

Public Document Pack

Mid Devon District Council

Environment Policy Development Group

Tuesday, 7 March 2017 at 2.00 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Tuesday, 16 May 2017 at 2.00 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr R F Radford
Cllr D R Coren
Cllr Mrs C P Daw
Cllr R Evans
Cllr Mrs E J Slade
Cllr J D Squire
Cllr R Wright
Cllr J L Smith
Cllr F W Letch

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 and substitute Members**

To receive any apologies for absence and notices of appointment of substitute Members (if any).

2 **Public Question Time**

To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

3 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

To approve as a correct record the minutes of the last meeting.

4 **Chairman's Announcements**

To receive any announcements that the Chairman may wish to make.

5 **Performance and Risk** *(Pages 9 - 18)*

To receive a report from the Director of Corporate Affairs and Business Transformation providing Members with an update regarding performance against the corporate plan and local service targets for 2016-17 as well as providing an update on the key business risks.

6 **Financial Monitoring** *(Pages 19 - 34)*

To receive a report from the Director of Finance, Assets & Resources presenting a financial update in respect of the income and expenditure so far in the year.

7 **Waste Update**

To receive a verbal update from the Waste and Transport Manager regarding Waste Services.

8 **Street Cleansing Review** *(Pages 35 - 74)*

To receive a report from the Waste & Transport Manager providing Members with an update on the Street Cleansing Service Review undertaken in 2016 and proposed actions from that review.

9 **Street Scene Enforcement Policy** *(Pages 75 - 168)*

To receive a report from the Waste & Transport Manager providing a review of the Street Scene Enforcement Service that 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.

10 **Chairmans Annual Report** *(Pages 169 - 174)*

To receive the Chairman's draft annual report on the work of the Group since May 2016, which will be submitted to Council on 26 April 2017.

11 **Identification of Items for the Next Meeting**

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

Performance and Risk
Financial Monitoring
Waste update

Stephen Walford

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

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

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

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

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

Tel: 01884 234209

E-Mail: jstuckey@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 10 January 2017 at 2.00 pm

Present Councillors

D R Coren, R Evans, F W Letch,
Miss C E L Slade, Mrs E J Slade, J L Smith,
J D Squire and R Wright

**Apologies
Councillor(s)** R F Radford and Mrs C P Daw

**Also Present
Councillor(s)** K Busch and C J Eginton

**Also Present
Officer(s):** Andrew Jarrett (Director of Finance, Assets and Resources), Steve Densham (Development Services Manager), Stuart Noyce (Waste and Transport Manager), Suzanne Kingdom (Auditor), Jan Norman (Environment and Enforcement Manager) and Julia Stuckey (Member Services Officer)

45 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs C P Daw who was substituted by Cllr Ms C E L Slade and Cllr R F Radford. Cllr D R Coren took the Chair.

46 **MINUTES OF THE PREVIOUS MEETING**

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

47 **PUBLIC QUESTION TIME**

There were no members of the public in attendance.

48 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Cllr Ms C E L Slade to the meeting.

49 **MOTION 532**

The Group gave consideration to the following Motion that had been referred by Council.

Motion 532 (Cllr D R Coren – 5 December 2016)

That this council lobby the Government's Environment, Food and Rural Affairs Committee to work diligently and quickly to seek a more effective and sustainable

flood protection policy by looking at the use of natural systems such as leaky dams, tree planting and improved soil management and seek to support the creation of a new English Rivers and Coastal Authority to take over responsibility of the threat of flooding from the Environment Agency.

Cllr Coren explained the background to his Motion. Cllr Coren was a farmer and had experience with streams and rivers on his land and in the past had worked with the Rivers Authority. All authorities had been amalgamated into the Environment Agency who had been given permission to enter land and walk the stream. He said that some excellent projects had taken place and that wetlands, ponds and nature reserves had been developed. However he felt that they had now taken their 'eye off the ball' regarding flood projects. Cllr Coren considered that the Environment Agency had got too big and was not concentrating on flooding. Cllr Coren had seen an article in the newspaper which was with regard to setting up another department to look after rivers and coastal areas, repairing dams and planting trees. He considered that this would allow a focus on flooding in local areas. A similar plan had been put in place in the Somerset Levels where the Environment Agency, Local Authorities, farmers and other bodies were working together to protect the levels. Cllr Coren asked that Members support this Motion.

Consideration was given to:

- Concerns that the Environment Agency had become too big;
- The advantages of local knowledge;
- The condition of local river beds;
- Works that the Environment Agency had undertaken in the Exe Valley, at Stoke Cannon and in Exeter city centre to reduce flood risk from the River Exe;
- The number of authorities involved with flood work and confusion regarding who did what;
- The need for planners to give regard to flood risk;
- The need to encourage farmers to manage soil better;
- The need to build catchments for water and plant up stream as well as schemes such as rewetting the moors.

It was **RECOMMENDED** to Council that Motion 532 be supported.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs E J Slade)

50 **BUDGET (00.27.50)**

The Group had before it and **NOTED** a report * from the Director of Finance, Assets and Resources outlining options available in order for the Council to move towards a balanced budget for 2017/18.

The Director outlined the contents of the report explaining that the formula grant had been confirmed shortly before Christmas and that it confirmed a four year settlement. The Council Tax referendum limit had been set at 2% as in previous years but District Councils could increase band D by up to £5, which was around 3%.

Changes had been made to the New Homes Bonus grant which now stipulated that Councils must build a baseline number of properties before they would become eligible to receive the bonus. In Mid Devon this was likely to mean that a claim could only be made after the completion of 130 – 140 new homes. New Homes Bonus was currently paid as a dowry for 6 years but this was reducing to 5 years and then to 4 years.

The Director explained that the budget was an evolving process and that the gap was currently £231K, which had been a move in the right direction since the previous report. The authority had a statutory obligation to set a balanced budget.

The Director outlined movements within the budget, highlighting areas of improvement and areas of pressure.

Discussion took place regarding Business Rate re-evaluation and the impact this could have on the budget and concern was expressed at the impact of the reduction in New Homes Bonus.

Note: - Report previously circulated and attached to Minutes.

51 **PERFORMANCE AND RISK (00.52.00)**

The Group had before it and **NOTED** a report * from the Director of Affairs and Business Transformation.

The Audit Officer outlined the contents of the report, informing Members that the Performance and Risk report would be generated on a monthly basis in the future.

Discussion took place regarding the waste and recycling service that was performing well.

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

52 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Performance and Risk
Street Cleansing Review
Waste Update (verbal)
Financial Monitoring
Street Scene Enforcement

(The meeting ended at 3.00 pm)

CHAIRMAN

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**ENVIRONMENT PDG
7 MARCH 2017:**

AGENDA ITEM:

PERFORMANCE AND RISK REPORT

Cabinet Member Cllr Karl Busch
Responsible Officer Director of Corporate Affairs and 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(S): That the PDG reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern to the Cabinet.

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

Financial Implications: None identified

Legal Implications: None

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

1.0 Introduction

- 1.1 Appendix 1 provides Members with details of performance against the Corporate Plan and local service targets for the 2016-17 financial year.
- 1.2 Appendix 2 shows the section of the Corporate Risk Register which relates to the Environment Portfolio. See 3.0 below.
- 1.3 Appendix 3 shows the profile of all risks for the Environment for this quarter.
- 1.4 All appendices are produced from the corporate Service Performance and Risk management system (SPAR).

2.0 Performance

- 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 ¼ 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 and **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.

2.3 When benchmarking information is available it is included.

3.0 Risk

3.1 The Operational risk assessments are job specific and flow through to safe systems of work.

3.2 The Corporate risk register has been 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. (See Appendix 2)

4.0 Conclusion and Recommendation

4.1 That the PDG reviews the performance indicators and risks for 2016-17 that are outlined in this report and feeds back any areas of concern to the Cabinet.

Contact for more Information: Catherine Yandle, Internal Audit Team Leader ext. 4975

Circulation of the Report: Management Team and Cabinet Member

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 | n/a | Andrew Jarrett, Stuart Noyce | |

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 |
|--------------------------------------------------------------------|--------------------|---------------|---------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| household | | | | | | | | | | | | | | | | | | |
| Number of Households on Chargeable Garden Waste | 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) |
| % of missed collections reported (refuse and organic waste) | 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 |

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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 |
|---------------------------------------------------|--------------------|---------------|---------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | | | | | | | | | | | | | | | | 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) |
| % of Missed Collections logged (recycling) | 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 | |

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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 | |

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Environment PDG Risk Management Report - Appendix 2

Report for 2016-2017

For Environment - Cllr Karl Busch Portfolio

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+)

Environment PDG Risk Management Report - Appendix 2

Risk: Asbestos Health risks associated with Asbestos products such as lagging, ceiling/wall tiles, fire control.

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: Risks largely restricted to trained/professional EH or PSH officers therefore overall status remains low

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.

Environment PDG Risk Management Report - Appendix 2

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: 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: 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: 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 Matrix Environment Appendix 3

Report
 Filtered by Service: Street Scene Services
 Current settings

| | | | | | | |
|------------------------|----------------------|----------------|-------------------|-----------------|----------------------|----------|
| Risk Likelihood | 5 - Very High | No Risks | No Risks | No Risks | No Risks | No Risks |
| | 4 - High | No Risks | No Risks | No Risks | No Risks | No Risks |
| | 3 - Medium | No Risks | No Risks | 1 Risk | No Risks | No Risks |
| | 2 - Low | No Risks | No Risks | No Risks | No Risks | 3 Risks |
| | 1 - Very Low | 1 Risk | 4 Risks | 2 Risks | 5 Risks | 3 Risks |
| | 1 - Very Low | 2 - Low | 3 - Medium | 4 - High | 5 - Very High | |
| | Risk Severity | | | | | |

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CABINET
2 February 2017

AGENDA ITEM

FINANCIAL UPDATE FOR THE NINE MONTHS TO 31 DECEMBER 2016

Cabinet Member Cllr Peter Hare-Scott
Responsible Officer Andrew Jarrett – Director of Finance, Assets & Resources

Reason for Report: To present a financial update in respect of the income and expenditure so far in the year.

RECOMMENDATION(S): 1. The Cabinet note the financial monitoring information for the income and expenditure so far for the 2016/17 financial year.

Relationship to the Corporate Plan: The financial resources of the Council impact directly on its ability to deliver the corporate plan; prioritising the use of available resources brought forward and any future spending will be closely linked to key Council pledges from the updated Corporate Plan.

Financial Implications: Good financial management and administration underpins the entire document.

Legal Implications: None.

Risk Assessment: Regular financial monitoring information mitigates the risk of over or underspends at year end and allows the Council to direct its resources to key corporate priorities.

1.0 Introduction

- 1.1 The purpose of this report is to highlight to Cabinet our current financial status and the likely reserve balances at 31 March 2017. It embraces both revenue, in respect of the General Fund and Housing Revenue Account, and capital and aims to focus attention on those areas which are unlikely to achieve budget. It is particularly important for next year's budget setting and, looking further ahead, with the medium term financial plan.
- 1.2 Favourable variances generating either increased income or cost savings are expressed as credits (negative numbers), whilst unfavourable overspends or incomes below budget are debits (positive numbers). This report only includes budget variances in excess of £10k as the purpose of the report is to concentrate on material issues that may require further investigation/action. Budget variances are expressed net of budgeted transfers to or from earmarked reserves, which were previously approved by Cabinet. A more detailed analysis will be provided with the final outturn report for the year.

2.0 Executive Summary of 2016/17

2.1 The table below shows the opening position of key operational balances of the Council, the forecast in year movements and final predicted position at 31 March 2017:

| Usable Reserves | 31/03/2016 | Forecast in year movement | 31/03/2017 |
|------------------------------------------------|-------------------|----------------------------------|-------------------|
| | £k | £k | £k |
| Revenue | | | |
| General Fund (see paragraph 3.2) | (2,211) | 64 | (2,147) |
| Housing Revenue Account (see paragraph 4.2) | (2,000) | 0 | (2,000) |
| Capital | | | |
| Major Repairs Reserve | 0 | 0 | 0 |
| Capital Receipts Reserve | (1,442) | (1,089) | (2,531) |
| Capital Contingency Reserve | (567) | 239 | (328) |

3.0 The General Fund Reserve

3.1 This is the major revenue reserve of the Council. It is increased or decreased by the surplus or deficit generated on the General Fund in the year. This reserve held a balance of £2,211k as at 31/03/16.

3.2 The forecast General fund *deficit* for the current year is £64k (a movement of £12k since an annual variance of £52k was reported for November) as shown at Appendix A. The most significant *service* movements this month comprise:

| | |
|-------------------------------------|--------|
| Reactive maintenance at EVLC & CVSC | £35k |
| Development Control fees & charges | (£27)k |

3.3 The major variances are highlighted at Appendix B. The current incomes from our major funding streams are shown at Appendix C, whilst current employee costs are shown at Appendix D.

4.0 Housing Revenue Account (HRA)

4.1 This is a ring-fenced account in respect of the Council's social housing function. Major variances and proposed corrective action are highlighted at Appendix F.

4.2 Appendix E shows that the reserve opening balance is £2m. It is anticipated that the forecast variance of £255k will affect the budgeted transfer to the Housing Maintenance Fund and so the HRA reserve balance should remain at £2m.

4.3 Overall, the HRA is forecast to underspend of £255k in 2016/17, the most significant items of which comprise the following:

- £117k of savings across Housing Services, including significant staffing savings across several teams, largely due to vacancies going unfilled for the early part of the year as well as several smaller variances in operational areas
- £32k surplus is forecast on dwelling rent since this area is slightly ahead of target at this stage
- £61k saving forecast where the Learning Disability service ceased to operate and fewer than expected new alarms need to be purchased since stock levels are healthy

4.4 There are budgeted revenue contributions to capital projects as follows for 2016/17. This sum will be placed in an earmarked reserve at year end to meet the anticipated spend in quarter 1 2017/18.

| Description | Budget £'000 | Forecast Outturn £'000 | Variance £'000 |
|--------------------|-------------------------|---------------------------------------|---------------------------|
| 1 x Tipper Vehicle | 24 | 0 | 24 |

4.5 The following works are expected to be funded from the Housing Maintenance Fund during 2016/17. Due to slippage on the projects detailed below it is anticipated that most of this funding will be required during 17/18.

| Description | Budget £'000 | Forecast Outturn £'000 | Variance £'000 |
|-----------------------------|-------------------------|---------------------------------------|---------------------------|
| Birchen Lane re-development | 40 | 52 | 12 |
| Palmerston Park | 2,339 | 0 | (2,339) |
| Queensway development | 299 | 0 | (299) |
| Burlescombe development | 424 | 0 | (424) |
| Stoodleigh development | 223 | 0 | (223) |
| | 3,325 | 52 | (3,273) |

In addition, £25k is planned to be spent on sewage treatment works and funded by an earmarked reserve. It is now anticipated this spend will slip into quarter 2 17/18.

5.0 Major Repairs Reserve

- 5.1 The Major Repairs Reserve had a nil balance at 31 March 2016. After this year's capital expenditure and funding of the Major Repairs Reserve the closing balance is forecast to be £0k. Whilst there is a forecast underspend of £160k on the Capital Programme relating to 'Major Repairs to Housing Stock' this will remain in the Housing Maintenance Fund for future reprioritisation.

6.0 Capital Programme

- 6.1 Capital projects by their very nature often overlap financial years. In some cases it is known from the outset that the construction of buildings may fall into 3 separate accounting years. The status of this year's capital programme is shown at Appendix G.
- 6.2 Committed and Actual expenditure is currently £7,803k against a budgeted Capital Programme of £15,710k. (Note this includes £7,669k of slippage rolled forward from 15/16). As projects often overlap financial years officers have given their best estimate of what is 'deliverable' in 16/17; this amounts to £10,583k. Committed and Actual expenditure will therefore be monitored against this & currently shows an uncommitted amount of £2,780k (£10,583k - £7,803k).
- 6.3 At this stage in the year the forecast underspend amounts to £624k, £160k of this relates to major repairs to our housing stock and £130k for renewable energy projects, also associated with our housing stock; both these amounts will remain in their respective reserves for reprioritisation in future years. The remaining forecast underspend mainly relates to: £105k associated with the replacement of waste vehicles; due to changes in the waste scheme 3 of the 5 large vehicles budgeted to be replaced can be replaced with smaller vehicles, £84k in relation to various ICT projects, £50k in relation to a land drainage scheme to be delivered by DCC & £163k in relation to the project to bring the Department of Work and Pensions into Phoenix House, which will be more appropriately be coded to revenue and funded in full from a contribution from Department of Work and Pensions.
- 6.4 Currently the forecast slippage to be carried forward to 17/18 amounts to £4,240k, this mainly relates to delays with the contractor for delivery of council house building projects at Palmerston Park and Birchen Lane amounting to £2,250k and replacement vehicles which will now be purchased during Q1 of 17/18 amounting to £1,153k, for further information on this detail please refer to Appendix G.

7.0 Capital Contingency Reserve

7.1 The Capital Earmarked Reserve has been set aside from Revenue to fund Capital Projects; the movement on this reserve is projected below:

| | |
|-------------------------------------------------------|--------------|
| | £k |
| Capital Earmarked Reserve at 1 April 2016 | (567) |
| Funding required to support 2016/17 Capital Programme | 239 |
| Forecast Balance at 31 March 2017 | (328) |

8.0 Capital Receipts Reserve (Used to fund future capital programmes)

8.1 Unapplied useable capital receipts are used to part fund the capital programme, the movement on this account for the year to date is given below:

| | |
|-----------------------------------------------------------------------|----------------|
| | £k |
| Unapplied Useable Capital Receipts at 1 April 2016 | (1,442) |
| Net Receipts to date (includes 20 "Right to Buy" Council House sales) | (1,538) |
| Current Balance | (2,980) |
| Forecast further capital receipts in year | (350) |
| Forecast capital receipts to be applied in year | 799 |
| Forecast Unapplied Capital Receipts c/fwd. 31 March 2017 | (2,531) |

8.2 Please note the majority of these balances on the Capital Contingency Reserve and the Capital Receipts Reserve are required to balance the Medium Term Financial Strategy.

9.0 Treasury Management

9.1 The interest position so far this financial year can be summarised as follows:

Interest Receivable:

| | Budget £k | Forecast outturn £k | Forecast variance £k |
|----------------------------------|--------------|---------------------------|----------------------------|
| Investment Income Received | (171) | (201) | (30) |
| Interest from HRA funding | (54) | (54) | 0 |
| Total Interest Receivable | (225) | (255) | (30) |

10.0 Conclusion

- 10.1 Members are asked to note the revenue and capital forecasts for the financial year. Managers have been working hard to offset overspends, many unavoidable or unforeseen, with budget savings to deliver an outturn close to the budget.
- 10.2 The financial monitoring process has been important and the pressures and experience of the year to date fed into next year's budget forecasts to ensure that the budget set is both robust and realistic. Indeed, after budgetary cuts for a number of years, it is clear that a number of service areas are stretched in providing services to our community within existing budgetary provision.

**Contact for more
information:**

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Circulation of the Report:

Cllr Peter Hare-Scott, Management Team

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 31 DECEMBER 2016

| | | | 2016/17 Annual Budget | Full Year Forecast (0 = On budget) | Variance |
|-------|-------------------------------------------------------|-------|-----------------------------|---------------------------------------|-------------|
| Com | General Fund Summary | Note | £ | £ | % |
| | Cllr C J Eginton | | | | |
| CM | Corporate Management | A | 1,139,580 | (10,000) | -0.9% |
| LD | Legal & Democratic Services: Member/Election Services | B | 579,870 | (34,000) | -5.9% |
| | Cllr K Busch | | | | |
| CP | Car Parks | C | (616,390) | 10,400 | 1.7% |
| ES | Cemeteries & Public Health | D | (47,610) | 42,772 | -89.8% |
| ES | Open Spaces | F | 54,800 | 46,276 | 84.4% |
| GM | Grounds Maintenance | E | 562,130 | (34,030) | -6.1% |
| WS | Waste Services | H | 1,775,510 | 80,200 | 4.5% |
| | Cllr C R Slade | | | | |
| CD | Community Development | I | 414,980 | 10,000 | 2.4% |
| ES | Environmental Services incl. Licensing | D | 552,870 | 28,920 | 5.2% |
| IT | IT Services | Q | 879,310 | (37,120) | -4.2% |
| PR | Planning - Land charges | N | (24,600) | (22,000) | 89.4% |
| RS | Recreation And Sport | J | (82,410) | 355,000 | -430.8% |
| | Cllr P H D Hare-Scott | | | | |
| FP | Finance And Performance | K | 680,960 | 0 | 0.0% |
| RB | Revenues And Benefits | L | 266,600 | (47,000) | -17.6% |
| | Cllr R L Stanley | | | | |
| ES | ES: Private Sector Housing Grants | D | 165,720 | (12,100) | -7.3% |
| HG | General Fund Housing | M | 232,470 | 4,500 | 1.9% |
| PS | Property Services | G | 272,580 | 39,220 | 14.4% |
| | Cllr R J Chesterton | | | | |
| CD | Community Development: Markets | I | (3,410) | 45,000 | 1319.6% |
| PR | Planning And Regeneration | N | 741,670 | 161,958 | 21.8% |
| | Cllr M Squires | | | | |
| CS | Customer Services | O | 860,060 | (76,000) | -8.8% |
| ES | Environment Services - Public Health | D | 74,990 | 7,840 | 10.5% |
| HR | Human Resources | P | 479,310 | 31,190 | 6.5% |
| LD | Legal & Democratic Services: Legal Services | B | 215,730 | (12,000) | -5.6% |
| | All General Fund Services | | 9,174,720 | 579,026 | 6.3% |
| | Net recharge to HRA | | (1,265,490) | 0 | |
| IE260 | Interest Payable | | 146,030 | 0 | |
| IE290 | Interest Receivable on Investments | | (171,000) | (30,000) | |
| | Interest from Funding provided for HRA | | (54,000) | 0 | |
| | New Homes Bonus Grant | | (1,831,460) | 0 | |
| | Sundry Grants | | 0 | 0 | |
| ABFGF | Statutory Adjustments (Capital charges) | | 400,720 | 0 | |
| TREMR | Net Transfer to/(from) Earmarked Reserves | APP B | 2,169,990 | (434,463) | |
| | TOTAL BUDGETED EXPENDITURE | | 8,569,510 | 114,563 | 1.3% |
| | Non Domestic Rates - 15/16 Devon Pooling Gain | | | (50,145) | |
| | Formula Grant | | (2,973,150) | 0 | |
| | Rural Services Delivery Grant | | (463,810) | 0 | |
| | Transitional Grant | | (31,630) | 0 | |
| | Council Tax | | (5,147,940) | 0 | |
| | CTS Funding Parishes | | 55,250 | 0 | |
| | Collection Fund Surplus | | (8,230) | 0 | |
| | TOTAL BUDGETED FUNDING | | (8,569,510) | 0 | 0% |
| | Forecast in year (Surplus) / Deficit | | 0 | 64,418 | |
| | General Fund Reserve 01/04/16 | | | (2,211,035) | |
| | Forecast General Fund Balance 31/03/17 | | | (2,146,617) | |

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 31 DECEMBER 2016

| Note | Description of Major Movements | Full Year Forecast Variation (Net of Trf to EMR) | PDG |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------|
| D | Environmental Services combined | | |
| | Redundancy costs for the Bereavement Services Manager | 28,772 | Environment |
| | Internments income down against budget | 14,000 | Environment |
| | | 42,772 | |
| E | Grounds Maintenance | | |
| | Redundancy costs for the Grounds Maintenance Manager - partly offset by salary underspends | 30,470 | Environment |
| | Salary underspends due to vacant posts | (93,000) | Environment |
| | Agency costs overspend due to sickness/vacant post | 25,000 | Environment |
| | Underspend on fuel budgets | (7,500) | Environment |
| | Increased supplies & services costs | 4,000 | Environment |
| | Reduced income received from Devon County Council on grass cutting | 3,000 | Environment |
| | Reduction in tree works carried out for the HRA | 9,000 | Environment |
| | Increased contributions from Parishes & Town Council-grass cutting | (5,000) | Environment |
| | | (34,030) | |
| F | Open Spaces | | |
| | Overspend on Play Area's maintenance budget | 17,000 | Environment |
| | Underspend on Play Area's equipment budget | (6,000) | Environment |
| | Income anticipated from Parishes towards the maintenance of play area was too high | 10,000 | Environment |
| | Newcombes Meadow works to be funded from S106 | 9,326 | Environment |
| | Urgent wall repair at Newcombes Meadow (off-set by EMR) | 15,950 | Environment |
| | | 46,276 | |
| H | Waste Services | | |
| | Vehicle repairs, running aged fleet until replacement need is known | 25,000 | Environment |
| | Hire of vehicles due to running an aged fleet, replacements anticipated in quarter 4. | 67,000 | Environment |
| | Fuel savings | (28,000) | Environment |
| | Trade waste - landfill disposal charges higher than anticipated | 12,000 | Environment |
| | Garden waste income, based on current number of customers and forecast uptake for remainder of year | 90,000 | Environment |
| | Recycling income - due to an increase in price and tonnages | (103,000) | Environment |
| | Increase in rent and rates for the new depot | 61,200 | Environment |
| | Moving and fit out costs for the new waste depot above budget (see ear marked reserve) | 156,000 | Environment |
| | Shared landfill disposal savings with DCC. Agreed by DCC Cabinet now delegated to the Head of Highways, Capital Development and Waste and the Cabinet Member to agree details | (200,000) | Environment |
| | | 80,200 | |
| | FORECAST (SURPLUS)/DEFICIT AS AT 31/03/17 | 135,218 | |

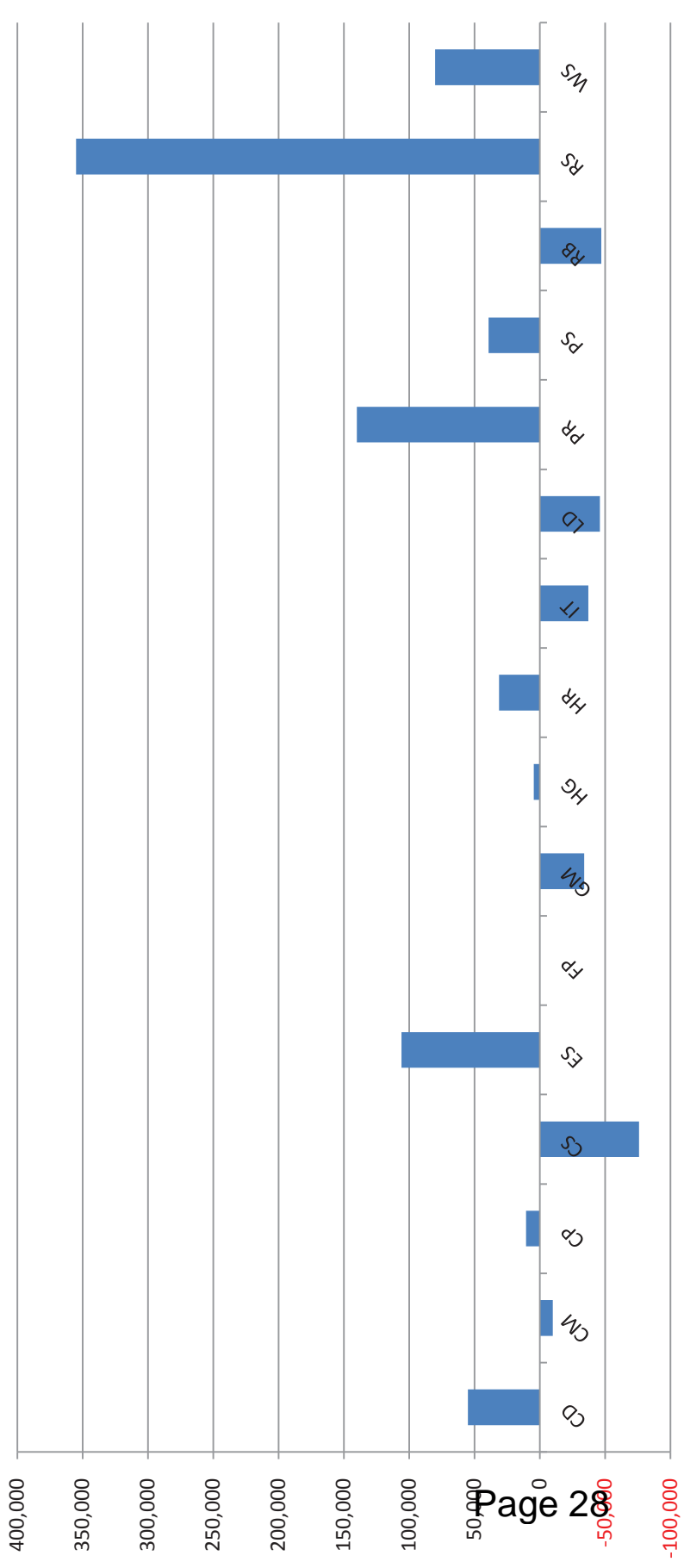
| | |
|--------------------|------------------|
| Cabinet | (137,930) |
| Community | 494,718 |
| Homes | 31,620 |
| Environment | 135,218 |
| Economy | 55,400 |
| | 579,026 |

0

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 31 DECEMBER 2016

| Committee | Net Transfers to / from Earmarked Reserves | (Net Trf to EMR) |
|----------------|----------------------------------------------------------------------------------------|------------------|
| CD | Community Development | |
| | Grant spend from Seed Fund earmarked reserve released | (16,000) |
| | New Homes Bonus monies earmarked for additional Grants and Funding Officer post | (14,710) |
| | Grand Western Canal grant funded by New Homes Bonus | (45,000) |
| CM | Corporate Management | |
| CP | Car Parks | |
| CS | Customer Services | |
| | Contribution towards digital strategy salaries | (37,030) |
| | Release of historic EMRs - no longer required | (3,000) |
| ES | Cemeteries & Public Health | |
| | EMR release for Public Health Officer | (18,950) |
| | Parks & Open Spaces Developers Contributions | (7,860) |
| | Play Area's Developers Contributions | (10,870) |
| | Newcombes Play Area enhancement funded from S106 Monies | (9,326) |
| | Public Health Initiative - Walking Football | (940) |
| | Public Health - Eco Stars Scheme | (18,000) |
| FP | Finance And Performance | |
| GM | Grounds Maintenance | |
| HG | General Fund Housing | |
| HR | Human Resources | |
| | Management Training 16/17 | (30,000) |
| IT | IT Services | |
| | Aerial photography ear marked reserve released | (3,980) |
| LD | Legal & Democratic Services: Member/Election Services | |
| | Contribution towards additional staffing requirement | (14,180) |
| | Release of unused EMR by Elections | (7,000) |
| | Release of unused EMR by Democratic Republic & Management | (5,300) |
| OS | Newcombes Meadow play area works to be funded from S106 | (9,326) |
| | Urgent repair to wall in Crediton (play area)? | (15,950) |
| PR | | |
| | Grant spend from High Street Innovation Fund ear marked reserve released | (43,308) |
| | New Homes Bonus monies earmarked for the Town Centre Manager post | (26,640) |
| | Contribution towards Economic Development activities | (100,000) |
| | Development Control earmarked reserve released | (51,943) |
| | New Homes Bonus used to cover £70k Exeter Strategic Partnership | (70,000) |
| | New Homes Bonus used to cover Exeter Strategic Partnership Fixed term post | (10,330) |
| | Local Plan examination in 2017/18 - transfer to EMR | 78,000 |
| | Eastern Urban Extension - funds released from Capability Funding EMR | (36,000) |
| | Local plan development release funds from statutory development fund earmarked reserve | (46,300) |
| PS | Property Services | |
| | Town Hall Toilet refurbishment | (11,300) |
| | Market Walk Profit | 202,410 |
| | Release of Market Walk profit | (150,000) |
| | Flood Works | (19,000) |
| RB | Revenues And Benefits | |
| RS | Recreation And Sport | |
| WS | Waste Services | |
| | New Homes Bonus monies earmarked for the new waste depot, move and fit out costs | (256,000) |
| Various | Sinking fund contributions for vehicles & plant | 711,900 |
| IE | | |
| | New Homes Bonus monies earmarked for capital and economic regeneration projects | 1,831,460 |
| | Net Transfer to / (from) Earmarked Reserves | 1,735,527 |
| | Budgeted Net Transfer to Reserves | 2,169,990 |
| | Forecast Variance | (434,463) |

2016/17 General Fund Projected Outturn Variance £



Key + = Overspend / Income under target - = Savings / Income above budget

- CD** Community Development
- CM** Corporate Management
- CP** Car Parks
- CS** Customer Services
- ES** Environmental Services
- FP** Finance and Performance
- GM** Grounds Maintenance
- HG** General Fund Housing
- HR** Human Resources

- IT** I.T. Services
- LD** Legal and Democratic
- PR** Planning and Regeneration
- PS** Property Services
- RB** Revenues and Benefits
- RS** Recreation and Sports
- WS** Waste Services

| | 2016/17 | 2016/17 | 2016/17 | 2016/17 |
|-----------------------------------|-------------------|-------------------|------------------|------------------|
| | Annual Budget | Profiled Budget | Actual | Variance |
| | £ | £ | £ | £ |
| Total Employee Costs | | | | |
| General Fund | | | | |
| Community Development | 295,180 | 221,385 | 236,396 | 15,011 |
| Corporate Management | 901,960 | 676,470 | 656,994 | (19,476) |
| Customer Services | 764,610 | 573,458 | 504,096 | (69,362) |
| Environmental Services | 923,320 | 692,490 | 726,695 | 34,205 |
| Finance And Performance | 632,710 | 474,533 | 467,098 | (7,435) |
| General Fund Housing | 197,330 | 147,998 | 141,333 | (6,665) |
| Grounds Maintenance | 448,900 | 336,675 | 292,572 | (44,104) |
| Human Resources | 361,460 | 271,095 | 285,874 | 14,779 |
| I.T. Services | 522,100 | 391,575 | 355,216 | (36,359) |
| Legal & Democratic Services | 417,660 | 313,245 | 285,529 | (27,716) |
| Planning And Regeneration | 1,525,620 | 1,144,215 | 1,012,454 | (131,761) |
| Property Services | 385,320 | 288,990 | 259,555 | (29,435) |
| Recreation And Sport | 1,630,750 | 1,223,063 | 1,292,871 | 69,808 |
| Revenues And Benefits | 668,450 | 501,338 | 512,453 | 11,115 |
| Waste Services | 1,863,780 | 1,397,835 | 1,325,981 | (71,854) |
| | 11,539,150 | 8,654,365 | 8,355,118 | (299,247) |
| Housing Revenue Account | | | | |
| SHO13A Repairs & Maintenance | 593,480 | 445,110 | 438,738 | (6,372) |
| SHO17A Housing & Tenancy Services | 1,432,670 | 1,074,503 | 983,430 | (91,073) |
| SHO22 Alarms expenditure | 66,720 | 50,040 | 25,176 | (24,864) |
| | 2,092,870 | 1,569,653 | 1,447,344 | (122,309) |
| | | | | |
| Total | 13,632,020 | 10,224,018 | 9,802,463 | (421,555) |

| | 2016/17 | 2016/17 | 2016/17 | 2016/17 |
|-----------------------------------|----------------|-----------------|----------------|----------------|
| | Annual Budget | Profiled Budget | Actual | Variance |
| | £ | £ | £ | £ |
| Agency Staff | | | | |
| General Fund | | | | |
| Car Parks | 0 | 0 | 0 | 0 |
| Community Development | 0 | 0 | 0 | 0 |
| Corporate Management | 0 | 0 | 0 | 0 |
| Customer Services | 0 | 0 | 2,432 | 2,432 |
| Environmental Services | 0 | 0 | 11,592 | 11,592 |
| Finance And Performance | 0 | 0 | 0 | 0 |
| General Fund Housing | 0 | 0 | 0 | 0 |
| Grounds Maintenance | 5,000 | 3,750 | 21,551 | 17,801 |
| Human Resources | 0 | 0 | 0 | 0 |
| I.T. Services | 0 | 0 | 0 | 0 |
| Legal & Democratic Services | 0 | 0 | 5,864 | 5,864 |
| Planning And Regeneration | 0 | 0 | 0 | 0 |
| Property Services | 0 | 0 | 7,112 | 7,112 |
| Recreation And Sport | 0 | 0 | 0 | 0 |
| Revenues And Benefits | 0 | 0 | 0 | 0 |
| Waste Services | 128,500 | 96,375 | 148,600 | 52,225 |
| | 133,500 | 100,125 | 197,151 | 97,026 |
| Housing Revenue Account | | | | |
| SHO13A Repairs & Maintenance | 0 | 0 | 0 | 0 |
| SHO17A Housing & Tenancy Services | 0 | 0 | 28,923 | 28,923 |
| SHO22 Alarms expenditure | 0 | 0 | 0 | 0 |
| | 0 | 0 | 28,923 | 28,923 |
| | | | | |
| Total | 133,500 | 100,125 | 226,073 | 125,948 |

**HOUSING REVENUE ACCOUNT FINANCIAL MONITORING INFORMATION FOR
THE PERIOD 01 APRIL TO 31 DECEMBER 2016**

| | | 2016/17 Annual Budget | Forecast | Variance |
|---------------------------------------------------|----------|--------------------------|------------------|---------------|
| Housing Revenue Account (HRA) | Notes | £ | £ | % |
| Income | | | | |
| SHO01 Dwelling Rents Income | A | (12,593,760) | (32,000) | 0.3% |
| SHO04 Non Dwelling Rents Income | B | (554,070) | (16,000) | 2.9% |
| SHO06 Tenant Charges For Services | C | (42,360) | 32,000 | -75.5% |
| SHO07 Leaseholders' Service Charges | D | (23,540) | 2,000 | -8.5% |
| SHO08 Contributions Towards Expenditure | E | (33,720) | 0 | 0.0% |
| SHO09 Alarm Income - Non Tenants | F | (194,660) | (15,000) | 7.7% |
| SHO10 H.R.A. Investment Income | G | (40,000) | 0 | 0.0% |
| SHO11 Miscellaneous Income | H | (19,000) | 15,000 | -78.9% |
| Services | | | | |
| SHO13A Repairs & Maintenance | I | 3,214,780 | (71,000) | 0.0% |
| SHO17A Housing & Tenancy Services | J | 1,354,750 | (117,000) | -8.6% |
| SHO22 Alarms expenditure | K | 152,200 | (61,000) | -40.1% |
| Accounting entries 'below the line' | | | | |
| SHO29 Bad Debt Provision Movement | L | 25,000 | 0 | 0.0% |
| SHO30 Share Of Corporate And Democratic | M | 177,400 | 1,000 | 0.6% |
| SHO32 H.R.A. Interest Payable | N | 1,268,030 | 0 | 0.0% |
| SHO34 H.R.A. Transfers between earmarked reserves | O | 2,393,010 | 0 | 0.0% |
| SHO36 H.R.A. R.C.C.O. | P | 24,000 | (24,000) | -100.0% |
| SHO37 Capital Receipts Reserve Adjustment | Q | (20,800) | 0 | 0.0% |
| SHO38 Major Repairs Allowance | R | 2,800,000 | 31,000 | 1.1% |
| SHO45 Renewable Energy Transactions | S | (130,000) | 0 | 0.0% |
| | | (2,242,740) | (255,000) | -11.4% |
| Net recharge to HRA | | 1,265,490 | | |
| Capital Charges | | 977,250 | | |
| Net Housing Revenue Account Budget | | 0 | | |

| Housing Revenue Account | £k |
|--------------------------------------------|----------------|
| Total HRA reserve as at 01/04/16 | (2,000) |
| Forecast movement in the year | 0 |
| Forecast HRA reserve as at 31/03/17 | (2,000) |

| Housing Maintenance Fund | £k |
|-----------------------------------------------------|-----------------|
| Opening balance | (8,886) |
| Reserve utilised for capital works (see appendix G) | 52 |
| Budgeted transfer to reserves | (1,704) |
| Forecast variance for the year (see above) | (255) |
| Forecast closing balance | (10,793) |

| Renewable Energy Fund | £k |
|-----------------------------------------------------|--------------|
| Opening balance | (342) |
| Expenditure forecast for this year (see appendix G) | 70 |
| Net income forecast for this year | (164) |
| Forecast closing balance | (436) |

**HOUSING REVENUE ACCOUNT FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01
APRIL TO 31 DECEMBER 2016**

| Note | Description of Major Movements | Corrective Action | Forecast Variance £ |
|----------|------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------------------|
| A | Dwelling rent is 0.3% ahead of target | N/A | (32,000) |
| B | Garage income is ahead of target | N/A | (16,000) |
| C | The Learning Disability Support contract has ceased to operate | N/A | 32,000 |
| D | Minor variance | N/A | 2,000 |
| F | Community Alarm sales continue to be high | N/A | (15,000) |
| H | Miscellaneous income items have been fewer than typical during 2016/17 | None | 15,000 |
| I | Several smaller savings across the Repairs team combine to give this forecast variance | N/A | (71,000) |
| J | Savings due to restructuring of staffing across several teams as well as several smaller savings across operational budgets | N/A | (117,000) |
| K | The Learning Disability Support contract has ceased to operate and there is less need than anticipated for new equipment purchase. | N/A | (61,000) |
| M | Minor variance | N/A | 1,000 |
| P | Tipper vehicle will now be purchased during 2017/18 | N/A | (24,000) |
| R | £2,831,000 is expected to be spent on major works this year (see appendix G) | None | 31,000 |
| | | TOTAL | (255,000) |

MID DEVON DISTRICT COUNCIL
MONITORING OF 2016/17 CAPITAL PROGRAMME

Appendix G

| Code | Scheme | Deliverable Capital Programme 2016/17 | Actual Expenditure 2016/17 | Committed Expenditure 2016/17 | Total | Variance to Adj Capital Programme | Forecast (Underspend)/ Overspend | Forecast Slippage to 17/18 | Notes |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------|-------------------------------|----------------|-----------------------------------|----------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | £ | £ | £ | £ | £ | £ | £ | |
| General Fund Projects | | | | | | | | | |
| Lords Meadow leisure centre | | | | | | | | | |
| CA624 | Main car park resurfacing | 50,000 | 0 | 0 | 0 | (50,000) | | 50,000 | Forecast completion Q1 17/18. |
| Exe Valley leisure centre | | | | | | | | | |
| CA627 | EVLC - Pressure set replacement Hot/Cold | 35,000 | 0 | 0 | 0 | (35,000) | | | Forecast completion Q4 16/17 |
| CA626 | EVLC - Fitness extension - subject to business case * * Note £500k in 15/16 will be slipped to 16/17 | 22,000 | 26,169 | 25,284 | 51,454 | 29,454 | 30,000 | | Planning approved. Planned commencement April 2017 with anticipated completion Nov '17 |
| Phoenix House | | | | | | | | | |
| CA451 | Phoenix House - Ground Floor changes - subject to business case | 163,000 | 0 | 0 | 0 | (163,000) | (163,000) | | Costs in relation to this project have more appropriately been charged to revenue, however these will be fully reimbursed in payment from DWP |
| Pannier Market | | | | | | | | | |
| CA505 | Pannier Market -Pedestrian roof cover - subject to business case ** ** Note £110k in 15/16 will be slipped to 16/17 | 0 | 0 | 0 | 0 | 0 | | | Project no longer required - to be reviewed at Mgmt Team |
| CA507 | Tiverton Pannier Market Pippens | 73,000 | 3,143 | 0 | 3,143 | (69,857) | | 50,000 | Forecast completion Q1 17/18 |
| CA508 | Pannier Market Clock Tower | 34,000 | 1,479 | 32,000 | 33,479 | (521) | 4,500 | | Forecast completion by 31/03/17. Additional costs for Scaffolding & Crane needed to be re erected as original supplier went into administration circa £4.5k. Additional cost will be funded from an EMR. |
| MSCP Improvements | | | | | | | | | |
| CA709 | MSCP improvements (refer to Matrix condition report) | 50,000 | (7,098) | 7,098 | 0 | (50,000) | | 50,000 | Capital works on hold pending Premier Inn project. Anticipated spend Q3 17/18 |
| Play Areas | | | | | | | | | |
| CA608 | Play area refurbishment - Wilcombe Tiverton | 50,000 | 0 | 59,995 | 59,995 | 9,995 | 8,900 | | Project complete Q3 16/17 |
| CA628 | Play area refurbishment - West Exe Recreation Ground Tiverton | 50,000 | 0 | 2,300 | 2,300 | (47,700) | | 48,000 | Forecast completion Q2 17/18 |
| Other Projects | | | | | | | | | |
| CA403 | Town Hall Redevelopment Project | 20,000 | 10,175 | 6,267 | 16,442 | (3,558) | | 16,000 | CSAG selected preferred option £5,114k in 17/18 Capital Programme. Further Architects design works to be commissioned |
| CA420 | Land drainage flood defence schemes - Ashleigh Park Bampton | 67,000 | 0 | 0 | 0 | (67,000) | | 67,000 | EA will manage project - delivery due in 18/19. MDDC will contribute £67k to project |
| CA448 | Angel Hill improvements | 15,000 | 4,749 | 0 | 4,749 | (10,251) | | | |
| CA449 | Town centre/Market area fibre optic hub and camera system | 30,000 | 38,612 | 0 | 38,612 | 8,612 | 8,600 | | |
| CA452 | Station Yard re construct shower block welfare | 35,000 | 0 | 0 | 0 | (35,000) | | | Heads of terms being negotiated between interested party. Unsure at this stage whether any additional costs to facilitate leasing the land. |
| CA453 | Land drainage flood defence scheme - Newton St Cyres | 50,000 | 0 | 0 | 0 | (50,000) | (50,000) | | Project to be managed & delivered by DCC |
| CA454 | Phoenix Lane - Conversion to homeless shelter | 60,000 | 1,626 | 0 | 1,626 | (58,374) | | 40,000 | Forecast completion Q2 17/18. Currently examining future options for these premises |
| CA455 | St Lawrence Green Project | 30,000 | 0 | 0 | 0 | (30,000) | | | Forecast completion Q4 16/17 |
| CA826 | Waste move - Porta Cabins at Carlu Close | 114,000 | 113,910 | 0 | 113,910 | (90) | | | Project complete |
| ICT Projects | | | | | | | | | |
| CA421 | Replacement of PC estate 330s | 40,000 | 0 | 0 | 0 | (40,000) | | 40,000 | Forecast completion Q1 17/18 |
| CA423 | Continued replacement of WAN/LAN | 60,000 | 0 | 0 | 0 | (60,000) | | | Forecast completion Q4 16/17 |
| CA425 | Server farm expansion/upgrades | 108,000 | 12,028 | 0 | 12,028 | (95,972) | | 32,000 | £76k forecast spend by Q4 16/17. £32k to slip into 17/18 |
| CA433 | Unified Communications/telephony | 25,000 | 0 | 0 | 0 | (25,000) | (25,000) | | Budget not required. Sufficient funding in EMR reserve (£107k) to fund project in 17/18 |
| CA437 | Digital Transformation | 104,000 | 40,400 | 2,375 | 42,775 | (61,225) | | 53,000 | £53k forecast slippage , Projects to be identified during Jan'17 |
| CA439 | Mobile Working NDL MX | 39,000 | 32,000 | 7,000 | 39,000 | 0 | | | |
| CA442 | Arc Server Spatial (open Source Mapping) | 18,000 | 0 | 0 | 0 | (18,000) | (18,000) | | Budget not required. This work was completed in 15/16 |
| CA446 | E-Financials Technical refresh | 30,000 | 18,985 | 11,000 | 29,985 | (15) | | | Forecast completion Q4 16/17 |
| CA456 | Digital Transformation - replacement of CRM | 50,000 | 0 | 0 | 0 | (50,000) | | 50,000 | CRM planned replacement in 17/18 with additional £50k requested in MTFP to give a total project budget of £100k |
| CA457 | Digital Transformation including Cosmic for Mid Devon | 20,000 | 0 | 0 | 0 | (20,000) | (20,000) | | Budget no longer required |
| CA444 | SQL/Oraclres refreshes | 50,000 | 13,289 | 13,888 | 27,177 | (22,823) | (21,000) | | Forecast completion Q4 16/17. Forecast spend circa £28k. Circa £20k of this underspend will be for expenditure that is under Capital diminimis and therefore coded to revenue - ICT £12.8k and £6.9k to Accountancy. |
| Replacement Vehicles - Grounds Maintenance | | | | | | | | | |
| CA712 | Iveco Tipper (or equivalent) | 24,000 | 0 | 0 | 0 | (24,000) | | 24,000 | Forecast purchase Q1 17/18 |
| Replacement Vehicles - Refuse Collection | | | | | | | | | |
| CA814 | Dennis Eagle Terberg RCV 22-26t (or equivalent) | 160,000 | 0 | 0 | 0 | (160,000) | | 160,000 | Forecast purchase Q1 17/18 |
| CA821 | 5 Refuse Vehicles with Food waste capability *** *** Note £740k in 15/16 will be slipped to 16/17 | 900,000 | 0 | 0 | 0 | (900,000) | (105,000) | 795,000 | Forecast purchase Q1 17/18. Savings due to changes in waste scheme meaning not all vehicles are required to have the same carrying capacity. 3 * £180k Dennis Eagle & 3 * £85k small refuse vehicles |
| CA822 | 7.5T Tipper | 100,000 | 0 | 0 | 0 | (100,000) | (25,000) | 75,000 | Anticipated cost £75k. On hold pending Clinical Waste review |
| Replacement Vehicles - Street Cleansing | | | | | | | | | |
| CA825 | 3.5T Tipper | 25,000 | 0 | 0 | 0 | (25,000) | 25,000 | 50,000 | Forecast purchase Q1 17/18. Includes 3.5t delivery van |
| CA827 | 3.5T Tipper | 25,000 | 0 | 0 | 0 | (25,000) | | 25,000 | Forecast purchase Q1 17/18 |
| | | 2,726,000 | 309,468 | 167,206 | 476,674 | (2,249,326) | (334,000) | 1,609,000 | |

| Code | Scheme | Deliverable Capital Programme 2016/17 | Actual Expenditure 2016/17 | Committed Expenditure 2016/17 | Total | Variance to Adj Capital Programme | Forecast (Underspend)/ Overspend | Forecast Slippage to 17/18 | Notes |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------|----------------------------|-------------------------------|----------------|-----------------------------------|----------------------------------|----------------------------|----------------------------------------------------------------------------------------------------|
| Private Sector Housing Grants | | | | | | | | | |
| CG215 | Works in Default Grants | | 9,513 | 8,130 | 17,643 | 17,643 | | | |
| CG216 | Private Sector Housing initiatives to be prioritised | 104,000 | 0 | 0 | 0 | (104,000) | | 86,000 | |
| CG201 | Disabled Facilities Grants-Private Sector | 468,000 | 234,701 | 77,332 | 312,033 | (155,967) | | 118,000 | Forecast spend by 31/03/17 £350k. The pass ported DFG grant of £505k from DCC will fund this spend |
| Please note where possible commitments are raised on the Finance Ledger. Currently the total commitment for Private Sector Housing Grants held outside the ledger is £85k. This underspend includes underspent budget on Private Tenant DFG's amounting to *£156k; these are effectively ring fenced, therefore leaving £86k uncommitted. (£242k - £156k) Commitments include all approved grants. The timing of when these are drawn down is dependent on the client (up to 1 year), therefore at year end although sums may be committed, some may be carried forward to 2017/18 as slippage. | | | | | | | | | |
| | | 572,000 | 244,214 | 85,462 | 329,676 | (242,324) | 0 | 204,000 | |
| Affordable Housing Projects | | | | | | | | | |
| CA200 | Grants to Housing Associations to provide units (funded by commuted sum) | 100,000 | 16,246 | 0 | 16,246 | (83,754) | | 80,000 | Commitment likely to crystallise in 17/18 |
| | | 100,000 | 16,246 | - | 16,246 | (83,754) | 0 | 80,000 | |
| Total General Fund Projects | | 3,398,000 | 569,928 | 252,668 | 822,596 | (2,575,404) | (334,000) | 1,893,000 | |

| Code | Scheme | Deliverable Capital Programme 2016/17 | Actual Expenditure 2016/17 | Committed Expenditure 2016/17 | Total | Variance to Adj Capital Programme | Forecast (Underspend)/ Overspend | Forecast Slippage to 17/18 | Notes |
|---------------------------|---------------------------------------------------------------------------------|---------------------------------------|----------------------------|-------------------------------|------------------|-----------------------------------|----------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | £ | £ | £ | £ | £ | £ | £ | |
| HRA Projects | | | | | | | | | |
| CA100 | Major repairs to Housing Stock | 2,991,000 | 1,743,643 | 890,424 | 2,634,067 | (356,933) | (160,000) | | £160k forecast underspend is in relation to the following: £65k Boiler works, £45k contract works & £50k structural works; this will remain in the HMF for future reprioritisation. |
| CA111 | Renewable Energy Fund Spend | 200,000 | 70,000 | 0 | 70,000 | (130,000) | (130,000) | | £130k will be reprioritised for spending in 17/18 |
| CA112 | Birchen Lane - re development of unit for housing conversion (4 units) | 367,550 | 192,184 | 175,370 | 367,554 | 4 | | 150,000 | Forecast completion Q2 17/18. Contract to be renegotiated Full contract commitment on system, circa £2.1m works will roll forward to 17/18 from 'Deliverable Budget'. Forecast completion Q3 17/18 |
| CA119 | Palmerston Park Tiverton - affordable dwellings (26 units) | 3,160,700 | 994,165 | 2,667,049 | 3,661,214 | 500,514 | | 2,100,000 | Some feasibility work will be undertaken in 16/17. Forecast completion Q4 17/18 |
| CA122 | Iveco Tipper 3.5t (or equivalent) | 24,000 | 0 | 0 | 0 | (24,000) | | 24,000 | Forecast purchase Q1 17/18 |
| CA124 | Queensway (Beech Road) Tiverton (3 units) | 10,000 | 0 | 0 | 0 | (10,000) | | 5,000 | Some feasibility work will be undertaken in 16/17. Forecast completion Q4 17/18 |
| CG200 | Disabled Facilities Grants - Council Houses | 297,000 | 238,017 | 0 | 238,017 | (58,983) | | | Some feasibility work will be undertaken in 16/17. Forecast completion Q4 17/18 |
| CA120 | Burlescombe (6 units) **** **** Note £700k in 15/16 will be slipped to 16/17 | 80,000 | 90 | 4,860 | 4,950 | (75,050) | | 23,000 | Costs associated around land purchase are likely to occur in 17/18. Spoken with responsible officer & 'Deliverable Programme' adjusted accordingly. Site subject to Judicial review |
| CA125 | Waddeton Park - (70 units) | 10,000 | 4,640 | 0 | 4,640 | (5,360) | | 5,000 | Forecast completion Q2 17/18 |
| CA126 | Sewerage Treatment Works - Washfield | 25,000 | 0 | 0 | 0 | (25,000) | | 25,000 | Some feasibility work will be undertaken in 16/17. Forecast completion Q4 17/18 |
| CA127 | * Stoodleigh - Pending feasibility (4 units) | 20,000 | 0 | 0 | 0 | (20,000) | | 15,000 | |
| Total HRA Projects | | 7,185,250 | 3,242,739 | 3,737,703 | 6,980,442 | (204,808) | (290,000) | 2,347,000 | |

| | | | | | | | | | |
|--------------------------------------------|--|-------------------|------------------|------------------|------------------|--------------------|------------------|------------------|--|
| CAPITAL PROGRAMME GRAND TOTAL SPEND | | 10,583,250 | 3,812,667 | 3,990,371 | 7,803,038 | (2,780,212) | (624,000) | 4,240,000 | |
|--------------------------------------------|--|-------------------|------------------|------------------|------------------|--------------------|------------------|------------------|--|

**ENVIRONMENT PDG
7 MARCH 2017:**

AGENDA ITEM:

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 Crediton 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 addresses 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

Torrige, Bideford Town Council has a chewing gum removal machine which is neither owned nor operated by Torrige 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 Torrige currently have supervisors undertake random checks after sweeping, as do Mid Devon.
- 14.7 Only Torrige and Exeter City Councils monitor weekend sweeping services. In Torrige, 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 Torrige 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 Torrige 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

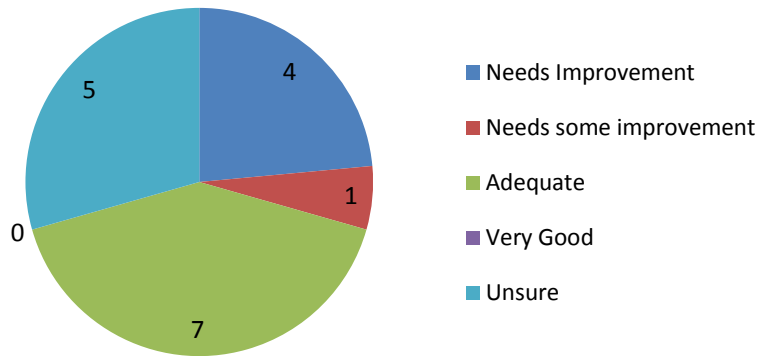
15.1 That the PDG reviews the recommendations that are outlined in this report and feeds back any areas of concern or proposed changes to the Cabinet.

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

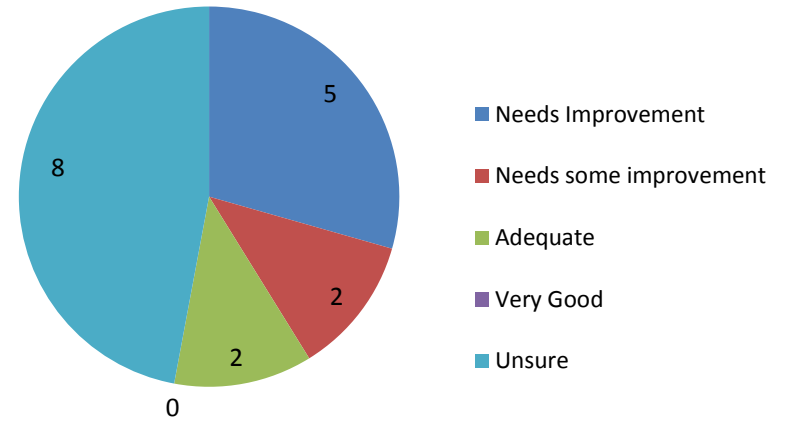
Circulation of the Report: Leadreship Team and Cllr Busch

Parish Council Questionnaire Responses

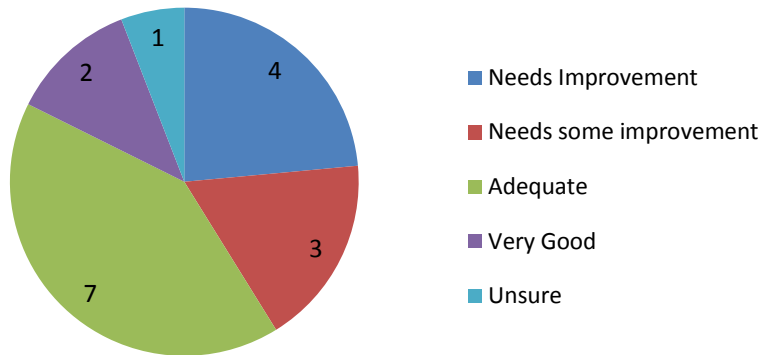
Question 1: How would you describe the Street Cleansing Service as a whole?



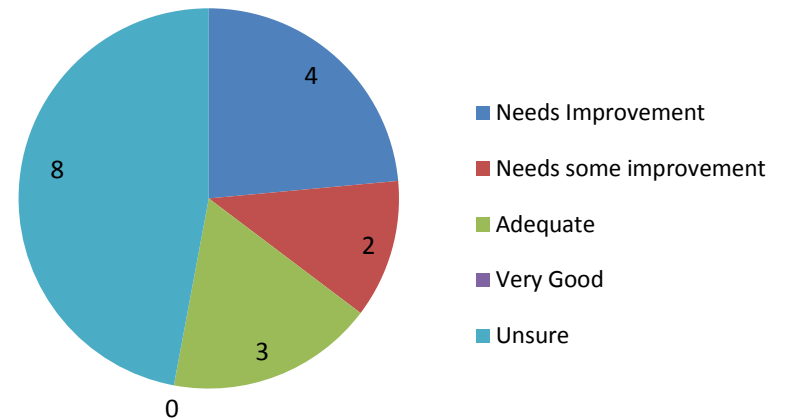
Question 3 :Are the footpaths and pavements kept clean?



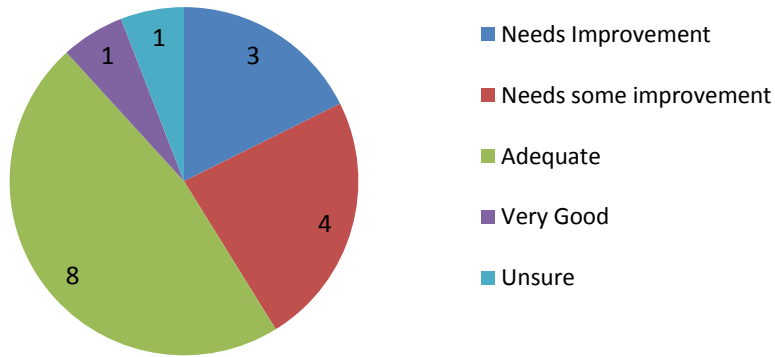
Question 2: How would you describe the performance of the mechanical road sweeper in your Parish?



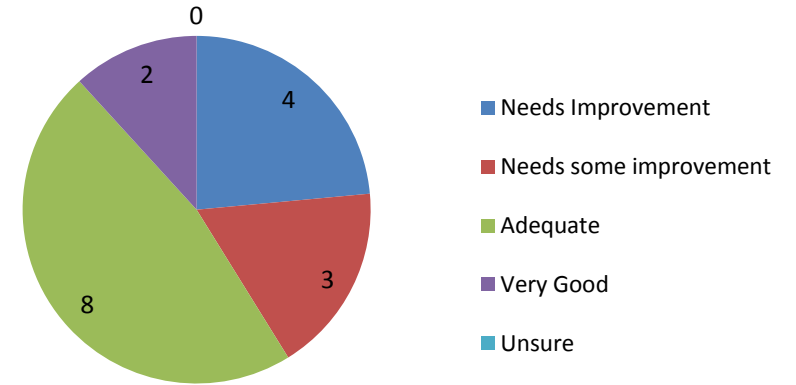
Question 4 :How effective is the cleansing of grass areas?



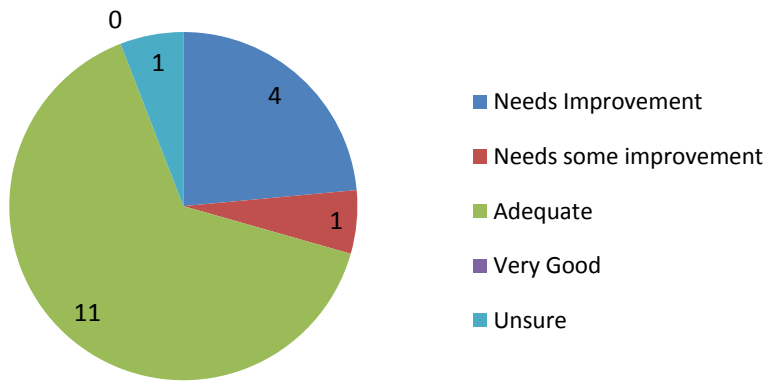
Question 5: What is your opinion on the number of litter bins situated in your Parish?



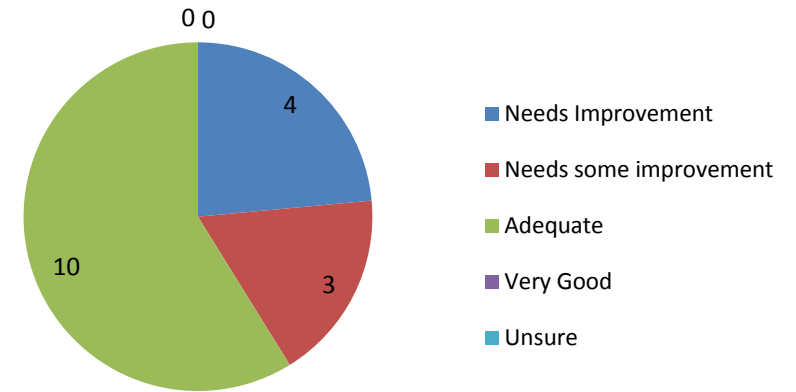
Question 7 : What is your opinion on the number of dog bins situated in your Parish?



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 CREDITON 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. |
| Torrige | 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. |
| Torrige | 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 | 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. 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. |

| | |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. |
| Torrige | 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) |
| Torrige | 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. |
| Torrige | 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> |
| Torrige | <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

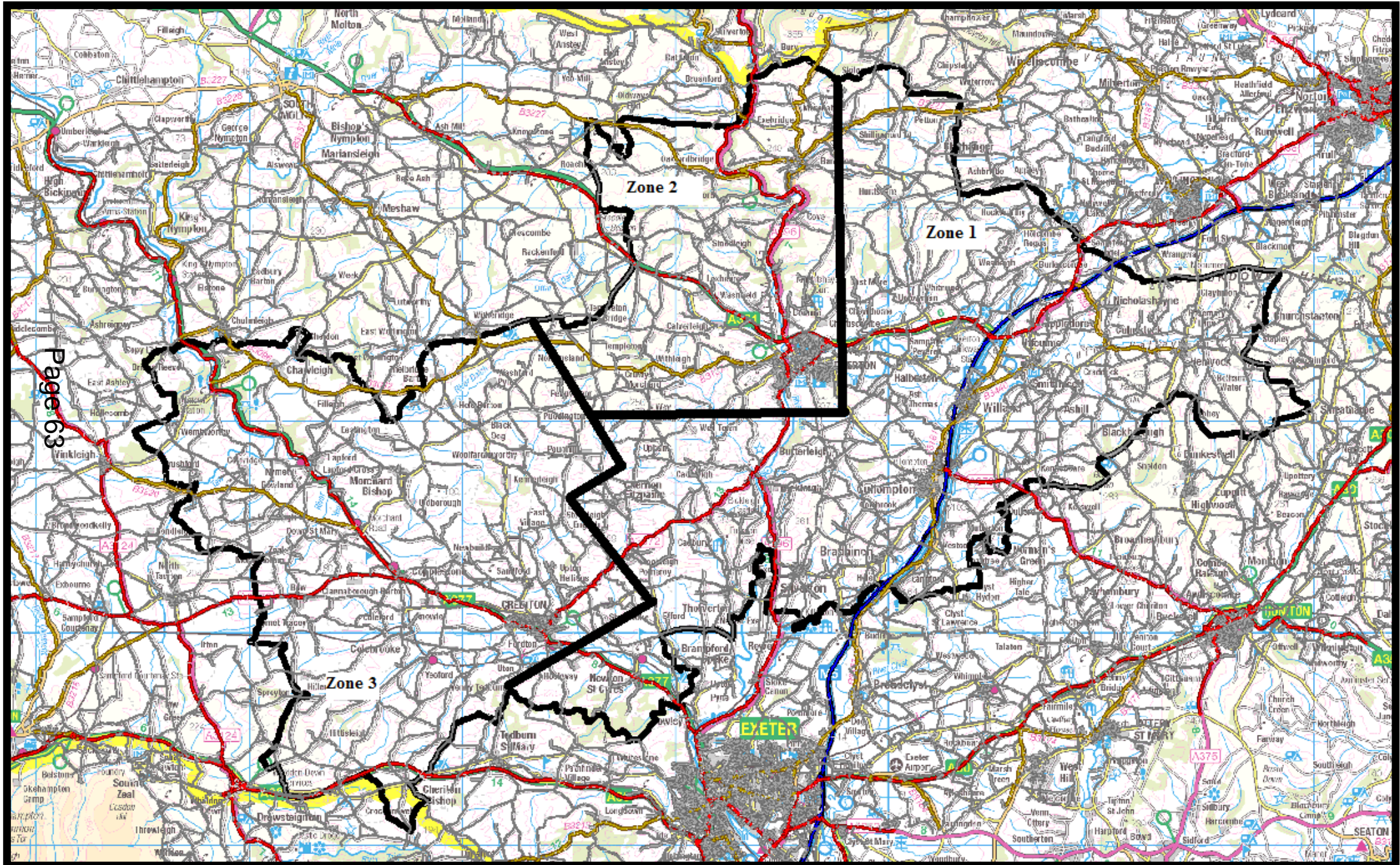
Have you made any efficiencies in the street cleansing service in recent years, and were they successful?

| | |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mid Devon | No efficiencies made recently. |
| Torrige | 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

_____ Date _____
Emma Bazeley, Highways England

Signed on behalf of Kier Services Highways

Howard Jones
_____ Date 08.02.17 _____
Howard Jones, Operations Manager

Signed on behalf of Mid Devon District Council

_____ Date _____
Local Authority Operations Manager

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.

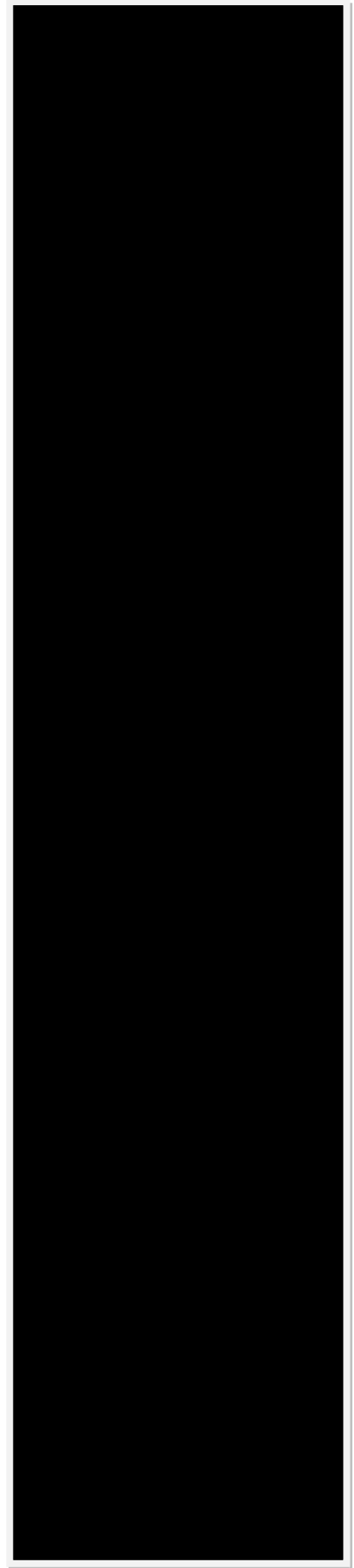
Contact for more Information: Jan Norman, Environment and Enforcement Manager Ext.4601

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



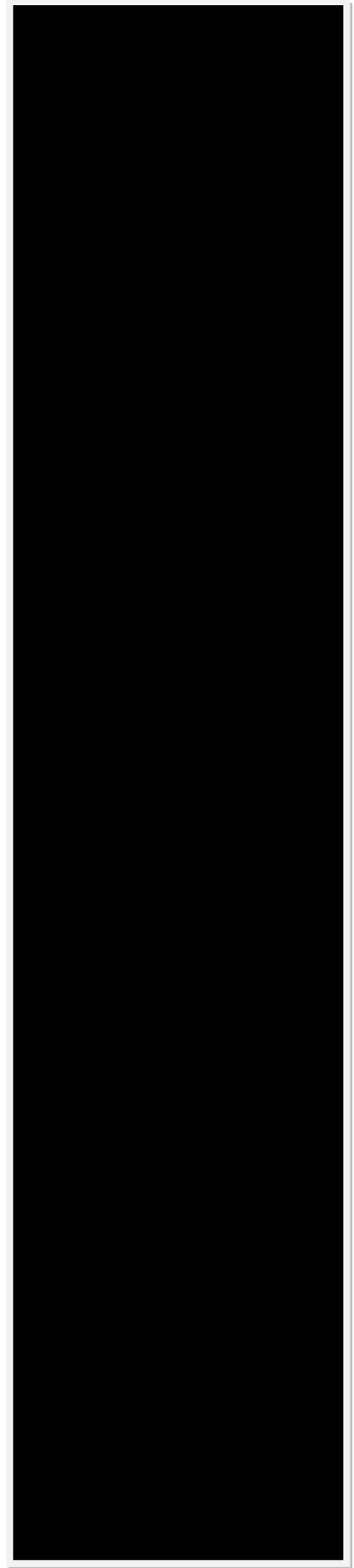
Section 1

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.

CONTENTS

- 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 handling 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.

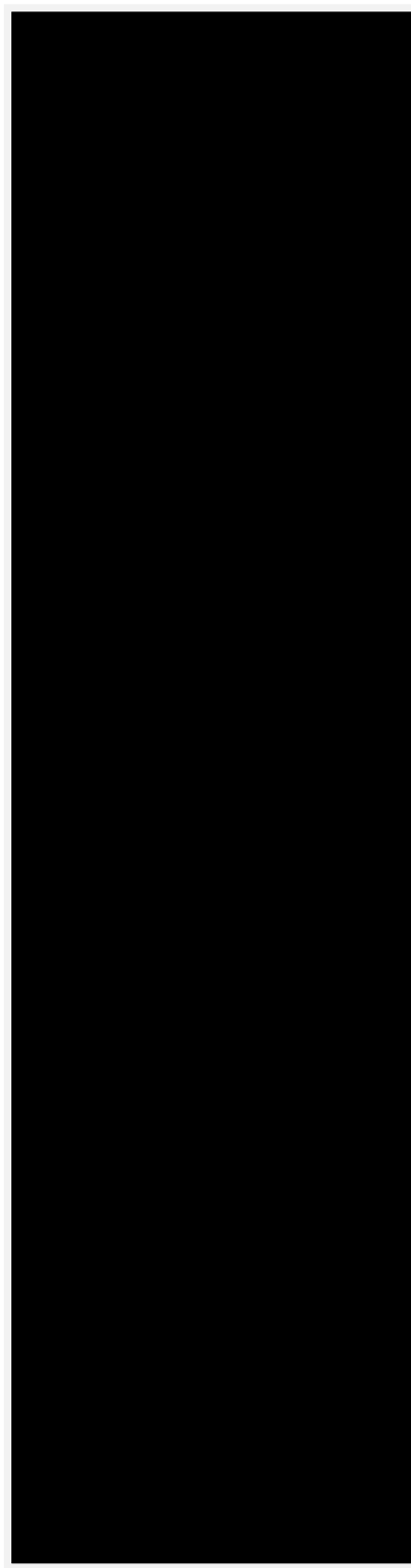
You will receive copies of the Council’s evidence bundle directly from the Council and you will be informed, formally, of the outcome of the appeal by the adjudication service. Please read this outcome letter properly as it may contain specific instructions for you to follow.



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:

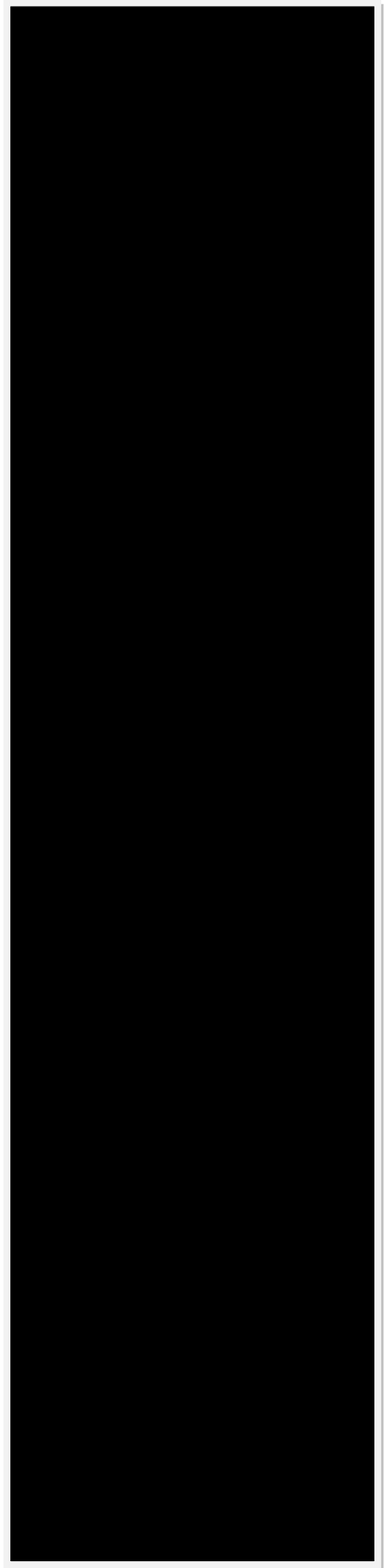
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
Devon EX16 6PP

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 |
|----------------------|-----------|

| | |
|--------------------------|-----|
| Minimum discount penalty | 120 |
|--------------------------|-----|

3g. Other linked policies

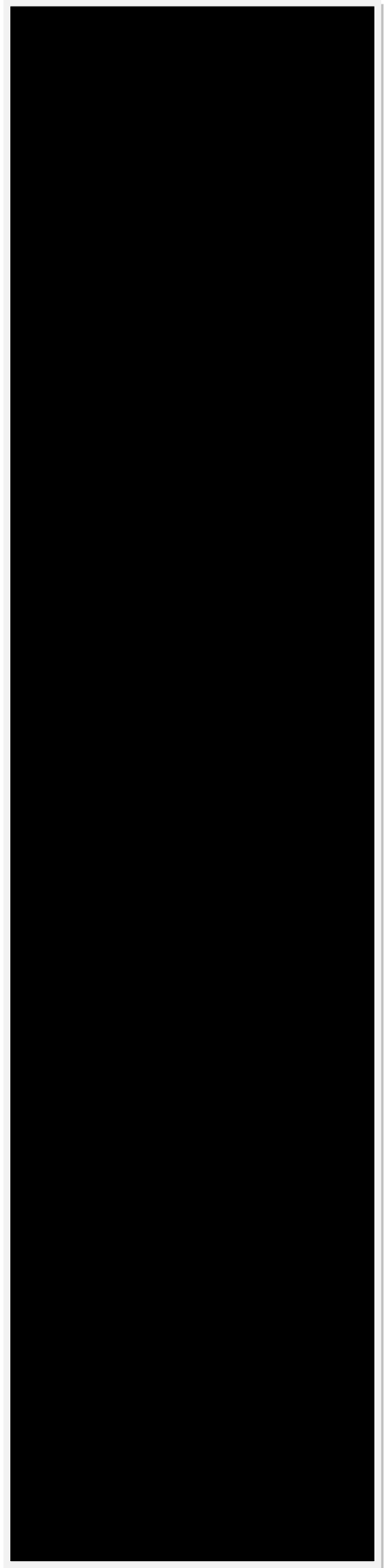
Other linked policies include :

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

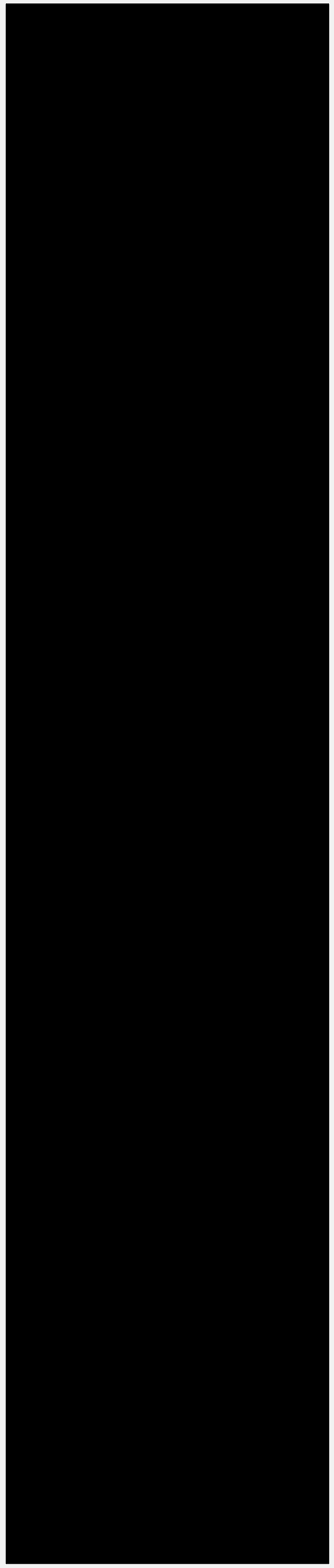
The Environmental Protection Act 1990 provides that where a notice under section 46 requires an occupier to provide receptacles, that person may appeal to a magistrates' court against the notice, either on the ground that any requirement specified in the notice is unreasonable, or on the ground that 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:

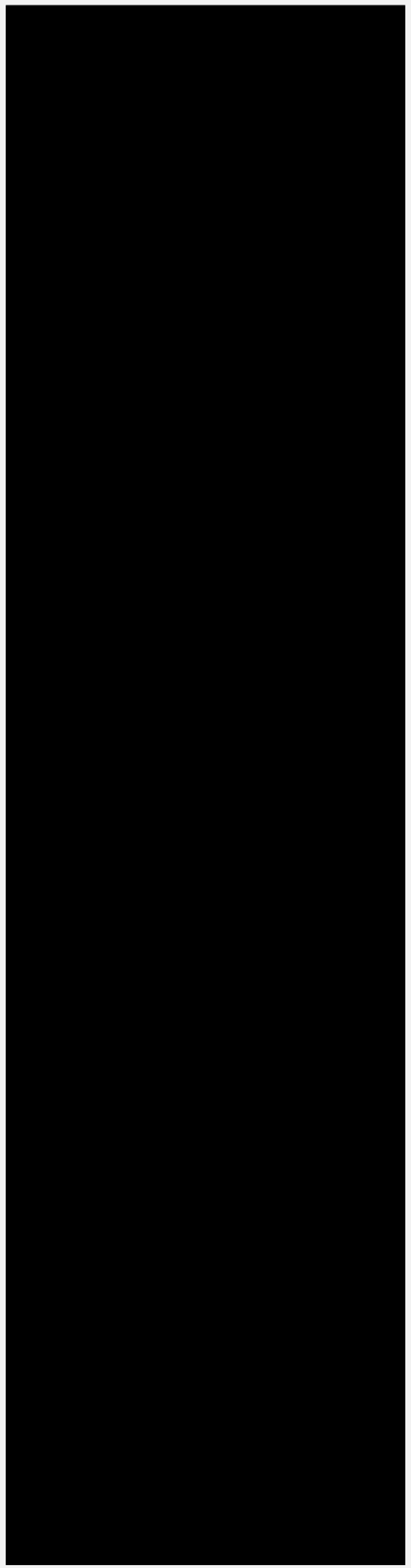
Newberry Metals
58 Blundells Road
Tiverton
Devon
EX16 4DE

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*)

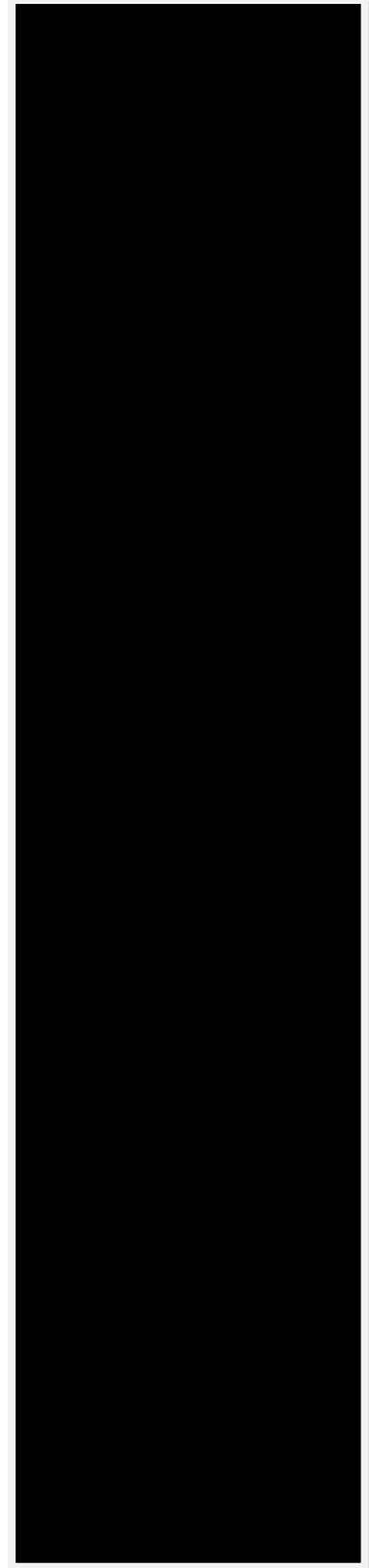
6f. Other linked policies

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

| | |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
|  <p>Mid Devon DISTRICT COUNCIL</p> | <p>Street Scene Services Phoenix House Phoenix Lane Tiverton Devon EX16 6PP Tel: 01884 255255</p> |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|

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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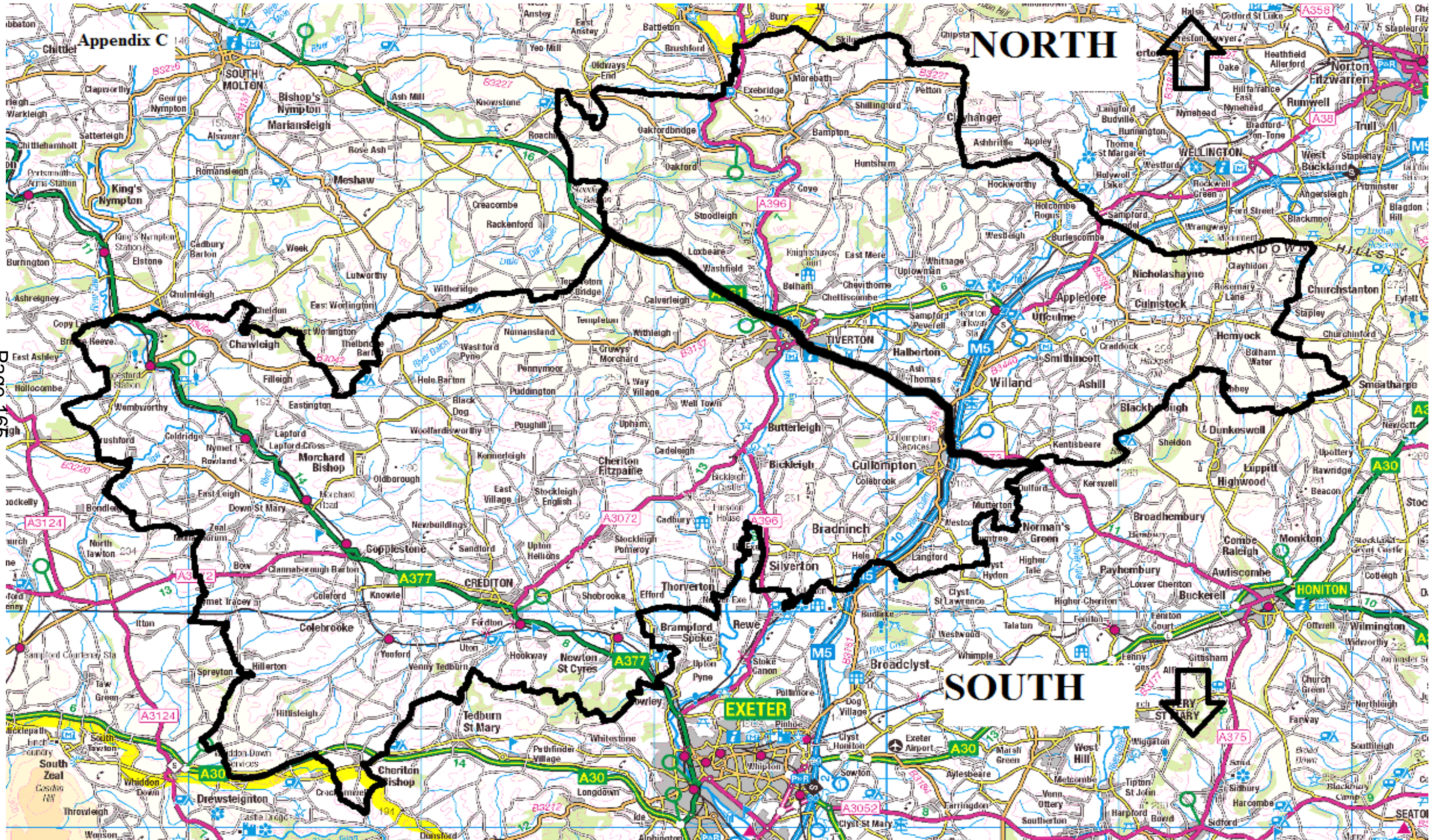
Appendix B – New Working Pattern

| <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 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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CHAIRMAN`S ANNUAL REPORT 2017

This year has been no different to previous years, our Environment Policy Environment Group, having to make difficult choices to save money, with the aim of reducing our outgoings or increasing income. Altogether we have debated and given recommendations on 19 different topics on our agendas.

MAY 17th 2016

DEPOT MOVE

The first major, and I suppose the most important, was recommendations with regards to our waste and recycling. We had been given notice to move from our Unit 16, the then current recycling depot, the notice period ending in June. This was only a short three year lease and Officers knew we would have to move after that period, so the Officers had been looking for suitable premises, not easy to find as our requirements would be specialist and not always neighbourly friendly, because of what we do.

When Unit 3, Carlu Close, Halberton Parish, yes, it in the Parish of Halberton was considered, due to the size of the unit, consideration was given to just simply re-locate the whole recycling part of the Waste Service, or, make a more strategic decision to merge all the Waste/Street Scene operations, all under one roof. After considering all the operational issues, we felt that the advantages of providing a totally joined up service would be far more beneficial in the medium to long term.

Unit 3 was on a large industrial site with significant concrete parking area. From an operational perspective, it was effectively starting with a clean sheet that would require a complete `fit out` in order to continue existing operations. This would require the re-location of all our operational equipment, including the likes of dog kennels, fuel tanks, etc. It also included all the movement of 90 operational staff including District Officers, 9 Porto-Cabins would be required to house all the staff and provide offices, washrooms facilities, meeting space, etc. There could be no better place to relocate to, ideal. Just got to worry about the finances.

The Head of finance informed our PDG Group that the total fit out costs were currently estimated at circa £310k and that Members should note that an estimate of £100k had been included in the 2016/17 revenue budget as a provision for the costs of a potential recycling depot move. Operational delivery would not be affected during the move and it was intended to commence operations from the new depot from mid-June 2016.

The Officer concluded that entering into a 15 year lease to co-locate all of the Council's Street Scene operation under one roof was a crucial and long term strategic decision which would provide not only long term security of tenure for this key frontline service, but also would provide other operational and financial benefits to the service. Operating from one central base would allow for better supervision, greater uniformity of operation, the ability to re-deploy resources more effectively and create a closer team culture. We

nevertheless are open to the volatility of the ups and downs of the recycling market prices of recyclables, which will be the case, where ever we are based. We have also secured income as a transfer station for food waste.

REVIEW OF GRASS CUTTING

The Group had before it and noted from the Head of Housing and Property Services which set out the Councils arrangements for 2016/17 in providing the grass cutting service on Devon County Council's highway verges.

The Estates Manager outlined the contents of the report, explaining that a budget of £15k income had been set prior to the results of the consultation process regarding Parishes contributing to the maintenance of highway verges within their Parish.

The Officer explained that the value of the reduced area of highway grass verges for those Town and Parishes that did not want to contribute had been estimated at £36k and that staffing level had been reduced by one full time equivalent. The reduction would be agency staff, so had not incurred redundancy costs. When adding contributions from Town and Parish Councils the 2016/17 budget had been improved by a further £34k.

NATIONAL ASSISTED BURIALS

The group had before it a report from the Housing and Property Services informing Members of the Council's proposed procedure when dealing with a National Assistance burial. It was recommended, that subject to minor amendments to the report regarding contact names and numbers, Cabinet recommend that Council approve the National Assistance Burial Procedure.

TREE POLICY

The group had before it a report from the Head of Housing and Property Services informing it of changes the current Tree Policy following a recent scheduled review. It was recommended that the Cabinet adopt the revised Tree Policy.

JULY 12th 2016

HIGH HEDGES POLICY

The group had before it a report from the Head of Housing and Property Services regarding High Hedges. It was recommended to Cabinet that a flat fee of £350 should apply to all applicants with no discount given for those on benefits.

It was recommended to Cabinet that the Authority continues to adopt the current High Hedge Policy and processes outlined in Annex A subject to the changes agreed above.

UPDATE FROM THE EDIBLE FOOD WASTE WORKING GROUP

Cllr Evans updated the group regarding the Edible Food Waste Working Group. He reminded the group that the working group had been set up at the request of members following various media reports regarding the matter. The Head of Communities and Governance had look into the matter and provided the group with a considerable amount of information regarding how local supermarkets and charities were dealing with this issue. She found that local stores were taking their lead from head offices and a number of local schemes had been put in place. A white paper was being processed but the reading in Parliament had been delayed. The Officer found that the local charities had systems in place, were receiving and distributing food waste and that their supplies were adequate. In conclusion the group had found that there was little the Authority could do at this stage to enhance what was already taking place. The group therefore concluded that there was no need to meet at the current time but that the subject should be revisited if require in the future.

UPDATE ON DEPOT MOVE

The Head of Finance provided an update on the recent waste and recycling depot move. He explained that the move went well and that the work undertaken by the Officer/Member project group had proved successful. Several services had been merged and 100 staff had now been relocated to the new depot.

Recycling bays had been built, the baler was working and 9 porta cabins had been put in place for the Officers. Working in the same depot meant that there were synergies with waste and recycling services and that the staff could be moved to one area to the other as recycling performance improved and waste to landfill reduced.

Operations commenced at the new depot on the 13th June and there had been no adverse effect on collections. Licences and permits were all in place and there was security of tenure with a 15 year lease in place.

An opening event had been held on Friday 8th July which was attended by a number of Members and Neil Parish MP.

The Head of Finance informed Members that the merged service would have slightly cheaper running costs than the separate depots and that discussions were ongoing with Devon County Council regarding shared savings.

UPDATE ON GRASS CUTTING IN THE TOWNS AND PARISHES

The Operations Manager reminder the group that discussions with Devon County Council and Town & Parish Council's had taken place during the last 12 months to determine the grass cutting regime that would be put in place following a reduction in budget from DCC.

The Officer informed the group that there had been some confusion regarding the start dates for cutting, both with Town & Country Councils and within the cutting teams. These issues have now been resolved. There was a need for further discussions with DCC and the Town & Parish Councils to seek additional funding to improve the situation. Different Town & Parish Councils had provided varying levels of funding so were receiving varying numbers of cuts.

6th SEPTEMBER 2016

PERFORMANCE AND RISK

The group had before it and noted a report of the Head of Communities and Governance providing Members with an update on performance against the Corporate Plan and local service targets for 2016/17, as well as providing an update on key business risks.

FINACIAL MONITORING

The group had before it and noted a report of the Director of Finance, Assets and Resources presenting financial monitoring information for the income and expenditure of the 2016/17 financial year.

WILD FLOWER BEDS

The group had before it and noted a briefing paper produced by the Operations Manager providing an update on the options and proposals for wildflower displays within Mid Devon in the future.

VERBAL WASTE UPDATE

The Waste and Transport Manager informed the group that the changes to the waste scheme had bedded in, the collection rates were better than expected, Member had received an informal briefing in the last few weeks and a full 6 monthly report would be provided at the next meeting.

LITTER & WASTE ISSUES IN THE DISTRICT

The issue of littering in various parts of the District had been raised by individual Members and therefore it was felt that the group should discuss the matter and seek Officers views as to what could be achieved to reduce the issue.

VISIT TO ENERGY from WASTE PLANT

Following a visit to the Exeter Energy from Waste Plant, Members were invited to provide feedback on the visit.

8th NOV 2016

PERFORMANCE & RISK

The group had before it and noted a report from the Director of Corporate Affairs and Business Transformation which provided Members with an update on performance

against the Corporate Plan and local service targets for 2016/17 quarter 2 to the end of September, as well as providing an update on key business risks.

FINANCIAL MONITORING

The group had before it and noted a report from the Director of Finance, Assets & Resources presenting a financial update in respect of the income and expenditure so far in the year.

DRAFT BUDGET

The group had before it a report from the Director of Finance, Assets & Resources considering options available in order for the Council to set a balanced budget for 2017/18 and agree a future strategy for further budget reductions for 2018/19 onwards. It was recommended to Cabinet that;

- a) Bulky Waste collection fees be increased by £1 from April 2017.
- b) Garden Waste collections fees be increased by £1 for both size bins from October 2017.

WASTE & RECYCLING SCHEME 6 MONTHLY UPDATE

The group had before it and noted from the Waste & Transport Manager providing an update on performance of the new recycling scheme during the first year of operation.

MOTION FROM COUNCIL

The group gave consideration of the following Motions that had been referred by Council.

Motion 528 (Cllr P Heal - 10th August 2016)

That the Council investigates the provision of an elasticated net system for use on recycling boxes to prevent light materials such as plastics and cardboard being blown out and causing litter.

It was resolved that Motion 528 not to be supported.

Motion 529 (Cllr C. A. Collis - 17th August 2016)

That the Council investigates joint working with other Councils to recycle soft plastics such as polythene and film and to avoid putting these non-biodegradable items into landfill. This will benefit the environment for future generations and expand on the recycling that Mid Devon is already doing so well.

It was resolved that Motion 529 not to be supported.

10th JANUARY

Motion 532

The group gave consideration to the following Motion that had been referred by Council.

It was RECOMMENDED to Council that Motion 532 be supported.

BUDGET

The group had before it and noted a report from the Director of Finance, Assets & Resources outlining options in order for the Council to move towards a balanced budget for 2017/18.

PERFORMANCE & RISK

The group had before it and noted a report from the Director of Affairs & Business Transformation

7th MARCH

We will have various agenda items that we will consider and debate, which will be noted or be given appropriate recommendations. These will be available on the Web Site after our meeting.

This Environment PDG does recognise the efforts and co-operation that the Parish & Town Council has given us, it has been a difficult year for Mid Devon, only to get more difficult each year, as our funding gets less year on year and we are asked to do the same, or more, with less funding. Unfortunately it appears it will go on for another two years at least.

I would like to thank the Members of my PDG who have given their valuable support and keen insight into the matters covered and discussed. We could not have operated without the stinting help we have had from all the staff of Mid Devon District Council. Our move of the Waste & Recycling was particularly challenging, with everyone`s co-operation, it went remarkably well.

I do thank the staff in Members Services for all the help they have given, particularly Julia Stuckey, she has been great, she has a lot to contend with to keep us on the straight and narrow.

Thank you all

Ray Radford, Chairman. 2017.