presentation phase.
- 2.3 Presentations were received by the Grants Working Group on Monday 13 March. Following the presentations, the Grants Working Group is recommending the following provisional Service Level Agreement allocations::
1. Welfare Advice and Information – an annual budget totalling £34,650 allocated as follows: Age UK Mid Devon (£9,650), Churches Housing Action Team (£12,500) and the Citizens Advice Bureau (£12,500);
 2. Support to Community Organisations – an annual budget totalling £18,000 allocated as follows: Involve – Voluntary Action in Mid Devon (£12,000), The Onion Collective (£6,000);

3. Community Transport Services – an annual budget totalling £22,000 allocated to Tiverton and District Community Transport Association.

Welfare Advice and Information	17-18	18-19	19-20
Age UK Mid Devon	£9,650	£9,650	£9,650
CHAT (Churches Housing Action Team)	£12,500	£12,500	£12,500
Citizens Advice Bureau	£12,500	£12,500	£12,500
	£34,650	£34,650	£34,650
Support to Community Organisations	17-18	18-19	19-20
INVOLVE – Voluntary Action in Mid Devon	£12,000	£12,000	£12,000
The Onion Collective	£6,000	£6,000	£6,000
	£18,000	£18,000	£18,000
Community Transport Services	17-18	18-19	19-20
Tiverton and District Community Transport Association	£22,000	£22,000	£22,000
	£22,000	£22,000	£22,000
TOTAL	£74,650	£74,650	£74,500

The spread of awards to three agencies providing Welfare Advice and Information services is aimed at ensuring all residents are afforded some provision, whether aged 50 and over (Age UK), in need of housing support (Churches Housing Action Team), augmented by the Citizen's Advice Bureau's generic service. This provision is intended to complement the Council's benefits and housing advice services.

Awards to two agencies for the Support to Community Organisations SLA will be arranged as: Involve – Voluntary Action in Mid Devon, ongoing generalist support and advice for the many charitable organisations operating within the district, with support for social enterprises picked up via the Council's contract with the Business Information Point. To augment Involve's provision, there is a recommendation to pay for 20 days consultancy by The Onion Collective to enable the not-for-profit sector to deliver larger, 'flagship' projects across the district.

The annual award recommended to Tiverton and District Community Transport Association reflects the predicted increased demand across the district for a more mobile elderly and infirm demographic, particularly connecting people in rural settlements to services in Tiverton, Cullompton and Crediton.

The recommendations are provisional on the Council and the recommended SLA delivery partners agreeing an annual funding level, key performance indicators and a schedule for reviewing performance. Negotiations with the selected providers will take place in March and April with a view to finalising each Service Level Agreement at the start of May 2017.

- 2.4 Further considerations are (a) the ability of the new grants programme to provide a funding allocation to agencies that previously received an annual grant but applied unsuccessfully to the SLA programme, and (b) realising a saving in the annual grant budget. With the recommended awards totalling £223,950 over the three-year period, the Service Level Agreement Grant Programme offers the prospective to provide a 'parachute' payment to agencies that do not form part of the new programme, together with a potential net saving of between 11% and 13%.
- 2.5 It is envisaged that contracts setting out performance indicators would be issued for a three-year period commencing 1 April 2017 and concluding on 31 March 2020, coinciding with the 2015-2020 Corporate Plan. Contracts would have a termination clause providing an appropriate notice period that could be enacted by either party. Joint agency reviews would be carried out at regular intervals and frequent update reports, which could include presentations by the selected service providers, to the Community PDG. An assessment on whether to continue with the Service Level Agreement Grant Programme will be made in year 3 and a report setting out future options presented to the Community Policy Development Group.

3.0 Grants to other external organisations

In addition to the SLA Grants Programme, the Council also provides grants to four other external organisations; Tiverton Museum of Mid Devon Life, the Tourist Information Service, the Grand Western Canal and the Exe Rail Partnership. It is proposed that the Council enters into a 3 year SLA with Tiverton Museum and the Tourist Information Service at the current level of funding. It is also proposed that grants for Grand Western Canal and Exe Rail Partnership are retained at their current level for the next two financial years.

	17-18	18-19	19-20
Tiverton Museum of Mid Devon Life	£27,500	£27,500	£27,500
Tourist Information Service	£4,000	£4,000	£4,000
Grand Western Canal	£45,000	£45,000	tbc
Exe Rail Partnership	£3,500	£3,500	tbc
TOTALS	£80,000	£80,000	tbc

4.0 Summary

- 4.1 This report sets out the progress made to date on the introduction of a new three-year Service Level Agreement Grant Programme to replace the schedule of annual grant awards.
- 4.2 The Grants Working Group nominated by the Community PDG has received presentations from shortlisted applicants for each of the three SLA areas. The agencies recommended to become partners to the Council over the period 1 April 2017–31 March 2020 for the delivery of selected services are listed in paragraph 2.3. All recommendations and appointments are contingent on the Council and successful applicants agreeing a budget, key performance indicators and a review framework.

Contact for more information: John Bodley-Scott (Economic Development and Regeneration Manager, ext; 4363 email: jbodleyscott@middevon.gov.uk).

Circulation of the report: Management Team, Cllr C Slade, Head of Communities and Governance, Head of Finance and Section 151 Officer, Community Development and Regeneration Manager.

Appendix A – Strategic Grant allocations 2016/17

Table 1 – Strategic Grant Allocations to External Organisations 2016/17

#	Agency	Grant awarded
1	Age UK Mid Devon	£ 4,000
2	Churches Housing Action Team (CHAT)	£ 5,000
3	Citizens Advice Bureau Mid Devon (CAB)	*£ 37,500
4	Community Housing Aid Night Stop Service	£ 2,000
5	Crediton Arts Centre	£ 1,000
6	Involve – Voluntary Action Mid Devon	£ 11,750
7	Market Centre Youth Drop-In	£ 2,750
8	Sunningmead Community Association	£ 375
9	Tiverton and District Community Transport (TDCTA)	**£ 22,000
10	Tiverton Museum of Mid Devon Life	£ 27,500
11	Tiverton Tourism Information Service (TIC)	***£ 4,000
	Total	£117,875

Notes

* CAB: £14,500 is taken at source from the grant award to cover the cost of rental and services provided at its offices in Tiverton Town Hall and Crediton Town Hall.

** TDCTA: £5,600 of the grant allocation is held by the Council to cover the cost of rental space within the Phoenix Lane Car Park, Tiverton.

*** TIC: the Tourist Information Service is provided within and managed by the Tiverton Museum of Mid Devon Life.

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**CABINET
30 MARCH 2017
PAY POLICY REPORT**

Cabinet Member Cllr Clive Eginton
Responsible Officer Jane Cottrell, Group HR Manager

Reason for Report: To comply with the legislative requirements of the Localism Act 2011 relating to senior pay, in particular the role of the Chief Executive, Directors and other senior officers. The Localism Act 2011 requires an annually published Pay Policy which has been adopted by full Council.

RECOMMENDATION(S): That the Council agree to adopt the Pay Policy 2017.

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

Financial Implications: None arising from this report which aims to ensure that the Council pays enough to recruit and retain senior staff, but avoids excessive pay levels.

Legal Implications: None directly arising from this report.

Risk Assessment: The risk to the Council of not complying with the legislative requirement is mitigated by this report and having a robust performance management system.

1.0 Introduction

- 1.1 Local authorities must publish a pay policy statement for each financial year. A relevant authority's pay policy statement must be approved by resolution of that authority before it comes into force.

2.0 Current Performance Management Arrangements

- 2.1 At the present time, the Chief Executive is appraised on an annual basis by a group of members as set out in the Constitution. The Leader consults Cabinet colleagues and the other two main party leaders on the objectives to be set and these are agreed with the Chief Executive.
- 2.2 Cabinet and Management Team meet on a monthly basis to monitor progress in each service area. Cabinet members can raise issues with the Chief Executive and Directors on performance in any area of the Council.

Contact for more Information: Jane Cottrell, Group HR Manager – 01884 234919/
jcottrell@midddevon.gov.uk

Circulation of the Report: Cllr Clive Eginton, Management Team, Cabinet, All Members of the Council

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Human Resources Policy

Version Control Sheet

Title: Pay Policy 2017

Reference No: HR/

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

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

Owner: Group Human Resources Manager

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Date: March 2017

Version Number: 4

*Status: **Final***

*Review Frequency: **Every year***

*Next review date: **February 2018 to be published by March/April 2018***

Pay Policy

1. INTRODUCTION

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

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

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

2. REFERENCES

Equal Pay Act
Equality Act 2010
Localism Act 2011

3. SCOPE

This policy applies to:-

- Chief Executive Officer including Head of Paid Service responsibilities
- Directors and Heads of Service including Monitoring Officer responsibilities and Section 151 Officer responsibilities

4. POLICY

Clarity in the provision of pay and other benefits is essential to ensure that the Council can attract and retain good calibre employees at all levels but particularly so at the most senior level.

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

Pay Policy – V1

This pay policy statement applies specifically to chief officers (a term which includes both statutory and non-statutory chief officers which for the purposes of this policy are the Directors and Heads of Service) and addresses the legal requirement to set out how the policy for agreement of chief officer remuneration differs to that of other Council employees. For the purposes of this statement this includes:

- **Chief Executive Officer (Head of Paid Service)**
- **Director of Finance, Assets & Resources Section 151**
- **Director of Corporate Affairs & Business Transformation**
- **Director of Operations**
- **Head of Customer Services**
- **Head of Housing and Property Services**
- **Head of Planning and Regeneration**

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

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

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

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

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

Pay multiple

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

Specific Policy Areas

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

Currently the remuneration package payable to the Chief Executive is derived from the National Joint Council guidance. The Chief Executive remuneration is paid on a scale relating to the population of Mid Devon.

The remuneration package payable to the Directors and Heads of Service is negotiated through the Joint National Council and more specifically each role is subject to job evaluation. The job evaluation that the Council uses is the Green Book Scheme. However, unlike the remainder of the Council’s employees for whom the process is entirely self- contained within the Council, all job evaluation request/reviews for the Directors and Heads of Service are addressed externally via South West Councils. South West Councils are expert in the field of job evaluation and in particular the Green Book Scheme and also give a transparency and impartiality to the process.

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

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

The cost of living increase does not apply automatically to the Chief Executive and the three Director roles. Any increase given to them will be determined by the Leader of the Council, having sought the views of the Cabinet, and will be based on performance. The annual assessment/pay award for the Chief Executive and Directors has been delayed until the end of June each year, in order to allow for adequate reflection on the previous year’s performance. As such any increase will take effect from 1st July annually (salary increases for all other employees continue to take effect from 1st April each year).

The use of market supplements may be applied in certain circumstances but at present are not considered necessary for any senior role.

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

Any termination payments to chief officers on ceasing office will comply with Mid Devon District Council's Redundancy Policy and no additional payments will be made without the express approval by Full Council.

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

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

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

5. PAYMENT OF RETURNING OFFICER

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

6. OUTCOMES

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

7. PERFORMANCE MONITORING

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

8. POLICY/STRATEGY CONSULTATION

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

9. EQUALITY IMPACT CONSIDERATIONS

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

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

10. RESPONSIBILITIES

The Group Human Resources Manager will be responsible for this policy and for updating information on an annual basis.

11. RECORDS

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

Records of any changes will be held electronically will be held permanently on the Council's HR information system.

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

12. DOCUMENT HISTORY

Date	Version	Update
10/02/2017	1	Pay Policy

1. The levels and elements of remuneration for each chief and senior officers are: The levels and elements of remuneration for each chief and senior officers are:

Post Title	Remuneration		Car Allowances	
	2016/17	2015/16	2016/17	2015/16
Chief Executive	£90,526 to £100,586	£89,630 to £99,590	N/A	N/A
Head of Financial Services	Point 17 £60,770 to £64,489 Until 31 August 2016	Point 17 £60,168 to £63,850	N/A	N/A
Director of Finance, Assets and Resources (New post from 1/9/16)	£74,000 From 1 September 2016			
Head of HR and Development	Point 17 £60,770 to £64,489 Until 31 August 2016	Point 17 £60,168 to £63,850		
Director of Corporate Affairs and Business Transformation (New post from 1/9/16)	£74,000 From 1 September 2016			
Heads of Service: • Planning and Regeneration • Housing and Property Services	Point 17 £60,770 to £64,489	Point 17 £60,168 to £63,850	N/A	N/A
Head of Service: • Communities and Governance (left on 31/12/16)	Point 17 £60,770 to £64,489	Point 17 £60,168 to £63,850	N/A	N/A
Heads of Service: • Business Information Services • (left 31/3/16)		Point 15 £51,351 to £54,495	N/A	N/A
Heads of Service: • Customer Services	Point 15 £51,865 to £55,040	Point 13 £43,489 to £46,512	N/A	N/A

2. The FT remuneration of the lowest paid employee.

Post Title	Remuneration		Other Allowances	
	2016/17	2015/16	2016/17	2015/16
Office Cleaner	£14,514	£13,500	None	None
Apprentice	£6,367 (from 1/10/16 £6,559)	£6,367	None	None

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

Category	Total Remuneration (including cash value of Company Car and travel allowances)	
	2016/17	2015/16
Pay multiple of Chief Executive to Mean	5.34	5.30
Pay multiple of Chief executive to lowest paid FT employee	6.88 (based on office cleaner)	7.37 (based on office cleaner)
	15.24 (based on apprentice rate)	15.64 (based on apprentice rate)
Annual Mean Pay of all employees (Total Salaries/Number of contracts)	£18,723.99	£18,812.26

4. Officer Remuneration Note in Accounts

Publication of Officers Remuneration

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

- a) The number of employees whose remuneration in the year was greater or equal to £50,000, grouped in rising bands of £5,000.
- b) An analysis by job title of the remuneration and employer's pension contributions in respect of senior employees whose salary is £50,000 or more per year (or by name and job title where the salary is £150,000 per year)

Mid Devon District Council Financial Statements and Notes to the Accounts for the year ended 31 March 2016.

5. Officers' Emoluments

This table includes all statutory and non-statutory posts whose overall remuneration exceeds £50k excluding pension contributions and non-taxable allowances.

Remuneration Band	2014/15		2015/16	
	Number of Employees	Left During Year	Number of Employees	Left During Year
£50,000 - £54,999	1	0	0	0
£55,000 - £59,999	1	0	0	0
£60,000 - £64,999	2	0	2	0
£65,000 - £69,999	1	0	1	0
£70,000 - £74,999	0	0	2	0
£75,000 - £79,999	0	0	0	0
£80,000 - £84,999	0	0	1	1
£95,000 - £99,999	1	0	0	0
£115,000 - £119,999	1	1	0	0
£135,000 - £139,999	1	1	1	1

Note – The above table includes one employee who received a termination payment in 2015/16. The remuneration includes payments for loss of office and pension strain. This employee is also included in the termination benefits note.

In completing the 2015/16 Accounts we have complied with the statutory instrument regarding officer emoluments. The statutory instrument requires the individual naming of any officers with an annual salary of £150,000 or more and the post title of any officers earning £50,000 or more who occupy statutory roles or are responsible for managing the strategic direction of services.

The Council had no officers earning at or in excess of £150,000 in 2015/16.

Pay Policy – V1

Statutory officers earning in excess of £50,000

Post Title	Financial Year	Salary (Including Allowances)	Compensation for Loss of Employment	Expenses	Benefits in Kind	Total Remuneration excluding pension contributions	Pension Contributions	Total Remuneration including pension contributions
Chief Executive. Note 1	2015/16	82,183				82,183	15,214	97,397
	2014/15	97,637				97,637	18,356	115,993
Chief Executive. Note 2	2015-16	11,333				11,333	2,131	13,464
Head of Business Information Services. Note 3	2015/16	56,742	79,630			136,372	10,668	147,040
	2014/15	54,175				54,175	10,185	64,360
Head of Planning and Regeneration. Note 4	2015/16	60,261				60,261	11,312	71,573
	2014/15	62,819	73,471			136,290	11,810	148,100
Head of Financial Services	2015/16	63,850				63,850	12,004	75,854
	2014/15	62,819				62,819	11,810	74,629
Head of HR & Development	2015/16	66,481				66,481	12,498	78,979
	2014/15	62,819				62,819	11,810	74,629
Head of Communities and Governance	2015/16	71,878				71,878		71,878
	2014/15	58,034				58,034		58,034
Head of Environmental Services. Note 5	2015/16							
	2014/15	46,857	71,890			118,747	8,809	127,556
Head of Housing & Property Services	2015/16	71,228				71,228	12,635	83,863
	2014/15	66,453				66,453	12,423	78,876

Note – the amounts included in the above table are shown gross of any related tax that would be levied.

The pension contribution figures have been restated to 18.8% which is the common contribution rate applicable from 1 April 2014 to 31 March 2017.

- Note 1: The former Chief Executive left this Authority on 8 January 2016. The Returning Officer fee for the District Election is included in the salary figure.
- Note 2: The new Chief Executive started on 15 February 2016.
- Note 3: The Head of Business Information Services left this Authority on 31 March 2016 reimbursement of £33,244.54 was received from NDDC under a shared arrangement. The remuneration above reflects the full amounts paid by the Authority. Loss of office and the pension strain have been included.
- Note 4: The former Head of Planning left this Authority on 31 March 2015.
- Note 5: The Head of Environmental Services left this Authority on 31 December 2014.

Termination benefits

2015/16						
Exit Package Cost Band	Number of Compulsory redundancies	Number of other departures agreed	Total number of exit packages by cost band	Total cost of exit packages in each band		
				£000		
£0 - £19,999	6	7	13	62		
£20,000 - £39,999	11	1	12	349		
£40,000 - £59,999	1	0	1	44		
£60,000 - £79,999	1	0	1	80		
						535

A number of redundancies associated with service restructures were agreed during 2015/16 in order to reduce future employee costs to match ongoing expenditure against the well documented cuts in central government funding.

2014/15						
Exit Package Cost Band	Number of Compulsory redundancies	Number of other departures agreed	Total number of exit packages by cost band	Total cost of exit packages in each band		
				£000		
£0 - £19,999	1	6	7	38		
£20,000 - £39,999	1		1	29		
£40,000 - £59,999				0		
£60,000 - £79,999	2		2	145		
						212

Note – these termination benefits have been made more than offset by future salary savings as most of these posts have not been replaced.

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CABINET
30 MARCH 2017:

PERFORMANCE AND RISK FOR 2016-17

Cabinet Member Clive Eginton, Leader of the Council
Responsible Officer Director of Corporate Affairs & Business Transformation,
Jill May

Reason for Report: To provide Members with an update on performance against the corporate plan and local service targets for 2016-17 as well as providing an update on the key business risks.

RECOMMENDATION: That the Cabinet reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern.

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 Appendices 1-5 provide Members with details of performance against the Corporate Plan and local service targets for the 2016-17 financial year.
- 1.2 When benchmarking information is available it is included.
- 1.3 Appendix 6 shows the higher impact risks from the Corporate Risk Register. This includes Operational and Health & Safety risks where the score meets the criteria for inclusion. See 3.0 below.
- 1.4 Appendix 7 shows the risk matrix for the Council.
- 1.5 All appendices are produced from the Corporate Service Performance And Risk Management system (SPAR).

2.0 Performance

Environment Portfolio - Appendix 1

- 2.1 The **Residual household waste per household (measured in Kilograms)** and **% of household waste reused, recycled and composted** are both above target. January figures are not yet available from Devon County Council.
- 2.2 Most of the PIs are above target with only 2 showing below target: **% of missed collections reported (refuse and organic)**; which is only marginally under target there have been a small increase in missed collections in the 1st due to some staff changes in the waste service. One round has had a new driver due to an employee leaving and one round had a new loader due to a retirement. It takes a little time for route knowledge to be built up. The performance should improve back to normal shortly.
- 2.3 **Number of Households on Chargeable Garden Waste**; sales/renewals for November and December declined, it seems that customers are reluctant to renew their permits over the winter period when they are not using the bin. An increase in sales should be evident over the spring/summer period. There was an increase in the month of January.

Homes Portfolio - Appendix 2

- 2.4 Performance in respect of Housing Rents, **Rent Collected as a Proportion of Rent Owed** and **Rent Arrears as a Proportion of Annual Rent Debit** is on or above target, and the **Percentage of Decent Council Homes** has remained at 100% for the last quarter.
- 2.5 The PI for the **Average Days to Re-let** time has shown improvement since the last report; the average number of days has reduced by 1.4 days since December and brought it back to 14.9 days against a target of 16 days.
- 2.6 There is still one property where the gas certificate has expired, but the reason for this is explained fully within the PI report.
- 2.7 The **Local Plan Review** is still on target for submission by 31 March with the consultation having now been completed.

Economy Portfolio - Appendix 3

- 2.8 In this first year for the Economy PDG we are continuing to consider what measures best reflect the Corporate Plan targets but existing metrics are included in Appendix 1.
- 2.9 For **empty shops**, counted at the start of quarter Q4, for all three towns the number has gone down to the same as at the same quarter last year, all three PIs also meet or are better than target. The UK average in April 16 was 10.1% all three towns now have a vacancy rate lower than this which is positive.

- 2.10 There will be statistics to reflect the general state of MDDC's economy available from time to time.

Community Portfolio - Appendix 4

- 2.11 **Compliance with food safety law** is on target which means that 90% of premises were again rated 4 or above under the Food Hygiene Rating Scheme.
- 2.12 **Total number of users** is above the cumulative target and has been over 75,000 per month every month except August and December this year. Other results are a little disappointing.

Corporate - Appendix 5

- 2.13 The **working days lost due to sickness** is lower than target.
- 2.14 The **Response to FOI requests** remains on target compared to being 'well below target' for 2015/16 which was due to a vacancy.
- 2.15 The **Performance Planning Guarantee determined within 26 weeks** was on target for Q2 and Q3 at 100% but unfortunately in Q1 was only 93% so on a cumulative basis appears under target all year.
- 2.16 The PIs for Customer First are all on target or above with both visitors to Phoenix House and digital payments remaining steady.

3.0 Risk

- 3.1 The Corporate risk register is reviewed by Management Team (MT) and updated, risk reports to committees include risks with a total score of 15 or more and all those with an impact score of 5. (Appendix 6)
- 3.2 Appendix 7 shows the risk matrix for MDDC for this quarter. If risks are not scored they are included in the matrix at their inherent score which will be higher than their current score would be.

4.0 Conclusion and Recommendation

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

Contact for more Information: Catherine Yandle Audit Team Leader ext 4975

Circulation of the Report: Management Team and Cabinet Member

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Corporate Plan PI Report Environment

Monthly report for 2016-2017
 Arranged by Aims
 Filtered by Aim: Priorities Environment
 For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data

Well below
target

Below target

On target

Above target

Well above
target

* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Environment

Priorities: Environment

Aims: Increase recycling and reduce the amount of waste

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Residual household waste per household (measured in Kilograms)</u>	329.42 (3/4)	424.08	421.00	0.00	0.00	95.36	0.00	0.00	183.10	211.13	242.85	273.41				273.41 (9/12)	Stuart Noyce	
<u>% of Household Waste Reuse, Recycled and Composted</u>	50.9% (3/4)	50.6%	52.0%			55.9%			56.2%	55.8%	55.3%	53.7%				53.7% (9/12)	Stuart Noyce	
<u>Net annual cost of waste service per</u>		£60.88	£58.17	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	Andrew Jarrett, Stuart Noyce	

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Corporate Plan PI Report Environment

Priorities: Environment

Aims: Increase recycling and reduce the amount of waste

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>household</u>																		
<u>Number of Households on Chargeable Garden Waste</u>	6,097 (3/4)	7,021	10,000	0	0	8,431	0	0	8,533	8,615	8,298	8,280	8,327			8,327 (10/12)	Stuart Noyce	(January) The PI is currently below target, some customers seem reluctant to renew over the winter period when they are not using the bin. There should be more take up over the spring period. A promotional flyer is being sent out with the annual Council Tax bills in March. (SK)
<u>% of missed collections reported (refuse and organic waste)</u>	0.02% (3/4)	0.02%	0.03%			0.03%			0.03%	0.03%	0.03%	0.03%	0.04%			0.04% (10/12)	Stuart Noyce	(January) There have been a small increase in missed collections in the ¼ due

Corporate Plan PI Report Environment

Priorities: Environment

Aims: Increase recycling and reduce the amount of waste

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
																		to some staff changes in the waste service. One round has had a new driver due to an employee leaving and one round had a new loader due to a retirement. It takes a little time for route knowledge to be built up. The performance should improve back to normal shortly. (SK)
<u>% of Missed Collections logged (recycling)</u>	0.13% (3/4)	0.12%	0.03%			0.04%			0.04%	0.03%	0.03%	0.03%	0.03%			0.03% (10/12)	Stuart Noyce	

Corporate Plan PI Report Environment

Priorities: Environment

Aims: Reduce our carbon footprint

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>To improve energy efficiency and continue to reduce consumption by 0.5% post degree day adjustment</u>		3.4%	0.5%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	Andrew Busby	

Aims: Protect the natural environment

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Number of Fixed Penalty Notices (FPNs) Issued (Environment)</u>	16 (3/4)	21		0	0	2	2	2	5	5	5	7	8			8 (10/12)	Stuart Noyce	

Corporate Plan PI Report Homes

Monthly report for 2016-2017
 Arranged by Aims
 Filtered by Aim: Priorities Homes
 For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Homes

Priorities: Homes

Aims: Build more council houses

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Build Council Houses</u>		14	30	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a		0 (3/4)	Nick Sanderson	(Quarter 3) 4 Houses to be built in Birchen Lane by the end of February 2017, and the remainder of 30 to be built by the end of August 2017. (NS)

Aims: Facilitate the housing growth that Mid devon needs, including affordable housing

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Number of affordable homes delivered (gross)</u>	19 (3/4)	27	80	n/a	n/a	16	n/a	n/a	19	n/a	n/a	27	n/a	n/a		27 (3/4)	Angela Haigh	
<u>Deliver 15 homes per year by bringing Empty Houses into use</u>	5 (3/4)	8	15	0	1	2	3	5	5	5	10	17	21			21 (10/12)	Simon Newcombe	

Aims: Other

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Local Plan Review</u>	n/a	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	Jenny Clifford	
<u>Number of Successful Homelessness</u>	236 (3/4)	295	No Target - for information	n/a	n/a	70	n/a	n/a	136	n/a	n/a	224	n/a	n/a		224 (3/4)	Angela Haigh	

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Corporate Plan PI Report Homes

Priorities: Homes

Aims: Other

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Prevention Cases</u>			only															
<u>% Decent Council Homes</u>	99.5% (10/12)	100.0%	100.00%	100.00%	100.00%	100.00%	100.00%	99.97%	99.97%	99.97%	100.00%	100.00%	100.00%			100.00% (10/12)	Angela Haigh, Nick Sanderson	
<u>% Properties With a Valid Gas Safety Certificate</u>	100.0% (10/12)	99.9%	100.00%	99.86%	99.78%	99.91%	99.87%	99.82%	99.96%	99.68%	99.95%	99.95%	99.95%			99.95% (10/12)	Angela Haigh	(January) The expired property is a long term No Access issue. The property is considered abandoned. MDDC to seek possession for non-payment of rent. Gas meter associated with the property is located internally, which means that we are unable to isolate the supply. (WD)
<u>Rent Collected as a Proportion of Rent Owed</u>	99.6% (10/12)	99.7%	100.00%	95.52%	96.76%	97.31%	97.77%	99.76%	99.56%	99.66%	99.67%	100.52%	100.05%			100.05% (10/12)	Angela Haigh	
<u>Rent Arrears as a Proportion of Annual Rent Debit</u>	1.0% (10/12)	0.7%	1.00%	0.87%	1.00%	1.04%	1.07%	0.10%	1.01%	1.00%	1.00%	0.70%	0.95%			0.95% (10/12)	Angela Haigh	
<u>Dwelling rent lost due to voids</u>	0.68% (10/12)	0.75%	no target - for information	0.7%	0.7%	0.7%	0.7%	0.6%	0.6%	0.6%	0.1%	0.6%	0.5%			0.5% (10/12)	Angela Haigh	

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Corporate Plan PI Report Homes**Priorities: Homes****Aims: Other****Performance Indicators**

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
			only															
<u>Average Days to Re-Let Local Authority Housing</u>	16.2days (10/12)	16.3days	16.0days	21.9days	16.8days	17.2days	16.8days	16.3days	15.6days	12.4days	16.4days	16.3days	14.9days			14.9days (10/12)	Angela Haigh	

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Corporate Plan PI Report Economy

Monthly report for 2016-2017
 Arranged by Aims
 Filtered by Aim: Priorities Economy
 For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Economy

Priorities: Economy

Aims: Attract new businesses to the District

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Number of business rate accounts</u>		2,872		2,860	2,863	2,868	2,864	2,870	2,880	2,880	2,889	2,899	2,906			2,906 (10/12)	John Chumbley	

Aims: Focus on business retention and growth of existing businesses

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Number of Apprentice starts at MDDC</u>		13	9	0	0	14	0	0	13	16	11	10				10 (9/12)	Jill May	(June) Government target proposed is 2.3% of FTEs (SK)

Aims: Improve and regenerate our town centres

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Increase in Car Parking Vends</u>	n/a	n/a	0	0	129,488	0	0	159,929	53,786	52,876	55,112	48,951				48,951 (10/12)	Andrew Jarrett	
<u>Tiverton Town Centre Masterplan</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	Jenny Clifford	
<u>The Number of Empty Shops (TIVERTON)</u>	16	16	18	n/a	n/a	18	n/a	n/a	17	n/a	n/a	18	n/a	n/a	16	16	John Bodley-Scott	(Quarter 4) 16 out of 231 making a vacancy rate of 6.5% (JB)
<u>The Number of Empty Shops (CREDITON)</u>	7	7	8	n/a	n/a	9	n/a	n/a	7	n/a	n/a	8	n/a	n/a	7	7	John Bodley-Scott	(Quarter 4) 7 out of 117 units making a vacancy rate of 6.0% (Jan 2017) (JB)
<u>The Number of Empty Shops (CULLOMPTON)</u>	8	8	8	n/a	n/a	10	n/a	n/a	10	n/a	n/a	10	n/a	n/a	8	8	John Bodley-Scott	(Quarter 4) 8 out of 84 units making a vacancy rate of 9.5%

Corporate Plan PI Report Economy**Priorities: Economy****Aims: Improve and regenerate our town centres****Performance Indicators**

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
																		(Jan 2017) (JB)

Aims: Other**Performance Indicators**

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Local Plan Review</u>	n/a	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Jenny Clifford	
<u>Funding awarded to support economic projects</u>	n/a	n/a	No target - for information only	n/a	n/a	£53,092	n/a	n/a	£56,842	n/a	n/a	£56,842	n/a	n/a		£56,842 (3/4)	John Bodley-Scott	

Corporate Plan PI Report Community

Monthly report for 2016-2017
 Arranged by Aims
 Filtered by Aim: Priorities Community
 For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data

Well below
target

Below target

On target

Above target

Well above
target

*
 indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Community																	
Priorities: Community																	
Aims: Promote physical activity, health and wellbeing																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head Servi Mana
Total number of users is at least 900,000	608,740 (3/4)	824,612	900,000	79,389	157,532	236,901	314,077	383,003	463,739	545,267	631,504	690,620	780,484	864,034		864,034 (11/12)	Jill Ma
Operational Recovery Rate	85.57% (3/4)	87.52%	88%			84%			83%	82%	83%	84%				84% (9/12)	Lee Chest Karen Spark
Adult Zest Members	n/a	n/a	3,800	3,612	3,546	3,607	3,460	3,459	3,418	3,350	3,269	3,248	3,260	3,294		3,294 (11/12)	Lee Chest Karen Spark
Junior Zest Members	n/a	n/a	2,450	2,495	2,460	2,444	2,349	2,301	2,344	2,357	2,340	2,326	2,417	2,409		2,409 (11/12)	Lee Chest Karen Spark
Attrition Adult Members	n/a	n/a	4.50%	4.48%	4.88%	6.01%	6.59%	4.94%	9.31%	6.90%	5.83%	4.52%	7.36%	5.74%		5.74% (11/12)	Lee Chest Karen Spark
Attrition Junior Members	n/a	n/a	5.00%	4.05%	3.41%	4.58%	4.43%	4.13%	4.74%	4.41%	2.95%	3.31%	2.91%	2.76%		2.76% (11/12)	Lee Chest Karen Spark
Introduce Trimtrails across the District	n/a	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	Jill Ma Simor Newco

Aims: Other

Performance Indicators																		
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Head of Service / Manager	Officer Notes
<u>Number of social media communications MDDC send out</u>	n/a	n/a	For information only	117	115	67	86	87	95	190	342	293	269			269 (10/12)	Liz Reeves	(January) No. c Posts Publisher No. of Tweets 1 (MA)
<u>Number of web hits per month</u>	0 (3/4)	0	For information only	9,196	9,261	9,523	9,389	15,986	26,856	26,432	26,296	22,671	33,752			33,752 (10/12)	Liz Reeves	
<u>Local Plan Review</u>	n/a	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	Jenny Clifford	
<u>Compliance with food safety law</u>	n/a	n/a	90%	90%	91%	91%	90%	91%	91%	90%	90%	90%	90%			90% (10/12)	Simon Newcombe	

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Corporate Plan PI Report Corporate

Monthly report for 2016-2017
 Arranged by Aims
 Filtered by Aim: Priorities Delivering a Well-Managed Council
 For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data

Well below
target

Below target

On target

Above target

Well above
target

*
 indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Corporate																
Priorities: Delivering a Well-Managed Council																
Aims: Put customers first																
Performance Indicators																
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Ac
% of complaints resolved w/in timescales (10 days - 12 weeks)	98% (3/4)	93%	90%	0%	0%	94%	0%	0%	89%	100%	95%	88%	95%			
Number of Complaints	87 (3/4)	95	For information only	55	26	25	16	30	27	26	20	16	20			
Planning Applications: over 13 weeks old	36 (3/4)	40	45	n/a	n/a	37	n/a	n/a	39	n/a	n/a	33	n/a	n/a		
New Performance Planning Guarantee determine within 26 weeks	96% (3/4)	97%	100%	n/a	n/a	93%	n/a	n/a	97%	n/a	n/a	98%	n/a	n/a		
Major applications determined within 13 weeks (over last 2 years)	n/a	n/a	50%	n/a	n/a	51%	n/a	n/a	66%	n/a	n/a	71%	n/a	n/a		
Response to FOI Requests (within 20 working days)	88% (3/4)	87%	90%	95%	100%	96%	98%	91%	100%	92%	90%	85%	97%			
Working Days Lost Due to Sickness Absence	5.71days (3/4)	8.12days	8.00days	0.00days	0.00days	1.71days	1.71days	1.71days	3.73days	4.50days	5.17days	5.83days	6.64days			6.64
% total Council tax collected - monthly	93.98% (10/12)	98.12%	98.50%	11.33%	20.55%	29.70%	38.70%	47.82%	56.94%	66.81%	76.20%	85.05%	94.05%	97.23%		97
% total NNDR collected - monthly	91.48% (10/12)	99.10%	99.20%	12.42%	19.96%	33.96%	42.37%	49.64%	61.48%	71.40%	76.81%	84.78%	92.87%			92
Number of visitors per month < 4,000	4,212 (10/12)	4,191	4,000	2,843	2,940	3,014	2,906	2,883	2,890	2,906	2,906	2,813	2,797			3
Satisfaction with front-line services	81.33% (3/4)	80.75%	80.00%	82.35%	78.57%	75.68%	81.25%	81.67%	80.56%	81.40%	82.00%	82.86%	82.46%			82
Number of Digital payments	32,680 (3/4)	43,087	For information only	5,628	11,894	17,622	23,513	29,062	34,858	42,473	49,804	54,711	60,034			60

Corporate Plan PI Report Corporate															
Priorities: Delivering a Well-Managed Council															
Aims: Put customers first															
Performance Indicators															
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act

Risk Report Appendix 6

Report for 2016-2017

Filtered by Flag: Include: * CRR 5+ / 15+

For MDDC - Services

Not Including Risk Child Projects records or Mitigating Action records

Key to Performance Status:

Risks: No Data (0+) High (15+) Medium (5+) Low (1+)

Risk Report Appendix 6

Risk: Asbestos Health risks associated with Asbestos products such as lagging, ceiling/wall tiles, fire control.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Housing Services

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Nick Sanderson

Review Note: Risks largely restricted to trained/professional EH or PSH officers therefore overall status remains low

Risk: Breaches in HR Legislation Failure to keep Council policies up to date, that complement the appropriate legislation

Failure to develop staff knowledge and competence regarding legislation/changes

Effects (Impact/Severity): - The Council could face poor reports from assurance bodies

- Failure to meet statutory duties could result in paying penalties, stretching already thin financial resources

- Failure to comply with legislation could lead to legal challenge against individuals or the Council as a whole

- Future legislation changes, their impact on services and the cost of implementing changes to policies, procedures and service delivery

Causes (Likelihood):

Service: Human Resources

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Jill May

Review Note: The council employs four Chartered Ins of Personnel and Development (CIPD) staff who undertake regular employment law updates. All policies are reviewed on an three year programme which has slipped lately due to pressure of work (reorganisations, consultations and redundancies) however we always prioritise legislative change. Therefore whilst this is a huge risk it is a risk which is managed.

Risk Report Appendix 6

Risk: Council Finances - Banking Arrangements Problems with banks and online services may affect ability to access funds when we need to send or receive / process payments on a timely basis

Effects (Impact/Severity): Unable to promptly pay suppliers or treasury commitments

Causes (Likelihood): ICT systems down at Council or Bank so impossible to review cash position or make urgent payments

Service: Financial Services

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Andrew Jarrett

Review Note: We use a well established, mainstream bank headquartered in the UK and so it is very unlikely that our banking arrangements will fail for as much as a single day.

Risk: Council Finances - Investments Failure to invest in the Council's funds in an efficient and effective manner may cause potential of a loss of monies invested

Effects (Impact/Severity): • Could result in cash flow loss of up to £3M

Causes (Likelihood): • Future banking collapses

Service: Financial Services

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Andrew Jarrett

Review Note:

Risk: Council Finances - Treasury Management Failure to comply with the CIPFA Code of Practice on Treasury Management /local authority accounting would be a breach in statutory duty

Effects (Impact/Severity):

Causes (Likelihood):

Service: Financial Services

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Andrew Jarrett

Review Note:

Risk Report Appendix 6

Risk: Disability If you have a disabled employee - whether a new appointment or a change in the status of an existing member of staff - you should carry out a Risk Assessment to ensure that their health and safety needs are catered for. Some of the things you should consider in terms of the individual's needs are:

- access to toilet facilities
- access to the kitchen or other refreshment facilities
- safe evacuation in the event of fire
- comfort and ease in carrying out his or her work

Effects (Impact/Severity): Low (2) - A potential employee may be unable to take up a position if the council is unable to meet their specific requirements or prevent an existing employee from returning after absence.

Causes (Likelihood): Very Low (1) – Currently no disabled employees work within ICT. Provisions are in place including a lift, disabled toilets and an accessible refreshment area. The individual needs of any disabled officers would have to be determined on an individual basis.

Service: I C T

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Alan Keates

Review Note: Cannot be fully aware as others may have hidden disabilities.
Employee responsibility to inform employer

Risk: Document Retention If documents fail to be retained for the statutory period then we may face financial penalties

Effects (Impact/Severity): • The Council may be disadvantaged in taking or defending legal action if prime documents are not retained;
• Performance statistics cannot be verified;
• The external auditor may not be able to verify the Council's final accounts and subsidy may be lost.
• Mismanagement of burial records

Causes (Likelihood): • "Data debris" cluttering system and storage space

Service: Customer First

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Liz Reeves

Review Note:

Risk: Electrical testing Risk of electrocution or fire in Council Properties

Effects (Impact/Severity): Failure to carry out periodic electrical testing could result in the risk of electrocution or fire.

Causes (Likelihood):

Service: Housing Services

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Nick Sanderson

Review Note: Every Council property is tested every 5 years as part of the cyclical testing programme.

Risk Report Appendix 6

Risk: Failure to comply with card security standards As an organisation we need to comply with the requirements of TrustWave to be authorised as card payment processors.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Customer First

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Liz Reeves

Review Note:

Risk: Fire and Explosion Risks associated with storage of combustible materials, fuels and flammable substances and sources of ignition, as well as emergency procedures (existence, display and knowledge of), accessibility (or obstruction) of emergency exits and walkways to. Also, risks associated with use of fire extinguishers, having correct type in location, in date and trained operatives on site.

Effects (Impact/Severity): Very High (5) – Although the risk is low, a fire in the server or storage room could potentially cause loss of life, have serious financial implications and severely impact the councils ability to provide services due to loss of IT infrastructure.

Causes (Likelihood): Very Low (1) – The likelihood of a fire within ICT is extremely low. No quantities of combustible materials are stored within the work area. There is easy access to the emergency exit and all staff have received fire awareness training.

Service: I C T

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Liz Reeves

Review Note:

Risk: H&S RA - Recycling Depot Operatives Risk assessment for role - Highest Risk scored - Vehicle Movements inside Depot

Effects (Impact/Severity):

Causes (Likelihood):

Service: Street Scene Services

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Stuart Noyce

Review Note: No incidents or further mitigating actions added.

Risk: H&S RA - Refuse Driver/Loader Risk Assessment for Role - Highest risk from role RA. - Risk of RTA from severe weather conditions

Effects (Impact/Severity):

Causes (Likelihood):

Service: Street Scene Services

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Stuart Noyce

Review Note: Annual review - No incidents or further mitigating actions added.

Risk Report Appendix 6

Risk: H&S RA - Street Cleansing Operative Risk assessment for role - highest risk from role - Risk of RTA from severe weather conditions

Effects (Impact/Severity):

Causes (Likelihood):

Service: Street Scene Services

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Stuart Noyce

Review Note: Risk with control measures added

Risk: Homelessness Insufficient resources to support an increased homeless population could result in failure to meet statutory duty to provide advice and assistance to anyone who is homeless. It is likely that the new Homelessness Reduction Bill currently being read in Parliament will also have an impact on service demands in its current form.

Effects (Impact/Severity): - Dissatisfied customers and increase in complaints.

- This will involve an increase in officer time in dealing with Homelessness prevention and early intervention.

- Possible increase in temporary accommodation usage.

Causes (Likelihood): - Social and economic factors like the recession and mortgage repossessions increase the number of homeless.

- Lack of private sector housing.

Service: Housing Services

Current Status: High (16)

Current Risk Severity: 4 - High

Current Risk Likelihood: 4 - High

Head of Service: Nick Sanderson

Review Note: Housing Options team keep up to date with case law updates and comply with legislation changes as and when required.

Risk: Impact of Welfare Reform and other emerging National Housing Policy Changes to benefits available to tenants could impact upon their ability to pay. Other initiatives could impact upon our ability to deliver our 30 year Business Plan.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Housing Services

Current Status: High (15)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 3 - Medium

Head of Service: Nick Sanderson

Review Note:

Risk Report Appendix 6

Risk: Inadequate gas appliance maintenance and certification Failure to maintain service of our gas appliances on an annual basis could result in death and prosecution

Effects (Impact/Severity):

Causes (Likelihood):

Service: Housing Services

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Nick Sanderson

Review Note: Legislation requires Landlords to ensure that annual gas safety checks are carried out in properties with any fixed gas appliances regardless of ownership. Within the Councils domestic housing stock this is done in line with the current standards and best practice, and is monitored by the Gas and Database Administrator.

Risk: Information Security Inadequate Information Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. If the council fails to have an effective information strategy in place.

Risk of monetary penalties and fines, and legal action by affected parties

Effects (Impact/Severity):

Causes (Likelihood):

Service: I C T

Current Status: High (20)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 4 - High

Head of Service: Liz Reeves

Review Note: Increased awareness training for all staff and members, Information Security training calendar to ensure all year reminders.
Trialling systems to send phishing emails to staff as training tool.

Risk: Legionella Legionella

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Jill May

Review Note:

Risk Report Appendix 6

Risk: Lone Working Risks associated with working alone (eg on site visits, call-outs, evening, weekend and emergency work and working from home).

Effects (Impact/Severity): Medium (3) – Particularly relates to changing the backup tapes at the St Andrews Site. Potentially, an officer may suffer an injury or accident without support and may not be able to call for assistance.

Causes (Likelihood): Low (2) – Limited lone working is restricted to site visits of other council buildings. Officers working off site place information in the whiteboard as to their whereabouts.

Service: I C T

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Liz Reeves

Review Note: Lone worker policy refers to checking on staff absent for overdue periods.

Risk: Noise Risk of hearing damage and headaches from high noise levels above 85 decibels and nuisance noise eg Printers, fans.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Street Scene Services

Current Status: Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Stuart Noyce

Review Note: No change

Risk: Pannier market general risk assessment General risk assessment for the market's day to day operation

Effects (Impact/Severity): Score of 5 as there appears to be a movement in the structure causing the glass doors to bow

Causes (Likelihood): Survey done, not weight bearing. Market manager is inspecting regularly.

Service: Pannier Market

Current Status: High (16)

Current Risk Severity: 4 - High

Current Risk Likelihood: 4 - High

Head of Service: Zoë Lentell

Review Note: A door gave in on Fri 23 December 2016 but no injuries were sustained.

Risk: Pool Inflatable Pool Activities

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Jill May

Review Note:

Risk Report Appendix 6

Risk: School Swimming Sessions School Swimming Sessions

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status: Medium (10)**Current Risk Severity: 5 - Very High****Current Risk Likelihood: 2 - Low**

Head of Service: Jill May

Review Note:

Risk: Swimming Lessons Swimming Lessons

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status: Medium (10)**Current Risk Severity: 5 - Very High****Current Risk Likelihood: 2 - Low**

Head of Service: Jill May

Review Note:

Risk: Swimming Pool Swimming pool & spectator walkway

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status: Medium (10)**Current Risk Severity: 5 - Very High****Current Risk Likelihood: 2 - Low**

Head of Service: Jill May

Review Note:

Risk: Vehicles, Transport, Driving Risk of collisions with other moving or stationary vehicles, cycles and/or pedestrians.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Street Scene Services

Current Status: Medium (5)**Current Risk Severity: 5 - Very High****Current Risk Likelihood: 1 - Very Low**

Head of Service: Stuart Noyce

Review Note: No change

Risk Report Appendix 6

Risk: Widespread fire in block of flats Fire in our multiple occupancy properties, could result in widespread damage, injury or even death

Effects (Impact/Severity):

Causes (Likelihood):

Service: Housing Services

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Nick Sanderson

Review Note: The Corporate H & S Officer has now carried out Fire Risk Assessments in the common rooms at Broad Lane and Westfield Road.

Housing Caretakers inspect communal areas on a 5 week cycle, which includes checking fire exit doors and signage.

Any issues are reported to the relevant Neighbourhood Officer.

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Risk Matrix

Report
For MDDC - Services
Current settings

Risk Likelihood	5 - Very High	No Risks	No Risks	No Risks	No Risks	No Risks
	4 - High	No Risks	1 Risk	2 Risks	2 Risks	2 Risks
	3 - Medium	No Risks	4 Risks	9 Risks	10 Risks	3 Risks
	2 - Low	2 Risks	13 Risks	33 Risks	16 Risks	11 Risks
	1 - Very Low	7 Risks	11 Risks	11 Risks	18 Risks	16 Risks
		1 - Very Low	2 - Low	3 - Medium	4 - High	5 - Very High
		Risk Severity				

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

April 2017

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)
Gypsies and Travellers Policy To receive a report of the Head of Housing and Property Services regarding a policy for Gypsy and Travellers.	Community Policy Development Group Cabinet Council	28 Mar 2017 11 May 2017 28 Jun 2017	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Single Equalities Policy and Equality Objective Annual Review	Community Policy Development Group Cabinet	28 Mar 2017 11 May 2017	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Land for Affordable Housing To acquire land (in consultation with the Cabinet	Head of Housing and Property Services	Not before 12th Apr 2017	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)
Member for Housing) for the provision of affordable housing (under the scheme of delegation) at Waddeton Park, Post Hill, Tiverton					
Community Engagement Strategy 2016-17 Report updating Members on progress made with the Community Engagement Action Plan (2015-16) and to review the strategy and focus for 2016-17.	Cabinet Community Policy Development Group	11 May 2017 6 Jul 2017	Liz Reeves, Head of Customer Services Tel: 01884 234371	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Pest Control Contract Tender Report of the Public Health and Professional Services Manager regarding the tender for Pest Control	Cabinet	11 May 2017	Simon Newcombe, Public Health and Professional Services Manager Tel: 01884 234615	Cabinet Member for Community Well Being (Councillor Colin Slade)	Fully exempt
Structural Repair Contract To consider a report of the Head of Housing and Property Services providing	Cabinet	11 May 2017	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Fully exempt

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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)
information on the outcome of the procurement for structural repairs.					
Tiverton Town Centre Masterplan Report of the Head of Planning and Regeneration outlining the draft masterplan for consultation.	Cabinet	11 May 2017	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Town and Parish Charter To undertake a four yearly review the Town and Parish Charter	Community Policy Development Group Cabinet	6 Jun 2017 6 Jul 2017	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Colin Slade) Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Devon District Council's Joint Safeguarding Policy and MDDC Guidance and Procedures	Community Policy Development Group	6 Jun 2017	Jill May, Director of Corporate Affairs and Business Transformation Tel:	Cabinet for the Working Environment and Support Services	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)
Annually or whenever there is a change in the legislation.	Cabinet	6 Jul 2017	01884 234381	(Councillor Margaret Squires)	
Community Safety Partnership Plan 2 yearly review	Community Policy Development Group Cabinet	6 Jun 2017 6 Jul 2017	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Corporate Anti Social Behaviour Policy 4 yearly review	Community Policy Development Group Cabinet	6 Jun 2017 6 Jul 2017	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Local Enforcement Policy Report of the Head of Planning and Regeneration following the consultation process	Cabinet Council	8 Jun 2017 28 Jun 2017	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	
Tenancy Strategy To receive a report from the	Homes Policy Development Group	18 Jul 2017	Nick Sanderson, Head of Housing and Property	Cabinet Member for Housing (Councillor Ray	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 regarding a revision of the Tenancy Strategy.	Cabinet	3 Aug 2017	Services Tel: 01884 234960	Stanley)	
Tenancy Policy (update) To receive a report from the Head of Housing and Property Services outlining some minor changes to the Tenancy Policy.	Homes Policy Development Group Cabinet	18 Jul 2017 3 Aug 2017	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Customer Care Policy 3 yearly review	Community Policy Development Group Cabinet	26 Sep 2017 26 Oct 2017	Liz Reeves, Head of Customer Services Tel: 01884 234371	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
ICT Strategy Report of the Head of Customer Services regarding a review of the ICT Strategy	Cabinet	28 Sep 2017	Liz Reeves, Head of Customer Services Tel: 01884 234371	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Strategic Land Issues	Cabinet	28 Sep 2017	Nick Sanderson, Head of Housing	Cabinet Member for Housing	Fully exempt <i>Financial and</i>

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)
To receive a report of the Head of Housing and Property Services advising on responses to the Town Centre Masterplanning to include expressions of interest and the potential for acquiring a new site for depot redevelopment.			and Property Services Tel: 01884 234960	(Councillor Ray Stanley)	<i>business issues</i>

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