

Public Document Pack

MID DEVON DISTRICT COUNCIL

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 22 February 2017 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 26 April 2017 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

14 February 2017

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

Reverend Paul Booth, Minister for Culmstock, Culm Valley, Halberton, Sampford Peverell, Tiverton and Upham will lead the Council in prayer.

AGENDA

1 Apologies

To receive any apologies for absence.

2 Minutes (Pages 7 - 18)

To approve as a correct record the Minutes of the Meeting of Council on 14 December 2016.

To approve as a correct record the Minutes of the Extraordinary Meeting of Council held on 5 January 2017.

The Council is reminded that only those Members present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

3 Chairman's Announcements

To receive any announcements which the Chairman of the Council may wish to make.

4 Public Question Time

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

5 **Petitions**

To receive any petitions from members of the public.

6 **Notices of Motions**

(1) Motion 531 (Councillor T W Snow – 17 November 2016)

The following motion had been referred to the Homes Policy Development Group for consideration and report:

That as MDDC owns the land at Station Yard that we investigate and develop this land for our own local Council housing needs. This would help the extreme housing needs of our local residents as the cost of any houses built would be reduced by having no land purchase cost involved.

That our MP be kept informed in order to support this motion.

The Homes Policy Development Group at its meeting on 17 January considered the Motion and supported it with an amendment.

In accordance with Procedure Rule 16.6(a) Councillor T W Snow has requested that his Motion be altered to read:

“That as MDDC owns the land at Station Yard that we investigate and consider developing this land, taking all matters into consideration, for our own local Council housing needs. This would help the extreme housing needs of our local residents as the cost of any houses built would be reduced by having no land purchase cost involved.

That our MP be kept informed in order to support this motion.”

(2) Motion 532 (Councillor D R Coren – 5 December 2016)

The following motion had been referred to the Environment Policy Development Group for consideration and report:

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.

The Environment Policy Development Group at its meeting on 10 January 2017 considered the Motion and recommended that it be supported.

(3) Motion 533 (Councillors Mrs N Woollatt – 13 February 2017)

The Council had before it a **MOTION** submitted for the first time:

Background: The Financial Transactions Tax (FTT) would roll out the current tax on the purchase of shares to other financial assets, such as bonds and derivatives. This could raise over £8 billion of additional revenue a year potentially providing a new source of funding for local councils. The FTT would also help encourage traditional longer term approaches to investment as opposed to extremely short-term, speculative behaviour that characterised the conditions that led to the financial crisis. Changing such behaviour is necessary to create a more responsible and stable financial system going forward.

Council notes:

- the suffering forced upon local residents as a result of the massive cuts in central grant over recent years which are detrimentally affecting our ability and that of other public services to serve our communities effectively;
- that extending the current FTT on shares to other asset classes such as bonds and derivatives could raise £8bn of additional revenue in the UK a year;
- that at least 11 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives, estimated to raise £30bn a year.

Council believes:

- that revenues from the FTT could help repair the damage caused by cuts in public services since 2010

Council resolves that:

- the UK government should extend the current FTT on shares to other asset classes, such as bonds and derivatives.

Council further resolves to:

- write to the Prime Minister, Deputy Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, and Secretary of State for Communities and Local Government stating this council's support for extending FTTs; and
- write to our local MPs Neil Parish and Mel Stride outlining the Council's position.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided to allow this Motion (if moved and seconded) to be dealt with at this meeting.

(4) Motion 534 (Councillor J L Smith – 13 February 2017)

The Council had before it a **MOTION** submitted for the first time:

That the Leader of the Council, the Council Chairman and the various Committee Chairs voluntarily accept a 10% reduction in their Special

Responsibility Allowance. This will help close the budget deficit and send a positive message to the Community that the elected members are sharing the moral and financial burden to maintain an effective and affordable service.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided to allow this Motion (if moved and seconded) to be dealt with at this meeting.

(5) Motion 535 (Councillor D J Knowles – 14 February 2017)

The Council had before it a **MOTION** submitted for the first time:

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

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) will be referred without discussion to the Cabinet.

7 Meeting Reports (a) (Pages 19 - 248)

To receive and consider the reports, minutes and recommendations of the meetings as follows:

(1) Cabinet

- 5 January 2017
- 2 February 2017

8 Council Tax Resolutions 2017/2018 (Pages 249 - 258)

To consider a report of the Director of Finance, Assets and Resources setting out the formal Council Tax Resolution.

9 Meeting Reports (b) (Pages 259 - 456)

To receive and consider the reports, Minutes and recommendations of the Committee as follows:

2) Scrutiny Committee

- 16 January 2017
- 13 February 2017 – to follow

(3) Audit Committee

- 24 January 2014

(4) Environment Policy Development Group

- 10 January 2017

(5) Homes Policy Development Group

- 17 January 2017

(6) Economy Policy Development Group

- 19 January 2017

(7) Community Policy Development Group

- 31 January 2017

(8) Planning Committee

- 4 January 2017
- 1 February 2017

(9) Standards Committee

- 25 January 2017

10 **Questions**

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee report.

11 **Independent Remuneration Panel Report - February 2017** *(Pages 457 - 476)*

To receive a report of the Director of Corporate Affairs and Business Transformation informing Members of recommendations from the review undertaken by the Independent Remuneration Panel.

12 **Questions to Cabinet Members**

Cabinet Members will answer questions from members on their Portfolios.

13 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

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

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

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

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

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

Tel: 01884 234229

Fax:

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 14 December 2016 at 6.00 pm

Present

Councillors

W J Daw (Chairman)
Mrs H Bainbridge, K Busch, R J Chesterton,
Mrs C Collis, Mrs F J Colthorpe, D R Coren,
N V Davey, Mrs C P Daw, Mrs G Doe,
R J Dolley, J M Downes, C J Eginton,
R Evans, S G Flaws, Mrs S Griggs,
P H D Hare-Scott, P J Heal, T G Hughes,
Mrs B M Hull, F W Letch, B A Moore,
R F Radford, F J Rosamond, Mrs E J Slade,
Miss C E L Slade, C R Slade, J L Smith,
J D Squire, Mrs M E Squires, R L Stanley,
L D Taylor, N A Way and R Wright

Apologies

Councillors

Mrs E M Andrews, Mrs A R Berry,
R M Deed, D J Knowles, Mrs J Roach,
T W Snow and Mrs N Woollatt

95 **Apologies**

Apologies were received from Councillors: Mrs E M Andrews, Mrs A R Berry, R M Deed, D J Knowles, Mrs J Roach, T W Snow and Mrs N Woollatt.

96 **Minutes**

The minutes of the meeting held on 26 October 2016 were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 1 December 2016 were agreed as a correct record and signed by the Chairman.

97 **Chairman's Announcements**

The Chairman had the following announcements to make:

1. He and the Leader had visited the Royal Mail sorting office in Crediton the previous morning and had passed on the thanks of the Council for the work that they do for the community.
2. He reminded Members that there was a Christmas reception for staff the following day and he all encouraged all Members to attend to meet and thank the staff.

98 Public Question Time (00:05:17)

Honorary Alderman Lucas, referring to item 6 on the agenda, Motion number 528, noted that the notes of the last Environment Policy Development Group meeting on 8 November 2016, page 126, in respect of Motion 529 states that waste currently landfilled at Broadpath will from April 2017 be sent to the Exeter Energy from Waste Plant. Can we be informed as to how the extra mileage and journey time will affect collections within the district as usage of vehicles on this longer route will by its nature increase down time of both vehicles and men? These journeys will add extra cost to the waste and recycling budget so how will this be budgeted and does MDDC receive any monetary rewards from either Exeter Energy from Waste or Devon County to recover costs? I do know that talks were ongoing in 2015 and would like to have an update. Also, Motion 530, I would like to think that Council will support this Motion and in so doing will look again at current planning policy regarding the involvement and weight given to Parish Councils comments on either applications advisory stage or prior to approval or planning committee stage. I make that plea based on the negative approach taken by the planning department in respect of Sampford Peverell Parish Council who still await official papers or acknowledgement relating to the revised local plan when the first indication of an extra 60 houses was only imparted to them by the developer at a presentation by them to the Parish Council. I would like to think that someone would look at that policy, and I reiterate what I said last week, Parish Councils are vital to you as a full council because they are the ears and eyes of this community and they mean a lot to me and I hope they mean a lot to you.

Cllr Ray Radford answered the question, by confirming that the costs had been worked out, we had to give up the site in Tiverton and these premises were ideal for waste. The cost has been calculated and the rewards that we will get when it goes to Exeter Incinerator will pay for the costs of transfer. He offered to provide further clarification.

Honorary Alderman Lucas asked about the down time on the vehicles and men if they were travelling to Exeter on a daily basis.

The Chairman explained that the amount of downtime would be less, there were two places to tip, it was an efficient operation and it would be a combination of efforts between ourselves and Devon County Council and it would be 'tip top'.

Cllr Radford also confirmed that there would be income for the building and the Chairman referred to it as joined up thinking. Recycling was going well and was at 56% which is up from 48%.

Mr Frank Walsh referred to a planning application on Church Street, Tiverton, which had requested permission for a food outlet. Mr Walsh said that the residents had a meeting with the people that bought this and that they insisted that no way would they ever want a trade licence and nor would they apply for one but the Council gave it to them. We have had problems at the back as there had been problems with bins and the residents don't want people up and down the back.

The Chairman stated that a written response would be supplied.

Mr Ian Collis said regarding the Planning department, I recently had a complaint at stage 1 regarding the Planning departments handling of a planning application in the Calverleigh area. How can an officers report say that the development they approve will significantly alter the character of an existing property and at the same time say the property has no character worth retaining when planning policy's like DM13 state that extensions to existing dwellings will be permitted if they respect the existing character. Only after the second planning application and after development had begun and the original character of the building had been stripped away did the planning department start to mention that the existing character on a property was actually now being respected. How can a bungalow be turned into a two storey home and be allowed changes in land use when policies state that changes in land use, agricultural practices and developments are all threats to the quality of Mid Devon's environment and it goes on to say that developments outside of the settlements, defined by COR 13 to COR 17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. This has simply not been the case with the development.

Cllr Richard Chesterton said that it was not a particular property that he was aware of and he would have to look at this and respond in writing. He asked if it had been escalated to stage 2 and this was confirmed. Jill May said that it would need to go through the complaints procedure but a written response from officers would be requested.

Sally Bibb referring to 12 Church Street said she had lived in Tiverton all her life and had a great respect for the Council. However she said someone had made a mistake. She said I live next door to 12a Church Street which is being given a food licence and it will ruin our lives. I am begging you to change your minds, its making my husband ill. We have tried talking to the people that own the building but they don't want to know, they are just interested in money. I know we all have to live but I would think there could be a compromise somewhere. More than happy with them having a shop but please not a food outlet. There are 19 food outlets just in Westex alone and we don't need anymore.

The Chairman stated that this would be answered in writing.

99 **Petitions (00:18:25)**

There were no petitions from members of the public.

100 **Notices of Motions (00:18:30)**

1) Motion 528 (Councillor P J Heal – 10 August)

The following **MOTION** had been referred to the Environment Policy Development Group for consideration and report:

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 casing litter.

The Policy Development Group at its meeting on 8 November had considered the proposal and recommended that it not be supported.

Following debate and upon a vote being taken, the **MOTION** was declared to have **FAILED**.

2) Motion 529 (Councillor Mrs C A Collis – 17 August 2016)

The following **MOTION** had been referred to the Environment Policy Development Group for consideration and report:

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

The Policy Development Group at its meeting on 8 November had considered the proposal and recommend that it not be supported.

Following discussion at the Policy Development Group, Councillor Mrs C Collis chose to withdraw the **MOTION**, this was **AGREED**.

3) Motion 530 (Councillor R L Stanley and R J Chesterton – 19 September 2016)

The following **MOTION** had been referred to the Cabinet for consideration and report:

In order to allow a new, productive future for certain agricultural buildings permitted development rights have been extended allowing for their use to change without planning permission in certain instances. Procedures allow for local consultation but do not currently recognise a need to consult with Parish Councils. Local communities as represented through Parish Councils, are well placed to identify the likely impacts of proposals and could be identified as a required consultee. Impacts may be cumulative where there is a concentration of proposals within a small area and it is considered that the permitted development rights could be worded to recognise cumulative effects. It is requested that Council write to the Minister to bring these issues to his attention and request that he amend the General Permitted Development Order accordingly.

The Cabinet at its meeting on 1 December had considered the proposal and recommended that it be supported.

Following discussion and upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

4) Motion 531 (Councillor T W Snow – 17 November 2016)

The Council had before it a **MOTION** submitted for the first time:

That as MDDC owns the land at Station Yard that we investigate and develop this land for our own local Council housing needs. This would help the extreme

housing needs of our local residents as the cost of any houses built be reduced by having no land purchase cost involved.

That our MP be kept informed in order to support this motion.

The **MOTION** was **MOVED** by Councillor F J Rosamond (in Councillor T W Snow's absence) and seconded by Councillor R Wright. In accordance with Procedure Rule 14.4 the Chairman had ruled that this **MOTION STAND REFERRED** to the Homes Policy Development Group.

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

The Council had before it a **MOTION** submitted for the first time:

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.

The **MOTION** was **MOVED** by Councillor D R Coren and seconded by Councillor P J Heal. In accordance with Procedure Rule 14.4 the Chairman had ruled that this **MOTION STAND REFERRED** to the Environment Policy Development Group.

101 Cabinet - Report of the meeting held on 27 October 2016

Cabinet Report – 27 October 2016

The Leader presented the report of the meeting of the Cabinet held on 27 October 2016.

1. Public Health Strategy Action Plan for 2016-19 (Minute 83)

The Leader **MOVED**, seconded by Councillor C R Slade:

THAT the recommendation of the Cabinet as set out in Minute 83 be **ADOPTED**.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

102 Cabinet - Report of the meeting held on 1 December 2016

The Leader presented the report of the meeting of the Cabinet held on 1 December 2016.

1. Council Tax Reduction Scheme (Minute 104)

The Leader **MOVED**, seconded by Councillor B A Moore :

THAT the recommendation of the Cabinet as set out in Minute 104 be **ADOPTED**.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

2. Tax Base Calculation (Minute 105)

The Leader **MOVED**, seconded by Councillor Mrs M E Squires :

THAT the recommendation of the Cabinet as set out in Minute 105 be **ADOPTED**.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

103 Scrutiny Committee - Report of the meeting held on 12 December 2016

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 12 December 2016.

104 Audit Committee - Report of the meeting held on 22 November 2016

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 22 November 2016.

105 Environment Policy Development Group - Report of the meeting held on 8 November 2016

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 8 November 2016.

106 Homes Policy Development Group - Report of the meeting held on 15 November 2016

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 15 November 2016.

107 Economy Policy Development Group - Report of the meeting held on 17 November 2016

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 17 November 2016.

108 Community Policy Development Group - Report of the meeting held on 29 November 2016

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 29 November 2016.

109 Planning Committee - Report of the meeting held on 2 November 2016

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 2 November 2016.

110 **Planning Committee - Report of the meeting held on 30 November 2016**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 30 November 2016.

111 **Regulatory Committee - Report of the meeting held on 11 November 2016**

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 11 November 2016.

112 **Appointment of Independent Person/s**

The Council had before it a recommendation from the Director of Corporate Affairs and Business Transformation and Monitoring Officer to appoint Mr John Smith and Mr David Williamson as the Independent Persons for Mid Devon District Council. A further recommendation was made that each Independent Person receive a remuneration of £500 per annum.

The Chairman **MOVED** that the recommendations be **ADOPTED**.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

The Council had before it questions * submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2 together with responses from the Director of Corporate Affairs and Business Transformation (Monitoring Officer).

Note: * Questions and responses previously circulated; copy attached to the minutes.

113 **Questions**

There were no other questions submitted under Procedure Rule 13.2.

114 **Questions to Cabinet Members**

There were no questions to Cabinet Members.

115 **Members Business**

1. Councillor D R Coren stated that the Devon Federation of Young Farmers had recently moved into a building in Cheriton Bishop and were settling in well and very happy with their new location.
2. Councillor R J Dolley referred to the recent accident on the Link Road where a car transporter had tipped over. Whilst the road had been cleared very quickly it did underline the traffic problems in Willand and Halberton when there was a need for a diversion away from the Link Road. He wondered whether there could be some sort of early warning system for staff travelling to Phoenix House should such a diversion happen first thing in the morning.
3. Councillor F J Rosamond stated that Tap Fund money had been used in the parishes of Hemyock, Culmstock and Clayhidon to purchase some defibrillators and 60 local people had attended a training session in the use of

this equipment. He stated that this represented good use of a Tap Fund allocation.

4. The Chairman wished all those present a very Happy Christmas.

Written Questions - Full Council 14 December 2016

(The meeting ended at 7.00 pm)

CHAIRMAN

Minute Annex

WRITTEN QUESTIONS –FULL COUNCIL

14 DECEMBER 2016

1. INDEPENDENT PERSON - AGENDA ITEM 8

Questions submitted by Councillor Mrs J Roach and the response of the Director of Corporate Affairs and Business Transformation (Monitoring Officer)

1. For the record, can the monitoring officer confirm that it is a legal requirement that the council has an independent person to support the complaints process?

Response:

Yes I can confirm that it is a legal requirement that the council has an independent person to support the complaints process.

2. Can the monitoring officer also confirm that the MDDC was in breach of the law during the period it had no independent person?

Response:

I can confirm that MDDC did not comply with the legal requirement during the period when it had no independent person.

3. How many people were investigated during the period that the council was without an Independent Person?

Response:

Two people were investigated during the period that the Council was without an Independent Person.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 5 January 2017 at 6.00 pm

Present

Councillors

W J Daw (Chairman)
Mrs H Bainbridge, Mrs A R Berry,
Mrs J B Binks, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, Mrs G Doe,
C J Eginton, R Evans, S G Flaws,
P H D Hare-Scott, P J Heal, T G Hughes,
Mrs B M Hull, F W Letch, B A Moore,
Mrs J Roach, Mrs E J Slade,
Miss C E L Slade, C R Slade, T W Snow,
J D Squire, Mrs M E Squires, R L Stanley,
L D Taylor, N A Way, Mrs N Woollatt and
R Wright

Apologies

Councillors

Mrs E M Andrews, K Busch, R J Chesterton,
N V Davey, Mrs C P Daw, R M Deed,
J M Downes, Mrs S Griggs, R F Radford
and F J Rosamond

116 Apologies

The following apologies were received from: Cllrs: Mrs E M Andrews, K I Busch, R J Chesterton, Mrs C P Daw, N V Davey, R M Deed, J M Downes, Mrs S Griggs, R F Radford and F J Rosamond.

117 Public Question Time

There were no members of the public present.

118 Chairman's Announcements (00-02-01)

The Chairman wished those present a Happy New Year but had no announcements to make.

119 Petitions (00-02-19)

There were no petitions from members of the public.

120 Notices of Motions (00-02-20)

There were no motions to be considered.

121 Access to Information - Exclusion of Press and Public

Prior to considering item 7 on the agenda discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. The Council decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

122 **Appointment**

Following interviews for the position of Monitoring officer, the Chief Executive made a recommendation to the Council.

Further to discussions with regard to the candidates and the process that had taken place, the meeting returned to open session.

Councillor Mrs J Roach **MOVED** seconded by Councillor Mrs M E Squires that the recommendation of the Chief Executive be approved and that Ms Kathryn Tebbey be appointed as the new Monitoring Officer from 10 April 2017.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

(The meeting ended at 6.09 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 5 January 2017 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

K Busch

Also Present

Councillor(s)

F J Rosamond

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jill May (Director of Corporate Affairs and Business Transformation), Jenny Clifford (Head of Planning and Regeneration), Simon Johnson (Legal Services Manager), Catherine Marlow (Conservation Officer), Nick Sanderson (Head of Housing and Property Services), Chris Shears (Economic Development Officer), Mike Tucker (Building Control Manager) and Sally Gabriel (Member Services Manager)

111. APOLOGIES

Apologies were received from Cllr K I Busch.

112. MINUTES OF THE PREVIOUS MEETING (00-00-58)

The minutes of the meeting held on 1 December 2016 were approved as a true record and signed by the Chairman.

113. JOINT EXETER AND HEART OF DEVON (EHOD) ECONOMIC DEVELOPMENT STRATEGY (00-01-54)

Arising from a report * of the Economic Development Officer, the Economy Policy Development Group had recommended that the Joint Exeter and Heart of Devon Economic Development Strategy be adopted.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report informing the meeting that the District Council had been working collaboratively with neighbouring authorities Exeter, East Devon and Teignbridge to develop a joint economic strategy that set out the collective growth ambitions, priorities and approach that would be required to support economic growth and development for the Greater Exeter area. Each authority would lead on a specific theme with Mid Devon leading on business transformation.

Consideration was given to:

- broadband issues in the rural parts of Mid Devon
- the need for more work to take place with regard to higher education in the district
- The contribution payable and any return.

RESOLVED that the recommendation be approved.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

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

114. PUBLIC QUESTION TIME (00-16-04)

The Chairman recognised the late arrival of Miss Coffin who wished to ask a question/make a statement:

Referring to Item 7 (Local Enforcement Plan) she stated that:

Enforcement is only a tool to ensure that properly considered planning decisions are operated and completed in accordance with the permission granted.

It is not a means to undo a dubious approval or to undo erroneously worded mitigating conditions that have been applied.

The Planning approval should only be given after diligent identification of any potential cumulative and detrimental damage that could occur to local environment, character and communities with all relevant reasonable and enforceable mitigating conditions correctly worded and in place.

Therefore I respectfully ask with the recent past history to learn from that the Planning Department is made aware of the necessity for setting the applicable verification criteria required to enable any meaningful enforcement policy. This is of extreme importance if any enforcement policy is to restore the trust of the public in the planning system.

You cannot enforce what you cannot prove has been breached.

115. REGULATION OF INVESTIGATORY POWERS (00-18-00)

Arising from a report * of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that the updated RIPA policy be approved and that the fact that the Council had not used its powers under RIPA since March 2014 be noted.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that a few minor changes had been made to the policy following the restructure. She explained amendments made to the legislation which only allow covert surveillance to take place if it applied to a matter that would involve

a 6 month custodial sentence and the process required which would involve the authorisation of a magistrate.

Consideration was given to:

- Any costs to the authority having to go through a magistrate – of which there were none.
- The possible use of covert surveillance with regard to fly tipping
- Whether other local authorities used covert surveillance for prosecution purposes specifically with regard to fly tipping.

RESOLVED that the recommendations of the Policy Development Group be approved.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr R L Stanley)

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

116. BUILDING CONTROL PARTNERSHIP BETWEEN MID DEVON DISTRICT COUNCIL AND NORTH DEVON DISTRICT COUNCIL (00-23-00)

The Cabinet had before it a * report of the Head of Planning and Regeneration seeking to enable the establishment of the shared services joint committee to facilitate the delivery of the Building Control Service in partnership with North Devon Council.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report highlighting the proposed governance and financial arrangements, the pooled budget and trading account, the support services and ICT provision all outlined within the legal documents. There would be no change to the terms and conditions of the staff. The joint service would provide greater resilience and form a better way of working for both authorities.

Consideration was given to:

- The pooled budget
- The balance of resources
- The provision of a resilient responsive service
- Comparable salaries

RECOMMENDED that:

- a) A shared services joint committee be established and that the building control function reserved to Mid Devon District Council be delegated to it, such delegation of the building control function to the joint committee being limited to no more than enabling the joint committee to:
 - i) Oversee the joint building control team; and
 - ii) Formulate the budget, including any fees and charges, for the joint building control team as a recommendation for approval by each partner authority to the shared services joint committee.

b) The Head of Planning and Regeneration be given delegated authority to place officers within the Building Control team at the disposal of North Devon Council in accordance with section 113 Local Government Act 1972.

c) Delegated authority be given to the Monitoring Officer, in consultation with the Leader, to:

- i) Enter into appropriate legal agreements to bring about the shared services joint committee and the joint Building Control team; and
- ii) Vary the Constitution to provide and record the appropriate delegated authority as set out at 2 above to the Head of Planning and Regeneration.

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

RESOLVED that subject to the above being approved by Council: that the Cabinet Member for Planning and Regeneration and the Leader of the Council be appointed to the joint services committee.

(Proposed by Cllr C R Slade and seconded by Cllr P H D Hare-Scott)

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

117. **LOCAL ENFORCEMENT PLAN (00-42-58)**

The Cabinet had before it a * report of the Head of Planning and Regeneration seeking approval of the Local Enforcement Plan for consultation purposes.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Chief Executive had been requested by the Scrutiny Committee to investigate the efficacy and effectiveness of the Planning Services, with particular reference to the way that enforcement was carried out and how Members were engaged with the work of the Council in this service area. The National Planning Policy Framework (NPPF) stated that the Local Planning Authority should consider a Local Enforcement Plan to manage enforcement appropriately; Members had before them a draft plan for consultation. He highlighted the work of the Planning Policy Advisory Group (PPAG) with regard to their input into the plan as outlined in the report.

The Head of Planning and Regeneration responded to Miss Coffin's statement and requested that this form part of the consultation process. The PPAG had requested that investigation take place with regard to the role of Town and Parish Councils and Members with regard to enforcement matters and the possibility of creating an automated list of conditions following determination of planning applications, this was being looked into.

Consideration was given to:

- The positive work taking place by current Enforcement Officers
- The involvement of local Parish Councils

- Whether there was the capacity for all the processes within the report to be achieved
- Retrospective planning applications and the wording within the NPPF and national planning guidance
- The need to resolve issues quickly

RESOLVED that: the Local Enforcement Plan be approved for public consultation purposes.

(Proposed by the Chairman)

Note: *Report previously circulated, copy attached to minutes

118. **LOCAL PLAN REVIEW 2013 - 2033 - CULLOMPTON MAPPING (1-08-55)**

The Cabinet had before it and **NOTED** a * report of the Head of Planning and Regeneration highlighting the amendment to the Cullompton map within the Local Plan Review 2013-2033 made under delegated authority.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that comprehensive reports on the Local Plan Review were presented to Cabinet and Council on 22 November and 1 December 2016 respectively, those reports highlighted the changes proposed to be made to the plan, this included under Policy CU1 North West Cullompton. However following the 2015 proposed submission document the map for this allocation was updated to reflect the boundaries between the development areas and green infrastructure within the approved masterplan and reinserted land to the west owned by Mr Brunt into the allocation, it had recently come to light that the map presented as part of report omitted two parcels of land. The policy was correct; it was just a drafting error which omitted the two parcels of land with the map which had been amended.

Note: *Report previously circulated, copy attached to minutes

119. **PROPOSED GREATER EXETER STRATEGIC PLAN (1-11-37)**

The Cabinet had before it a * report of the Head of Planning and Regeneration making further recommendations on various aspects of the Greater Exeter Strategic Plan to be prepared jointly with the Councils of Mid Devon, East Devon, Exeter City and Teignbridge in partnership with Devon County Council.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the four Local Planning Authorities of East Devon, Exeter, Mid Devon and Teignbridge had confirmed that they would prepare a joint plan to cover strategic matters for their area and had agreed the general funding arrangements and that this work would be in partnership with Devon County Council. Decisions were taken by full council meetings of each on 27 July, 26 July, 31 August and 26 September respectively. It was therefore proposed that further consideration be now given to:

- Subject matter and scope.
- GESP timetable
- Mid Devon Local Plan Review timetable

- Local Development Scheme
- Governance
- Issues Report consultation
- Statement of Community Involvement consultation
- Housing and Employment Land Call for Sites
- Dealing with inconsistencies between councils
- Staffing arrangements

Consideration was given to:

- The strategic approach with other neighbouring authorities
- The fact that each authority would make individual decisions with regard to the strategic plan
- The need to include “minor” prior to inconsistencies in recommendation 9 to limit the amendment risk and that the Cabinet Member’s title be added.

RECOMMENDED to Council that:

1. The subject matter of the Greater Exeter Strategic Plan is agreed, subject to review as the plan is prepared.
2. The timetable for the Greater Exeter Strategic Plan is agreed.
3. The Local Development Scheme attached as Appendix 1 is to have effect from 22nd February 2017.
4. The Greater Exeter Strategic Plan is prepared under Section 28 of the Planning and Compulsory Purchase Act 2004, without the need for a statutory joint planning committee (thereby retaining sign off of key plan stages by individual councils).
5. A Member Steering Group is set up with a representative from each of the five councils, to which the Cabinet Member for Planning and Regeneration is appointed, with the Leader as his deputy.
6. A joint informal advisory reference forum is set up consisting of 5 councillors each from Mid Devon, Devon, East Devon, Exeter and Teignbridge to consider and make comments on draft plan proposals before they are formally considered by each council.
7. The “Issues” document attached as Appendix 2 to this report is agreed for consultation.
8. The draft Greater Exeter Statement of Community Involvement attached as Appendix 3 is agreed for consultation.
9. Resolving any minor inconsistencies arising from the decisions of individual councils is delegated to the relevant Chief Executive in consultation with their Cabinet Member for Planning and Economic Regeneration.
10. Delegated authority to agree minor modifications (which do not go to the heart of the documents’ meanings) is granted to the Head of Planning and Regeneration

in consultation with the Cabinet Member for Planning and Economic Regeneration.

11. The staffing proposal is approved with additional funding of £30,000 in order to ensure Mid Devon is represented.

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

Note: *Report previously circulated, copy attached to minutes

120. **SPECIAL PURPOSE VEHICLE (PROPERTY) (1-22-57)**

The Director of Finance, Assets and Resources informed the meeting of the progress made with regard to the Special Purpose Vehicle, meetings had been arranged with other local authorities who were already operating this system and advice had been sought from legal and financial advisors. He hoped that this issue could be progressed further when the additional information had been received.

121. **FINANCIAL MONITORING (1-25-10)**

The Cabinet had before it and **NOTED** a* report of the Director of Finance, Assets and Resources presenting a financial update in respect of the income and expenditure so far in the year and discussing further investment in the CCLA Commercial Property Fund.

The Cabinet Member for Finance outlined the contents of the report stating that the General Fund now showed a proposed deficit of £52k and he highlighted the significant movements within the month including a Non Domestic Rates 15/16 Devon pooling gain of £50k. He highlighted the well managed HRA, with rental income good and arrears low, he praised the work of the Housing Service. The Capital budget had some slippage but that was mostly on housing projects.

Consideration was given to the increasing the holding of an additional £1m in the CCLA Commercial Property Fund.

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

122. **BUDGET UPDATE**

The Cabinet had before it a *report of 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 Cabinet Member for Finance outlined the contents of the report stating that although a significant amount of work was still continuing in order to set a balanced budget there was still a gap of £231k at the present time. There was a possibility that the New Homes Bonus would be required to balance the budget but that this could not be relied on in future years.

The Cabinet recorded their appreciation of the work taking place within the Finance service.

RESOLVED that the updated budget proposals for 2017/18 outlined in appendix 1 of the report be approved.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr Mrs M E Squires)

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

123. **NOTIFICATION OF KEY DECISIONS (1-30-35)**

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

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

124. **ACCESS TO INFORMATION ACT - EXCLUSION OF PRESS AND PUBLIC (1-31-41)**

Prior to considering Item 15 on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore

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

(Proposed by the Chairman)

125. **OPTIONS FOR THE TOWN HALL TIVERTON**

The Cabinet had before it a * report of the Head of Housing and Property Services considering the outcomes of the negotiations for the disposal of Tiverton Town Hall.

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

RESOLVED that the recommendations within the report be approved.

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

Notes:

(i) Cllr C R Slade declared a personal interest as Chairman of the Finance and General Purposes Committee and Deputy Mayor for Tiverton Town Council, he informed the meeting that he would abstain from voting with regard to this item.

(ii) *Report, previously circulated.

(The meeting ended at 4.20 pm)

CHAIRMAN

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REPORT OF JENNY CLIFFORD, HEAD OF PLANNING AND REGENERATION

Proposal to form a Building Control Partnership between Mid Devon District Council and North Devon Council.

Cabinet Member: Cllr Richard Chesterton
Responsible Officer: Mrs Jenny Clifford, Head of Planning and Regeneration

Reason for report: The recommendations enable the establishment of the shared services joint committee to facilitate the delivery of the Building Control Service in partnership with North Devon Council.

RECOMMENDATIONS:

1. That a shared services joint committee is established and the building control function reserved to Mid Devon District Council is delegated to it, such delegation of the building control function to the joint committee being limited to no more than enabling the joint committee to:
 - i) Oversee the joint building control team; and
 - ii) Formulate the budget, including any fees and charges, for the joint building control team as a recommendation for approval by each partner authority to the shared services joint committee.
2. That the Head of Planning and Regeneration is given delegated authority to place officers within the Building Control team at the disposal of North Devon Council in accordance with section 113 Local Government Act 1972.
3. That delegated authority is given to the Monitoring Officer, in consultation with the Leader, to:
 - i) Enter into appropriate legal agreements to bring about the shared services joint committee and the joint Building Control team; and
 - ii) Vary the Constitution to provide and record the appropriate delegated authority as set out at 2 above to the Head of Planning and Regeneration.
4. That the Cabinet Member for Planning and Regeneration and the Leader of the Council be appointed to the joint services committee.

Relationship to Corporate Plan: The Corporate Plan contains priorities of homes, community, economy and environment. Collaborative working with another Council over Building Control will enable enhanced delivery of a service that contributes to these priorities. To find efficiencies and to find new and innovative ways of doing things while maintaining excellent public services.

Financial implications: The Joint Committee Agreement sets the financial arrangements for the joint working which will involve the creation of a pooled budget

and a trading account, to be administered by North Devon Council on behalf of both authorities. Contributions to costs will be based on the annual differences in workload between the two authorities while income received from the chargeable functions of Building Control will be apportioned between the two authorities based upon the location of the building control work carried out.

Legal implications: Pursuant to section 101, 102, 112 and 113 of the Local Government Act 1972 (and regulations made under that Act) together with the general power within section 1 of the Localism Act 2011 North Devon and Mid Devon District Councils are able to establish and to participate in a joint committee. Such a joint committee being established to facilitate a partnership to jointly deliver certain of their functions with a view to their more economical, efficient and effective discharge.

To create a joint committee for this purpose it is necessary for both authorities to enter into an agreement recording the agreed functions that will be delegated the joint committee and to establish the constitution of that joint committee.

Any general requirement by the joint building control team for legal, financial or other advice or support can be provided by either authority.

Risk assessment: There is risk associated with all changes to the way we work. The Partnership business case considered by Cabinet on 10th March 2016 contained a risk analysis that shows that after mitigation the risk profile is low.

1.0 INTRODUCTION.

- 1.1 The purpose of this report is to ask approval to agree the formation of a shared services joint committee to facilitate the delivery of the Building Control Service in partnership with North Devon Council.

2.0 THE AGREEMENT.

- 2.1 The legal arrangements necessary to form the partnership are split into two parts.

The first is an agreement to establish the shared services joint committee between North and Mid Devon District Councils pursuant to sections 101(5) and 102(1)(b) of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 (hereafter referred to as the Joint Committee Agreement).

The Joint Committee Agreement formally records the joint delegations which both authorities are making to the shared services joint committee in accordance with paragraph 2.1 above, sets the shared services joint committee's Constitution and details the financial arrangements between the two authorities (as further detailed at paragraph 6.1 below).

- 2.2 The second agreement is an agreement for the provision of a joint team which is a separate (but supplemental) agreement to the Joint Committee Agreement. Rather than dealing with the higher level detail of the legal status of the partnership and the structure of the joint working (dealt with by

the Joint Committee Agreement) it relates to the support of the day to day working of the joint building control team. It provides for the establishment of a joint team utilising North Devon Council's premises at Woodlands in South Molton (although does not bind the parties to use this premises) including the procurement and setting up of internet connection, ICT assets and software for the joint team.

- 2.3 The agreement also provides;
- i. A service level agreement for the support of the joint team from ICT staff (which will predominantly be provided by Mid Devon District Council's ICT team, although a link will be provided to North Devon Council's system to allow for access to financial systems for the processing of invoices),
 - ii. A data processing agreement in respect of the processing of personal data by the other partner authority, and
 - iii. For exit management to allow for as seamless a transition as possible in the event that the joint working relationship ends for any reason.

3.0 DELEGATION OF POWERS.

- 3.1 The Joint Committee Agreement records the functions and powers which the two partner authorities are delegating to the shared services joint committee. As provided at paragraph 2.1 above, the Joint Committee Agreement sets out that this shall be limited to the power to oversee the new joint building control team and to formulate the budget (including any fees and charges) for the joint building control team as a recommendation for each partner authority to approve as part of their separate budget setting procedures.

- 3.2 The above delegation of powers to the shared services joint committee is not a full delegation of the building control function. Delegated authority to exercise all the Council's powers under the Building Act 1984 or other regulations there under currently rests with the Head of Planning and Regeneration. It is necessary for Cabinet to revise the delegation of the building control function to this officer to allow her to nominate other officers of both partner authorities to carry out the Council's building control functions. The purpose of doing this is to allow the Head of Planning and Regeneration to formally authorise building control staff to act on behalf of either or both partner authorities, rather than being restricted to their employing authority.

4.0 GOVERNANCE.

- 4.1 The shared services joint committee will have its own Constitution, established by the Joint Committee Agreement, which provides for the appointment of two members from each authority to the joint committee. The quorum of the joint committee will be one member from each authority and there will always be a chairperson and vice-chairperson appointed (the chair nominated from one authority and the vice chair nominated from the other) with the role of chair alternating between the authorities on an annual basis. The chair will have the casting vote in the event of equal votes (provided the matter cannot be deferred for further consideration).

4.2 The support services for the members of the shared services joint committee (including financial, legal and administrative support) will be provided by North Devon Council staff.

5.0 HUMAN RESOURCES.

5.1 No changes are to be made to terms and conditions of service of staff who will remain the employees of their current employing authority. Human Resource support for particular members of building control staff will continue to be provided by the employing authority for that member of staff.

6.0 RESOURCE IMPLICATIONS.

6.1 The project is being delivered within existing budget allocations and is intended to deliver greater service resilience and long term reduction in overheads associated with the service.

Contact for any more information	Mike Tucker, Building Control Manager mgtucker@middevon.gov.uk
Background Papers	Cabinet 10 th March 2016, 29th September 2016 Joint committee agreement for shared services Agreement for the provision of a joint Building Control team
File Reference	None.
Circulation of the Report	Cabinet Member for Planning and Regeneration

Dated

2016

NORTH DEVON DISTRICT COUNCIL

and

MID DEVON DISTRICT COUNCIL

JOINT COMMITTEE AGREEMENT FOR SHARED SERVICES

Legal Services
North Devon District Council
Lynton House
Commercial Road
Barnstaple
EX31 1DG
LS/SF/13488

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THIS DEED is dated

Between

The parties to this Agreement are:

- (1) NORTH DEVON DISTRICT COUNCIL of Lynton House, Commercial Road, Barnstaple, Devon EX31 1DG (**NDDC**); and
- (2) MID DEVON DISTRICT COUNCIL of Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP (**MDDC**).

Background

- (A) NDDC and MDDC (referred to collectively in this Agreement as the **Partner Authorities**) are local authorities constituted by the Local Government Act 1972 (**1972 Act**).
- (B) The Partner Authorities have agreed to establish and to participate in a joint committee (**Joint Committee**) to facilitate a partnership to jointly deliver certain of their functions with a view to their more economical, efficient and effective discharge (**Partnership**).
- (C) The Partner Authorities have entered into this Agreement in reliance on the exclusive rights given to local authorities to undertake administrative arrangements of this nature in section 101, 102, 112 and 113 of the 1972 Act and the regulations made under the 1972 Act; together with the general power within section 1 of the Localism Act 2011.

Agreed terms

1. Definitions

- 1.1 In this Agreement the following terms shall have the following meanings:

Agreed Functions: those functions set out at Schedule 2 which have been delegated to the Joint Committee in the manner described in Schedule 1.

Asset Register: a register of all the Assets used by the Partner Authorities in the delivery of the Shared Services.

Assets: all and any assets used in the delivery of the Shared Services including all items of furniture, information technology (including Software) and all other equipment supplied by the Partner Authorities for use in the delivery of the Shared Services.

Commencement Date: the date of this Agreement.

Constitution of the Joint Committee: the constitution set out at Schedule 1.

Distribution Formula: the formula representing percentage contributions of each of the Partner Authorities as set out in clause 10.9.

EIR: Environmental Information Regulations 2004.

FOIA: Freedom of Information Act 2000.

Force Majeure Event: any cause affecting the performance by a party of its obligations under this agreement arising from acts, events, omissions or non-events beyond its reasonable control, including acts of God, riots, war, acts of terrorism, fire, flood, storm or earthquake and any disaster, but excluding any industrial dispute relating to either party, either party's personnel or any other failure in either party's supply chain.

Head of Paid Service: an officer designated by a Partner Authority as the Partner Authority's Head of Paid Service in accordance with section 4 of the Local Government Act 1989.

Information: has the meaning given under section 84 of FOIA.

Intellectual Property Rights: any and all intellectual property rights of any nature anywhere in the world whether registered, registerable or otherwise, including patents, utility models, trade marks, registered designs and domain names, applications for any of the foregoing, trade or business names, goodwill, copyright and rights in the nature of copyright, design rights, rights in databases, moral rights, know-how and any other intellectual property rights which subsist in computer software, computer programs, websites, documents, information, techniques, business methods, drawings, logos, instruction manuals, lists and procedures and particulars of customers, marketing methods and procedures and advertising literature, including the "look and feel" of any websites.

Lead Authority: where applicable, the Partner Authority named as such for:

- (a) a Shared Service in Schedule 2; or
- (b) a Support Service in Schedule 3.

Partnership Leader: the officer(s) with responsibility for managing the Shared Services on behalf of the Partner Authorities.

Personal Data: shall have the same meaning as set out in the Data Protection Act 1998.

Political Group Leader: a person designated as the leader of a political group in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

Relevant Posts: those posts identified in Schedule 5.

Relevant Staff: staff employed by each of the Partner Authorities in the Relevant Posts.

Request for Information: a request for information or an apparent request under the Code of Practice on Access to Government Information, FOIA or the EIR.

Reserved Decision: any decision or aspect of an Agreed Function which has been reserved to either of the Partner Authorities and therefore does not comprise part of the Shared Services.

Section 151 Officer: the officer designated by a local authority as the person responsible for the proper administration of its financial affairs, as required by section 151 of the Local Government Act 1972.

Service Level Agreement: a formal agreement entered into by the Partner Authorities that describes the services to be provided/delivered and defines and governs service delivery standards and the respective responsibilities of those Partner Authorities and any annual review.

Shared Services: those services which are detailed in Schedule 2, insofar as these are Agreed Functions which have been delegated to the Joint Committee; to include such additional services as are agreed to by the Partner Authorities and delegated to the Joint Committee.

Software: any and all computer programs in both source and object code form, including all modules, routines and sub-routines of such programs and all source and other preparatory materials relating to them, including user requirements, functional specifications and programming specifications, ideas, principles, programming languages, algorithms, flow changes, logic, logic diagrams, orthographic representations, file structures, coding sheets, coding and any manuals or other documentation relating to them and computer generated works.

Support Services: those services, detailed in Schedule 3, or any additional support services added in accordance with clause 5.2, which are required to assist the Joint Committee in the discharge of the Agreed Functions.

Working Day: Monday to Friday, excluding any public holidays in England and Wales.

- 1.2 Clause, schedule and paragraph headings shall not affect the interpretation of this agreement.
- 1.3 The schedules form part of this agreement and shall have effect as if set out in full in the body of this agreement and any reference to this agreement includes the schedules.
- 1.4 Words in the singular shall include the plural and vice versa.
- 1.5 A reference to one gender shall include a reference to the other genders.
- 1.6 A reference to a statute or statutory provision is a reference to it as it is in force for the time being, taking account of any amendment, extension, or re-enactment and includes any subordinate legislation for the time being in force made under it.
- 1.7 A reference to writing or written includes faxes and e-mail.
- 1.8 Any obligation in this agreement not to do something includes an obligation not to agree or allow that thing to be done.
- 1.9 A reference to a document is a reference to that document as varied or novated (in each case, other than in breach of the provisions of this agreement) at any time.
- 1.10 References to clauses and schedules are to the clauses and schedules of this agreement; references to paragraphs are to paragraphs of the relevant schedule.

2. The Partnership

- 2.1 In exercise of their powers under sections 101(5) and 102 of the 1972 Act, sections 19 and 20 of the Local Government Act 2000, and all other enabling powers, the Partner Authorities agree to establish and participate in the Shared Services to be delivered through a Joint Committee which shall be constituted and conduct its business in accordance with this Agreement, including the constitution set out in Schedule 1 with effect from the Commencement Date.
- 2.2 The Partner Authorities shall each delegate and empower the Joint Committee to discharge on its behalf the Agreed Functions as set out in Schedule 2 and empowers the Joint Committee to arrange for the discharge of the Agreed Functions or any part or parts of them by any sub-committee or by any officer of the Partner Authorities so appointed and section 101(2) of the 1972 Act shall apply in relation to the Agreed Functions of the Partnership as it applies in relation to the functions of the Partner Authorities.

3. Service plans

- 3.1 Each Partner Authority shall submit, to the Lead Authority for financial Support Services, before the end of October each year, their estimate of the funding likely to be available to the Shared Services for the next three financial years.
- 3.2 Each Partnership Leader shall prepare and submit to the Joint Committee no later than November each year an annual written service plan for the next three years for the Shared Service for which he or she is responsible. This shall take into account any constraints arising from clause 3.1 above and set out inter alia the outputs to be achieved by and the resources required for the relevant Shared Service.
- 3.3 On receipt of a service plan for a Shared Service, the Joint Committee shall, by the end of the calendar year, review, make such amendments as it thinks fit and approve the service plan together with any relevant Service Level Agreement.
- 3.4 The Joint Committee shall be responsible for reviewing actual performance against the service plans.

4. Offices for Shared Services

Each Partner Authority shall provide suitable working accommodation for each of the Relevant Staff as may be determined by the structure established by the Joint Committee for the performance of each of the Shared Services from time to time.

5. Support Services

- 5.1 Support Services shall be provided by the Partner Authorities as may be necessary to support the Joint Committee in the discharge of the Shared Services.
- 5.2 If either Partner Authority believes that additional Support Services may be required for the effective discharge of the Agreed Functions it shall consult the other Partner Authority to reach agreement as to the appropriate way of

providing the additional Support Services. If the Partner Authorities are unable to agree the appropriate way of providing the additional Support Services the matter shall be dealt with in accordance with the dispute resolution procedure set out at clause 15.

6. Assets

The Partner Authorities agree that within 14 days of the Commencement Date they will draw up an inventory of Assets (**Asset Register**) which will be kept and regularly updated by the Lead Authority responsible for the governance and secretarial Support Services.

7. Costs and liabilities in respect of the Joint Committee

- 7.1 All losses, claims, expenses, actions, demands, costs and liabilities incurred by the Joint Committee and in fulfilling obligations under this Agreement shall be shared by the Partner Authorities on such terms as may be agreed from time to time between the Partner Authorities and, in the absence of agreement pursuant to this clause, in accordance with the Distribution Formula.
- 7.2 Each Partner Authority shall (and hereby undertakes with the other Partner Authority to) indemnify the other Partner Authority against, and/or contribute to and pay a share of, all or any liabilities, claims, costs and/or expenses of or incurred by that Partner Authority arising out of, or in connection with, or in the course of, or as a result of, it being a member of the Joint Committee and fulfilling its obligations under this Agreement with the intent that the Partner Authority being indemnified and the other Partner Authority shall be jointly liable for all such liability to claims, costs and/or expenses in accordance with the Distribution Formula or as otherwise agreed.
- 7.3 This clause 7 shall be subject to such indemnity, on the part of the Partner Authorities, not extending to liabilities or claims arising or costs and/or expenses incurred by reason or in consequence of any of the following on the part of the Partner Authority seeking to be indemnified:
 - 7.3.1 breach by the Partner Authority of its obligations under this Agreement;
 - 7.3.2 gross negligence;
 - 7.3.3 gross misconduct;
 - 7.3.4 persistent breach of law or duty (that is to say the Partner Authority persisted in the breach of law or duty after the same was drawn to its attention);
 - 7.3.5 any act or omission known or that should have been known to the relevant Partner Authority to be contrary to proper practice as a local authority or local government law; or
 - 7.3.6 substantial or persistent failure (after reasonable notice) to redress performance of the duties of the relevant Partner Authority to comply with the requirements or the standards of, or set out in, this Agreement.

7.4 For the avoidance of doubt such indemnity as is referred to in this clause 7 shall include, but not be limited to, matters relating to the employment and transfer of staff, losses, costs, expenses or liabilities arising from contracts with third parties and in relation to assets.

7.5 This clause 7 shall survive the expiry or determination of this Agreement.

8. Insurance

8.1 Each Partner Authority shall ensure that:

8.1.1 it maintains throughout the duration of this Agreement (or procures the taking out and maintenance of) adequate insurance to the levels set out in clause 8.2 and such other insurances which may be required by legislation;

8.1.2 the insurance obtained is effective no later than the date on which the relevant risk commences;

8.1.3 it is responsible for meeting, and promptly pays all costs of, all insurance premiums for the insurances referred to in clause 8.2; and

8.1.4 upon written request it provides to the other Partner Authority making the written request:

8.1.4.1 copies of all insurance policies required under this clause 8;

8.1.4.2 evidence that all of the premiums payable under such insurance policies have been paid in full; and

8.1.4.3 evidence that the insurances remain in full force and effect.

8.2 Each Partner Authority shall ensure that at all times an adequate level of insurance is maintained by it from the Commencement Date and throughout the duration of this Agreement in respect of the provision of the Shared Services and, in particular, as a minimum the following levels of cover:

8.2.1 public liability insurance with a limit of indemnity of not less than £20,000,000.00 in relation to any one claim or series of claims;

8.2.2 employer's liability insurance with a limit of indemnity of not less than £45,000,000.00 in relation to any one claim or series of claims; and

8.2.3 official's indemnity insurance with a limit of indemnity of not less than £5,000,000.00 in relation to any one claim or series of claims.

8.3 Where either Partner Authority allows its premises to be used to allow Relevant Staff to work on matters relating to this Agreement, that Partner Authority shall ensure that adequate insurance cover is effected and maintained to cover employee liability (including vicarious liability for Relevant Staff employed by the other Partner Authority), public liability and any other insurance requirements which may accord with good practice.

8.4 Each Partner Authority warrants to the other that, as at the date of this Agreement:

8.4.1 it has provided a copy of this Agreement to its insurer; and

- 8.4.2 upon receipt of a notice from an insurer to a Partner Authority that the terms of the insurances required under this clause 8 have changed or that the insurer withdraws its insurance that Partner Authority shall promptly notify the other and use its best endeavours to forthwith obtain replacement insurance at the levels as required under this clause 8.

9. Staffing

- 9.1 As from the Commencement Date the Relevant Staff shall be:
- 9.1.1 appointed to posts in the structure approved by the Joint Committee;
 - 9.1.2 retained in the employment of their current employer;
 - 9.1.3 may be seconded to the other Partner Authority to carry out the Shared Services; and
 - 9.1.4 employed on terms and conditions set by their employing Partner Authority.
- 9.2 Where a Relevant Staff member leaves any post, or a new post is created, that post shall be filled by the Partnership Leader of the relevant Shared Service and any newly appointed member of staff shall be employed by the Partner Authority which employed the original member of Relevant Staff unless otherwise agreed by the Joint Committee in consultation with the relevant Partnership Leader.
- 9.3 The Partnership Leader for each Shared Service shall be responsible for the day to day management of the Relevant Staff allocated to their Shared Service, including, but not limited to, performance management, allocation of holiday, training, personal development reviews and sickness absence issues all of which shall be in accordance, at all times, with all of the relevant employing Partner Authority's applicable policies, procedures and local agreements.
- 9.4 In respect of instances of long term sickness absence by a member of Relevant Staff and/or where formal disciplinary action may lead to a dismissal of a member of Relevant Staff, then that action shall be administered by the Partner Authority which is his/her employer.
- 9.5 Each Partner Authority shall ensure that all Relevant Staff are provided with appropriate authorisation to undertake work within the administrative areas of all of the Partner Authorities.

10. Funding of the Joint Committee

- 10.1 The Lead Authority for financial Support Services shall prepare a base budget forecast for the Joint Committee in respect of the next three financial years by reference to the resources approved within the Shared Services service plans.
- 10.2 The Joint Committee shall, as soon as practicable, but in any event no later than the 10 January each year, submit to each Partner Authority its funding requirements.

- 10.3 If any Partner Authority disagrees with the amount of their contribution payable in accordance with this clause 10 then they may pursue the dispute resolution procedure set out in clause 15 or may terminate their involvement in the Joint Committee in accordance with clause 14.
- 10.4 Subject to clause 10.3:
- 10.4.1 The Partner Authorities agree that the annual costs of the Joint Committee and the administration of it shall be shared between them in accordance with the Distribution Formula; and
- 10.4.2 The Partner Authorities shall contribute funding in such sums as represents the proportion of the budget for each financial year determined by the Distribution Formula.
- 10.5 In accordance with clause 10.4, the Partner Authorities will pay such sums, as they shall be liable to contribute, to the budget(s) set up by the Lead Authority for financial Support Services to the Joint Committee at the relevant Lead Authority for each relevant Shared Service by one payment (or a single set of payments) annually.
- 10.6 An annual account detailing the expenditure and income of the Joint Committee, in respect of each Shared Service budget it is responsible for, shall be supplied by the Lead Authority for financial Support Services to the Partner Authorities by 30 May or as soon thereafter as is reasonably practicable in each year in respect of the previous financial year.
- 10.7 The section 151 officer of each Partner Authority, and other officers authorised by the section 151 officer, shall have access at all reasonable times, and with due notice, to the relevant financial records of the Partner Authorities and shall be entitled to seek explanations concerning queries relating thereto.
- 10.8 In addition to clause 10.7, for the purposes of carrying out an audit appropriately authorised staff of a Partner Authority, or third party organisations appointed by a Partner Authority for this purpose, may access all records, assets, personnel and premises, including those of partner organisations and shall have the authority to obtain such information and explanations as they consider necessary to fulfil their auditing responsibilities.
- 10.9 The Distribution Formula shall be as set out in Schedule 4. Such proportion shall reduce or increase proportionately in the event that other partner authorities join into the provisions of this Agreement as parties, any of the Partner Authorities withdraw or where additional Shared Services are added.

11. Duration of the Agreement

This Agreement shall come into force on the Commencement Date and shall continue until terminated in accordance with the provisions of this Agreement.

12. Variations to this Agreement

- 12.1 Any of the Partner Authorities may request a variation to this Agreement by making a request in writing to the Lead Authority for governance and secretarial Support Services.
- 12.2 The Lead Authority for governance and secretarial Support Services shall circulate the request to each of the Partner Authorities within 10 Working Days of receipt of the request for consideration and approval by the Partner Authorities.
- 12.3 If all of the Partner Authorities approve the variation then the Lead Authority for governance and secretarial Support Services shall arrange for the preparation of an appropriate Deed of Variation to this Agreement to be prepared for execution by all of the Partner Authorities and such change shall only take effect upon completion of that Deed of Variation and the costs associated with the preparation of such a Deed of Variation shall be shared equally between the Partner Authorities.
- 12.4 If one of the Partner Authorities does not approve the change then the change to this Agreement shall not occur.

13. Withdrawal from the Joint Committee

- 13.1 Any Partner Authority which wishes to withdraw from the Joint Committee shall give not less than 6 months' notice to the other Partner Authorities, including the Lead Authority for governance and secretarial Support Services, of its intention to do so, to be served on or before 1 September in any year. The relevant Lead Authority for governance and secretarial Support Services shall consult each Partner Authority they are serving notice on to give due consideration to:
 - 13.1.1 any loss of funding which may arise from such withdrawal to include any non-payment, clawback or repayment of such funding; and
 - 13.1.2 any other loss, liability, damage, claim or expensewhich would be incurred by the Partner Authority upon which notice has been served by reason of such withdrawal from the Joint Committee.
- 13.2 Any Partner Authority wishing to withdraw from the Joint Committee undertakes, as a condition of such withdrawal, to make, prior to withdrawal, such reasonable payment or payments which fairly reflect the actual losses caused by or anticipated as a result of the withdrawal as shall be determined by the other Partner Authorities pursuant to clauses 7, 10 and 13.1 above and no notice under this clause 13 shall take effect unless and until such payment has been made.
- 13.3 The Joint Committee reserves the right to recover from any party to this Agreement the costs of any claims, costs, expenses, losses or liabilities of any nature or which have been caused by any act or omission of that party and which are discovered after that party's withdrawal from this Agreement.
- 13.4 Where a party's withdrawal brings about a decision to terminate this Agreement, the provisions of clause 14 shall apply.

14. Termination of this Agreement

- 14.1 The Partner Authorities agree that this Agreement may be determined upon terms agreed by all Partner Authorities.
- 14.2 In the event of termination of this Agreement:
 - 14.2.1 any Partner Authority shall supply to any other Partner Authority, when requested, any information which the other Partner Authority requires for the continued provision by that other party of any of the Shared Services;
 - 14.2.2 any Intellectual Property Rights created under this Agreement shall be owned by all of the Partner Authorities in equal proportions; and
 - 14.2.3 each of the Partner Authorities shall undertake to pay such reasonable payment or payments which fairly reflect the obligations of that Partner Authority pursuant to this Agreement on the basis set out in clauses 7, 10 and 13.
- 14.3 In the event of termination of this Agreement, all Assets held by any of the Partner Authorities for the purposes of this Agreement shall:
 - 14.3.1 where reasonably practicable, be divided between the Partner Authorities proportionate to the average cost of the relevant Shared Service over the previous year;
 - 14.3.2 be sold for the best consideration possible and the proceeds of sale divided between the Partner Authorities proportionate to the average cost of the Shared Services over the previous year;
 - 14.3.3 where relevant, be retained by a Partner Authority for its own use and purposes subject to an equitable financial settlement to the other Partner Authorities as agreed between the Partner Authorities;
 - 14.3.4 be dealt with as otherwise agreed between the Partner Authorities; or
 - 14.3.5 in the absence of agreement, in accordance with the dispute resolution procedure in clause 15.
- 14.4 It shall be the duty of all of the parties to try to minimise any losses arising from the determination of this Agreement. Amongst other issues the Partner Authorities shall use their best endeavours to offer priority redeployment to any Relevant Staff then employed in the provision of the Shared Services, by taking a transfer of any of the staff to provide the Shared Service or to be redeployed more generally and/or by helping to seek alternative employment for them.

15. Internal Dispute Resolution

- 15.1 The Partner Authorities (and where the context requires, the Heads of Paid Service of the Partner Authorities) undertake and agree to pursue a positive approach towards dispute resolution which seeks (in the context of this joint working arrangement) to identify a solution at the lowest operational level that is appropriate to the subject of the dispute and which avoids legal proceedings and maintains a strong working relationship between the parties.

- 15.2 Any dispute or difference shall, in the first instance, be referred to the relevant Partnership Leader to resolve in liaison with both Partner Authorities. In the event that such matters cannot be resolved within 10 Working Days it shall be referred to the Heads of Paid Service and, in default of agreement, it shall be referred to the Joint Committee for determination.
- 15.3 In the event of any dispute or difference between the Partner Authorities relating to this Agreement which it has not been possible to resolve through the decision making processes of the Joint Committee (whether this be a matter of interpretation or otherwise) the matter shall be referred to arbitration in accordance with clause 16.

16. Arbitration

If at any time any dispute or difference shall arise between the Partner Authorities, or any of them, which they are not able to resolve in accordance with this Agreement the same shall be referred to and settled by a single arbitrator to be appointed by agreement by the Partner Authorities; or in default of agreement, nominated by application of the Partner Authorities by application of either of the Partner Authorities by the Secretary of State where the dispute or difference relates to costs and expenses arising under this Agreement, or by the President of the Law Society of England and Wales in respect of any other matter.

17. Notices

- 17.1 Any demand, notice or other communication given in connection with or required by this Agreement shall be made in writing and shall be delivered to, or sent to the recipient by:
- 17.1.1 pre-paid first class post at the address set out at the beginning of this Agreement (or such other address as may be notified in writing from time to time);
 - 17.1.2 facsimile transmission at the number as may be notified in writing from time to time; or
 - 17.1.3 by e-mail to the address as may be notified in writing from time to time.
- 17.2 Any such demand, notice or other communication shall be deemed to have been duly served:
- 17.2.1 if delivered by hand, when left at the proper address for service;
 - 17.2.2 if given or made by pre-paid first class post, two Working Days after being posted;
 - 17.2.3 if sent by facsimile, at the time of transmission provided that a confirmatory copy is, on the same day that the facsimile is transmitted, sent by pre-paid first class post in the manner provided for in clause 17.1; or
 - 17.2.4 if sent by e-mail, at the time of transmission

provided, in each case, that if the time of such deemed service is either after 4.00pm on a Working Day or on a day other than a Working Day, service shall be deemed to occur instead at 10.00am on the next Working Day.

18. Freedom of Information

- 18.1 The Partner Authorities acknowledge that each is subject to the requirements of the FOIA and the EIR.
- 18.2 In accordance with clause 18.1 the Partner Authorities shall provide all necessary assistance and cooperation as reasonably requested by one another to enable them to comply with their obligations under the FOIA and EIR.
- 18.3 The Partner Authorities acknowledge that one or other of them may be required under the FOIA or EIR to disclose Information (including Information that may be deemed to be commercially sensitive) without consulting or obtaining consent from the other. The Partner Authorities shall take reasonable steps to notify one another of a Request For Information (in accordance with the Secretary of State's section 45 Code of Practice on the Discharge of the Functions of Public Authorities under Part 1 of the FOIA) to the extent that it is permissible and reasonably practical for them to do so but (notwithstanding any other provision in this agreement) the Partner Authority that received the Request for Information shall be responsible for determining in its absolute discretion whether any commercially sensitive information and/or any other information is exempt from disclosure in accordance with the FOIA and/or the EIR.

19. Data Protection

- 19.1 Each of the Partner Authorities shall duly observe all their obligations under the Data Protection Act 1998 (**DPA**), which arise in connection with this Agreement.
- 19.2 Notwithstanding the general obligation in clause 19.1, where one of the Partner Authorities is processing Personal Data as a Data Processor (**Data Processor Authority**) for the other Partner Authority (**Data Controller Authority**), the Data Processor Authority shall ensure that it has in place appropriate technical and contractual measures to ensure the security of the Personal Data (and to guard against unauthorised or unlawful processing of the Personal Data and against accidental loss or destruction of, or damage to, the Personal Data), as required under the Seventh Data Protection Principle in Schedule 1 to the DPA; and
 - 19.2.1 provide the Data Controller Authority with such information as the Data Controller Authority may reasonably require to satisfy itself that the Data Processor Authority is complying with its obligations under the DPA;
 - 19.2.2 promptly notify the Data Controller Authority of any breach of the security measures required to be put in place pursuant to 19.2; and
 - 19.2.3 ensure it does not knowingly or negligently do or omit to do anything which places the Data Controller Authority in breach of the Data Controller Authority's obligations under the DPA.

- 19.3 The provisions of this clause shall apply during the continuance of the Agreement and indefinitely after its expiry or termination.

20. Scrutiny and Audit

- 20.1 The Partner Authorities agree that scrutiny relating to this Agreement and the Agreed Functions shall be the responsibility of each Partner Authority.
- 20.2 The relevant committees of each Partner Authority responsible for scrutiny and audit shall have the right to inspect any documents relating to this Agreement and to require the Joint Committee to answer any questions raised by them.
- 20.3 The accounts relating to Shared Services and this Agreement shall be the subject of audit by any external auditor appointed by any of the Partner Authorities and shall be open to inspection by any external auditor appointed by the Audit Commission.
- 20.4 Any increased cost in undertaking any audit relating to the Shared Services and this Agreement shall be shared pro rata between the Partner Authorities on such terms as may be agreed by the Partner Authorities.

21. Intellectual Property

- 21.1 The Partner Authorities intend that, notwithstanding any secondment, any Intellectual Property Rights created in the course of any of the Shared Services shall vest in the Partner Authority whose employee created them (or in the case of any Intellectual Property Rights created jointly by employees of all of the Partner Authorities, in the party that is the agreed lead party for that part of the Shared Service that the Intellectual Property Rights relates to).
- 21.2 Where any Intellectual Property Rights vest in either Partner Authority in accordance with the intention set out in clause 21.1 above, that Partner Authority shall grant an irrevocable licence to the other Partner Authority to use those Intellectual Property Rights for the purposes of the applicable Shared Service.

22. Force Majeure

All parties shall be released from their respective obligations in the event that a Force Majeure Event renders the performance of this Agreement not reasonably practicable whereupon all money due to any party under this Agreement shall be paid immediately and clause 12 shall apply as if all Partner Authorities in membership of the Joint Committee had agreed to determine this Agreement.

23. Severability

- 23.1 If any provision or part-provision of this Agreement is or becomes invalid, illegal or unenforceable, it shall be deemed modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision or part-provision shall be deemed deleted. Any modification to or deletion of a provision or part-provision under this

clause shall not affect the validity and enforceability of the rest of this Agreement.

- 23.2 If any provision or part-provision of this Agreement is invalid, illegal or unenforceable, the parties shall negotiate in good faith to amend such provision so that, as amended, it is legal, valid and enforceable, and, to the greatest extent possible, achieves the intended commercial result of the original provision.

24. Successors

This Agreement shall be binding upon, and shall endure to the benefit of, each party's successors and permitted assigns.

25. Relationship of the parties

Each of the parties is an independent local authority and nothing contained in this Agreement shall be construed to imply that there is any relationship between the parties of a legal partnership or of principal/agent or of employer/employee. Except to the extent expressly permitted by the terms of this Agreement or where otherwise expressly authorised in writing, no party shall have any right or authority to act on behalf of another party or to bind another party by contract or otherwise.

26. Third party rights

The parties agree that they do not intend that any third party which may benefit from this Agreement shall have any rights of enforcement under the terms of the Contracts (Rights of Third Parties) Act 1999.

27. Entire agreement

- 27.1 This Agreement, the schedules and the documents annexed to it or otherwise referred to in it constitute the entire agreement between the parties and supersedes and extinguishes all previous agreements, promises, assurances, warranties, representations and understandings between them, whether written or oral, relating to its subject matter.
- 27.2 Each party agrees that it shall have no remedies in respect of any statement, representation, assurance or warranty (whether made innocently or negligently) that is not set out in this Agreement. Each party agrees that it shall have no claim for innocent or negligent misrepresentation or negligent misstatement based on any statement in this Agreement.

28. Governing law

This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

EXECUTED as a **DEED** by the
affixing of the **COMMON SEAL** of
NORTH DEVON DISTRICT
COUNCIL

in the presence of:

.....

Authorised Signatory

EXECUTED as a **DEED** by the
affixing of the **COMMON SEAL** of
MID DEVON DISTRICT COUNCIL

in the presence of:

.....

Authorised Signatory

SCHEDULE 1
Constitution of the Joint Committee

1. Each of the Partner Authorities shall appoint two members (being elected members of that Partner Authority) as its nominated member of the Joint Committee. The members appointed shall have full voting rights.
2. Each Partner Authority may nominate one or more substitute members to attend any meeting in place of an appointed member from that Partner Authority, subject to notification being given to the Lead Authority responsible for governance and secretarial Support Services, before the start of the meeting. The member appointed as a substitute shall have full voting rights where the member for whom they are substituting does not attend. If all of a Partner Authority's nominated members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
3. Each member of the Joint Committee shall comply with the Code of Conduct of their Partner Authority when acting as a member of the Joint Committee.
4. Each of the Partner Authorities may remove any of its nominated members or substitute members of the Joint Committee and appoint a different member or substitute to the Joint Committee by giving written notice to the Lead Authority for governance and secretarial Support Services.
5. Each Partner Authority shall have two votes. These shall be exercised by the nominated members who are elected members of the Partner Authority. In the absence of a Partner Authority's nominated member, a vote may be exercised by the named substitute who is an elected member of the Partner Authority or, where notice has been given to the Lead Authority responsible for governance and secretarial Support Services before the start of the meeting, by proxy by the other nominated member of that Partner Authority.
6. Each member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Partner Authority but a member shall cease to be a member of the Joint Committee if he or she ceases to be a member of the Partner Authority appointing him or her as a member of the Joint Committee.
7. Any casual vacancies howsoever arising shall be filled by the Partner Authority from which the vacancy arises by notice in writing sent to the Lead Authority for governance and secretarial Support Services.
8. Meetings of the Joint Committee shall be held at the offices of the member appointed as chairperson, unless otherwise agreed by the Joint Committee.
9. The Partner Authority hosting the first meeting shall appoint one of its nominated members as chairperson and that member shall remain chairperson until the first meeting taking place after the elapse of one year from the time of his or her appointment unless he or she ceases to be a member of the Joint Committee. On the expiry of the first chairperson's term

of office as chairperson, the Partner Authority which did not appoint the first chairperson shall appoint one of its nominated members as chairperson for a period of one year from the time of his or her appointment. The same procedure shall be followed for the appointment of chairperson in subsequent years.

10. The Partner Authority which has not appointed the chairperson of the Joint Committee in any year shall appoint one of its nominated members as vice chairperson.
11. The Joint Committee shall meet once every quarter unless otherwise determined by the Joint Committee.
12. The Lead Authority for governance and secretarial Support Services may call additional meetings by providing at least five clear days' notice to members of the Joint Committee, for the purposes of resolving urgent matters arising between the bi-monthly meetings of the Joint Committee. The Lead Authority for governance and secretarial Support Services must call a meeting of the Joint Committee if at least one member of the Joint Committee from each Partner Authority requests it or if the Head of Paid Service of both Partner Authorities requests it.
13. Meetings shall be notified to members of the Joint Committee by the Lead Authority for governance and secretarial Support Services.
14. The Lead Authority for governance and secretarial Support Services shall send, electronically, to all members and relevant officers of each Partner Authority, the agenda for each meeting of the Joint Committee no later than five clear Working Days before the date of the relevant meeting. That Lead Authority shall also send, to all members of the Joint Committee, to the Political Group Leaders of each Partner Authority and relevant officers of each Partner Authority, printed copies of the agenda for each meeting of the Joint Committee no later than five clear Working Days before the date of the relevant meeting.
15. The Lead Authority for governance and secretarial Support Services shall arrange for written minutes to be taken of each meeting of the Joint Committee and shall arrange for an officer to present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes shall be signed by the chairperson and vice chairperson.
16. Meetings of the Joint Committee will commence at 10.00am unless otherwise agreed by the Joint Committee. Meetings of the Joint Committee shall end no later than 1.00pm unless otherwise agreed by the Joint Committee.
17. A meeting of the Joint Committee shall require a quorum of two members with at least one member being from each Partner Authority who is entitled to attend and vote. If there is a quorum of members present but neither the

chair nor the vice-chair is present, the members present shall designate one member to preside as chair for that meeting.

18. Subject to the provisions of any enactment, all questions coming or arising before the Joint Committee shall be decided by a majority of the Partner Authority members of the Joint Committee immediately present and voting thereon. Subject to the provisions of any enactment, in the case of an equality of votes the chairperson shall have a second or casting vote but, before exercising this, the chairperson shall consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
19. Any member of the Joint Committee may request the Joint Committee to record the votes of individual members of the Joint Committee on a matter for decision.
20. A member, when speaking, shall address the chairperson. If two or more members wish to speak, the chairperson shall call on one to speak. While a member is speaking all other members shall remain silent.
21. A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.
22. Only one amendment to a proposal may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of, providing the chairperson may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee's business.
23. If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
24. The order of business shall be indicated in the agenda for the meeting.
25. When a motion is under debate by the Joint Committee no other motion shall be moved except the following:
 - 25.1 to amend the motion;
 - 25.2 to adjourn the meeting;
 - 25.3 to adjourn the debate;
 - 25.4 to proceed to the next business;
 - 25.5 that the question may now be put;
 - 25.6 that a member shall not be further heard;
 - 25.7 by the chairperson, that a member leave the meeting;
 - 25.8 a motion under section 100(A)(4) of the Local Government Act 1972 to exclude the public; or

- 25.9 to postpone consideration on an item.
- 26. A member may move without comment at the conclusion of a speech of another member, "That the Committee proceed to the next business", "That the question may now be put", "That the debate is now adjourned", or "That the Committee now adjourn", on the seconding of which the chair shall proceed as follows:
 - 26.1 on a motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed to put to the vote, the motion to proceed to next business;
 - 26.2 on a motion that the question may now be put: unless in his/her opinion the matter before the meeting has been insufficiently discussed he/she shall first put to the vote the motion that the question may now be put; or
 - 26.3 on a motion to adjourn the debate or meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion put the adjournment motion to the vote.

The ruling of the chair shall not be open for discussion.

- 27. Any member of the Partner Authorities who is not a member of the Joint Committee is entitled to attend the Joint Committee but he/she shall not be entitled to vote, shall not take part in the consideration or discussion of any business, save by leave of the chairperson, and comments will be recorded only on the direction of the chairperson.
- 28. The following elected representatives are entitled to attend the Joint Committee but they shall not be entitled to vote, shall not take part in the consideration or discussion of any business, save by leave of the chairperson and comments will be recorded only on the direction of the chairperson:
 - 28.1 Members of parish councils within the districts of the Partner Authorities;
 - 28.2 Members of Parliament for the residents of the Partner Authorities; and
 - 28.3 Members of the European Parliament for the residents of the Partner Authorities.
- 29. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 31.
- 30. Members of the public wishing to address the Joint Committee (or a sub-committee of the Joint Committee) on Part I reports contained within the agenda for the meeting shall be given the opportunity to do so subject to:
 - 30.1 the opportunity being extended to one person to speak in support of each agenda item and one person to speak against each agenda item when called to do so by the chairperson;
 - 30.2 an indication of the desire to speak on the agenda item being made by the person just prior to the meeting and the name supplied to the chairperson

- (by means of a register), the first person registering to have precedence in the event of more than one person wishing to speak either for or against an agenda item;
- 30.3 each person addressing the Joint Committee or sub-committee of the Joint Committee being limited to three minutes' speech;
 - 30.4 an opportunity being provided for an expression of a contrary view, even though no prior notice has been given, when a member of the public has spoken for or against an item;
 - 30.5 in the event of the person having registered to speak on an agenda item not wishing to take up their right to speak on the agenda item because it was deferred, that person will automatically be given the right to speak on the agenda item at the next meeting of the Joint Committee or sub-committee of the Joint Committee; and
 - 30.6 the chairperson of the meeting having discretion to rule that a person wishing to address the meeting shall not be heard if, in the chairperson's view, that issue or the organisation or the person wishing to make the representation on that issue has received an adequate hearing.
- 31. In accordance with the requirements of the 1972 Act and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public or press must be excluded from a meeting by resolution of the Joint Committee during an item of business if that item includes:
 - 31.1 confidential information, as defined in section 100A(3) of the 1972 Act; or
 - 31.2 exempt information, as defined in section 100I of the 1972 Act.
 - 32. Each Partner Authority may call in any decision of the Joint Committee in accordance with the overview and scrutiny provisions of that Partner Authority's constitution. If any decision of the Joint Committee is subject to call-in by a Partner Authority, the Joint Committee shall take no action to implement that decision unless the call-in process upholds the decision.
 - 33. The Joint Committee may delegate a function to an officer.
 - 34. Any contractual arrangements that relate to a Shared Service will be undertaken by one of the Partner Authorities and that Partner Authority shall apply its own financial regulations and contract procedure rules to such an arrangement. The Partnership Leader of the relevant Shared Service that is incurring the expenditure will normally determine which of the Partner Authority's financial regulations and contract procedure rules will apply and, in the event of any dispute or uncertainty, the matter should be referred to the Heads of Paid Service for determination.
 - 35. The Lead Authority responsible for governance and secretarial Support Services shall provide administrative support services to the Joint Committee on such terms as may be agreed from time to time between the Partner Authorities. The Partner Authorities shall make available committee officers

to provide administrative services at the meetings of the Joint Committee as appropriate and in consideration of where the meetings are being held.

36. The Lead Authority for legal Support Services shall provide the Joint Committee with legal advice and support on such terms as may be agreed from time to time between the Partner Authorities.
37. The Lead Authority for financial Support Services shall provide the Joint Committee with financial advice and support on such terms as may be agreed from time to time between the Partner Authorities.

SCHEDULE 2

Agreed Functions and Shared Services

1. The Joint Committee shall be responsible for and shall have delegated to it the following functions of the Partner Authorities:
 - 1.1 the building control function insofar as is provided at paragraph 5 of this Schedule 2; and
 - 1.2 such other functions which it is agreed between the Partner Authorities should become a Shared Service.
2. The Joint Committee shall act in the manner laid down in the Constitution of the Joint Committee as set out in Schedule 1.
3. The Joint Committee shall act as the ultimate arbiter in the case of unresolved disputes between the Partner Authorities unless such matters are referred to arbitration pursuant to clause 16.
4. It has been agreed that the Shared Services as referred to in paragraph 1 should be delivered in the manner laid down in this Agreement.

Building control:

5. In respect of the Shared Services for building control the Joint Committee shall:
 - 5.1 oversee the joint building control team; and
 - 5.2 formulate the budget, including any fees and charges, for the joint building control team as a recommendation for each Partner Authority to approve.

SCHEDULE 3
Support Services

1. To enable the Partnership to function effectively the Joint Committee shall require the following key Support Services from the Partner Authorities:
 - 1.1 financial support and advice;
 - 1.2 legal support and advice; and
 - 1.3 governance and secretarial support.
2. Each Support Service shall, from the Commencement Date, be provided by the following identified Lead Authority, which may be varied during the term of this Agreement by written agreement between the Partner Authorities:

Support Service	Lead Authority
Financial support and advice	NDDC
Legal support and advice	NDDC
Governance and secretarial support	NDDC

SCHEDULE 4

Financial Arrangements

PART 1 – Distribution Formula

1. Joint Committee costs

Annual costs relating to the Joint Committee shall be shared in equal proportions between the Partner Authorities, this shall include (but shall not be limited to):

- 1.1 administrative costs of the Joint Committee;
- 1.2 costs of room booking, refreshments and any Joint Committee events (e.g. training).
- 1.3 any other incidental expenses of the Joint Committee or Joint Committee members.

2. Shared Services operational costs

- 2.1 Subject to Part 2 of this Schedule 4, the annual costs of each Shared Service will be set and agreed by the Joint Committee:

2.1.1 For the first financial year, following the Commencement Date, each Partner Authority will contribute the following proportion of the annual cost of each service [based on the differences in workload]:

Service	NDDC	MDDC	Workload measure
Building control			

2.1.2 From the second financial year following the Commencement Date the workload metrics will be recalculated based on the previous year's actual workload.

- 2.2 Any changes to the approach of sharing operational costs between the Partner Authorities will be agreed by the Partner Authorities once Shared Services are fully operational.

3. Shared Services implementation costs

The implementation costs of the Shared Services shall be apportioned in equal proportions between the Partner Authorities.

PART 2 – Building Control Financial Arrangements

1. Lead Authority

The Lead Authority, for the purposes of this Part 2, shall be NDDC.

2. Pooled Budget and Trading Account

- 2.1 The Lead Authority will manage and pool the budgets of the Partner Authorities relating to the building control element of the Partnership (**Pooled Budget**).
- 2.2 The Lead Authority will also create a trading account, to be a 3 year earmarked reserve where surpluses or deficits occur, to demonstrate a breakeven position taking one financial year with another (**Trading Account**).
- 2.3 The Pooled Budget and the Trading Account will be ring fenced for the provision of the Partnership, in accordance with guidance from the CIPFA Code of Practice on Local Authority Accounting, Local Authority Building Control Accounting (Revised Second Edition 2010) and the Building (Local Authority Charges) Regulations 2010.
- 2.4 To isolate various income and expenditure the Lead Authority will separate the Pooled Budget into four separate accounts (**Pooled Accounts**):
 - 2.4.1 Chargeable Functions account: which includes all direct and indirect costs in accordance with the chargeable functions, as defined by the Building (Local Authority Charges) Regulations 2010 (**Chargeable Functions**);
 - 2.4.2 Non Chargeable Activities account: which includes all the direct and indirect costs which provide a statutory building regulation service for the Partner Authorities (**Non-Chargeable Functions**);
 - 2.4.3 All Other Building Control Services account: which includes all the direct and indirect costs for the provision of other regulative services for the Partner Authorities or for professional building control services which are outside of the administrative area of the Partner Authorities or for the provision of additional services (**Other Building Control Services**); and
 - 2.4.4 the Trading Account.
- 2.5 The Lead Authority shall:
 - 2.5.1 establish clearly defined accountancy arrangements;
 - 2.5.2 make arrangements for the payment of building control charges into the designated bank account coded to the relevant Partner Authority;
 - 2.5.3 establish designated and separate Pooled Accounts for the Partnership to receive the budgets of the Partner Authorities and income for the Partnership;
 - 2.5.4 present the Joint Committee and Partner Authorities with year-end and half-year accounts showing income received, expenditure and any balance remaining in the Trading Account;
 - 2.5.5 arrange for the Pooled Accounts to be available for inspection and audited and certified in line with the Lead Authority's governance and administration procedures and thereafter available for inspection; and

- 2.5.6 create a clear identifiable accounting structure which identifies trading of each Partnership Authority for the Pooled Accounts to enable effective monitoring and reporting.
- 2.6 Each Partner Authority will agree a level of service and a budget for the Non-Chargeable Functions and the Chargeable Functions and for Other Building Control Services which will be discharged into the Pooled Accounts for the mutual benefit of the Partner Authorities. The level of activity for Non-Chargeable Functions and Other Building Control Services will be based upon an agreed level of performance and any variation will be agreed in advance of setting the budget in order to give the Partner Authorities, the Partnership and the Lead Authority sufficient time to respond to changing market or budgetary conditions.
- 2.7 If additional costs are incurred in providing the Non-Chargeable Functions as a result of increases which were not reasonably foreseen at the budget setting process, the Partnership will raise this with the Partner Authorities with a view of offsetting the costs by agreeing appropriate savings.
- 2.8 On the commencement of the financial year these budgets and all building control charges will be discharged into the Pooled Accounts. Pooled Budgets cannot be adjusted during the financial year and they will be merged into the Pooled Accounts but they will be recorded separately in the year-end accounts.
- 3. Chargeable Functions**
- 3.1 The Lead Authority will be responsible for the collection of all income from the Chargeable Functions although there will be an initial transition period from collection by other Partner Authorities.
- 3.2 Income will be paid into the designated bank account administered by the Lead Authority. To ensure that each Partner Authority receives its correct income apportionment, all income will be allocated to a Partner Authority code based upon the location of the building work. Where the income is generated outside of the Partnership's administrative area, this will be allocated as Other Building Control Services.
- 4. Not for profit**
- 4.1 The Partnership account will be a rolling three year, zero based, not-for-profit account. Over and under spend to be levelled at the end of each accounting year using the Trading Account with relevant adjustments made to the subsequent year's budget.
- 4.2 Should it be determined, by agreement of the Partner Authorities, that any surplus will be distributed, or any deficit be met, by the Partner Authorities, contributions will be calculated using the ratio of chargeable income received in each Partner Authority's area over the relevant accounting period.
- 5. Over and under spends**
- 5.1 The Lead Authority is responsible for monitoring the budgets and the "breakeven position" to "take one financial year with another" to demonstrate

that the Chargeable Functions is equal, as far as practicable, to the actual costs incurred.

- 5.2 In accordance with paragraph 5.1 above, the Lead Authority will set up an “earmarked reserve” with a three year rolling Trading Account for the use of surpluses or deficits to offset future Chargeable Functions or for re-investment in service improvements.

6. Payments between Partner Authorities

Payments will be made regularly between the Partnership and the Partner Authorities at intervals to be determined by the Partner Authorities’ finance officers to reimburse for expenditure made and income earned by each Partner Authority less the amount due for Non-Chargeable Functions and any Other Building Control Services of that Partner Authority.

SCHEDULE 5
Relevant Posts

The following posts are in scope of the Shared Services:

Building Control

Council	Current Role	Proposed Role	Status
NDDC	Building Control Team Leader	Building Control Manager	FT
NDDC	Senior Building Control Surveyor	Senior Building Control Surveyor	FT
NDDC	Senior Building Control Surveyor	Senior Building Control Surveyor	FT
NDDC	Assistant Building Control Surveyor	Building Control Surveyor	FT
NDDC	Assistant Building Control Surveyor	Building Control Surveyor	FT
NDDC	Vacant Post	Vacant Post	On hold at Commencement Date
NDDC	Administration Assistant	Technical Support Officer	PT
NDDC	Administration Assistant	Technical Support Officer	PT
NDDC	Administration Assistant	Technical Support Officer	FT (temp)
MDDC	Building Control Officer	Senior Building Control Surveyor	FT
MDDC	Building Control Officer	Senior Building Control Surveyor	FT
MDDC	Building Control Surveyor	Building Control Surveyor	FT
MDDC	Building Control Surveyor	Building Control Surveyor	FT
MDDC	Building Control Support Officer	Technical Support Officer	FT
MDDC	Building Control Support Officer	Technical Support Officer	PT

Dated

2016

NORTH DEVON DISTRICT COUNCIL

and

MID DEVON DISTRICT COUNCIL

**AGREEMENT FOR THE PROVISION OF A JOINT BUILDING
CONTROL TEAM**

Legal Services
North Devon District Council
Lynton House
Commercial Road
Barnstaple
EX31 1DG
LS/SF/13488

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THIS DEED is dated

Between

The parties to this Agreement are:

- (1) NORTH DEVON DISTRICT COUNCIL of Lynton House, Commercial Road, Barnstaple, Devon EX31 1DG (**NDDC**); and
- (2) MID DEVON DISTRICT COUNCIL of Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP (**MDDC**).

Background

- (A) MDDC and NDDC (referred to collectively in this Agreement as the **Partner Authorities**) are local authorities constituted by the Local Government Act 1972 (**1972 Act**).
- (B) The Partner Authorities have formed a Joint Committee for Shared Services pursuant to an agreement dated (**Joint Working Agreement**) to which this Agreement is supplemental.
- (C) Pursuant to the Joint Working Agreement the Partner Authorities have agreed to work together to facilitate a partnership to jointly deliver their building control functions with a view to their more economical, efficient and effective discharge (**Partnership**).
- (D) Pursuant to the Partnership the Partner Authorities have agreed that MDDC shall provide the ICT Assets at the Premises and that both Partner Authorities may use the Premises in the provision of the Partnership.
- (E) The Partner Authorities have entered into this Agreement further to the establishment of the Partnership and in accordance with the rights given to local authorities to allow the use by third parties of spare capacity of their computers pursuant to section 38 of the Local Government (Miscellaneous Provisions) Act 1976.

Agreed terms

1. Definitions

- 1.1 In this Agreement the following terms shall have the following meanings:

Assets: all and any assets used in the delivery of the Shared Services including the ICT Assets, the Software and all other equipment supplied by the Partner Authorities for use in the delivery of the Shared Services.

Commencement Date: the date of this Agreement.

Communal Car Park: the car park shown edged blue on the Plan.

EIR: Environmental Information Regulations 2004.

FOIA: Freedom of Information Act 2000.

Head of Paid Service: an officer designated by a Partner Authority as the Partner Authority's Head of Paid Service in accordance with section 4 of the Local Government Act 1989.

Health and Safety Policy: NDDC's health and safety policy as provided to MDDC on or before the Commencement Date and as subsequently provided to MDDC from time to time except any provision of any such subsequently provided policy that cannot be reasonably reconciled to ensuring compliance with applicable law regarding health and safety

ICT Assets: those Assets that are identified in Appendix A to Schedule 1.

ICT Support Services: shall be as defined in Schedule 1.

Information: has the meaning given under section 84 of FOIA.

Joint Committee: the Joint Committee for Shared Services formed pursuant to the Joint Working Agreement.

Joint Team: the joint Building Control team formed by pursuant to the Partnership.

MDDC Software: the software identified at Part 1 to Appendix B to Schedule 1 to this Agreement.

NDDC Software: the software identified at Part 2 to Appendix B to Schedule 1 to this Agreement.

Partnership Leader: the officer with responsibility for managing the Partnership on behalf of the Partner Authorities.

Personal Data: shall have the same meaning as set out in the Data Protection Act 1998.

Plan: the site plan attached to this Agreement.

Premises: the business support centre at Woodlands Enterprise Centre, Pathfields Business Park, South Molton EX36 3LH as shown edged red on the Plan.

Request for Information: a request for information or an apparent request under the Code of Practice on Access to Government Information, FOIA or the EIR.

Service Level Agreement: the service level agreement contained in this Agreement at Schedule 2.

Software: MDDC Software and NDDC Software collectively and any other software provided by either Partner Authority.

Staff: all employees, staff, other workers, agents, consultants and sub-contractors who are engaged by, or are acting on behalf of, the Joint Team from time to time pursuant to the Partnership.

Working Day: Monday to Friday, excluding any public holidays in England and Wales.

- 1.2 Clause, schedule and paragraph headings shall not affect the interpretation of this agreement.

- 1.3 The schedules form part of this agreement and shall have effect as if set out in full in the body of this agreement and any reference to this agreement includes the schedules.
- 1.4 Words in the singular shall include the plural and vice versa.
- 1.5 A reference to one gender shall include a reference to the other genders.
- 1.6 A reference to a statute or statutory provision is a reference to it as it is in force for the time being, taking account of any amendment, extension, or re-enactment and includes any subordinate legislation for the time being in force made under it.
- 1.7 A reference to writing or written includes faxes and e-mail.
- 1.8 Any obligation in this agreement not to do something includes an obligation not to agree or allow that thing to be done.
- 1.9 A reference to a document is a reference to that document as varied or novated (in each case, other than in breach of the provisions of this agreement) at any time.
- 1.10 References to clauses and schedules are to the clauses and schedules of this agreement; references to paragraphs are to paragraphs of the relevant schedule.

2. The Partnership

- 2.1 Pursuant to the Partnership the Partner Authorities have agreed to form the Joint Team.
- 2.2 In order to enable to the Joint Team to act in pursuance of the Partnership the Partner Authorities shall, pursuant to this Agreement:
 - 2.2.1 utilise the Premises to accommodate the Joint Team in accordance with clause 3;
 - 2.2.2 install the Assets, including the ICT Assets and Software, at the Premises for use by the Joint Team and in accordance with clause 4;
 - 2.2.3 provide ICT Support Services in respect of the ICT Assets and Software in accordance with clause 5; and
 - 2.2.4 process Personal Data in accordance with clause 14.

3. Premises

- 3.1 NDDC shall provide MDDC (and MDDC's Staff) with access to such parts of the Premises as MDDC reasonably requires for the purposes only of properly carrying out the Partnership, the ICT Support Services (which may require out of hours access) or any other support services connected with the Partnership.
- 3.2 NDDC shall provide the Staff with such accommodation and facilities in the Premises as is specified in Schedule 1 or which is otherwise agreed by the parties from time to time.
- 3.3 Subject to the requirements of the Exit Management Plan, in the event of the expiry or termination of this Agreement, NDDC shall on reasonable notice

provide MDDC with such access as MDDC reasonably requires to the Premises to remove Assets belonging to MDDC (except for those that have been transferred to NDDC pursuant to the Exit Management Plan). All such Assets shall be promptly removed by MDDC.

3.4 MDDC shall ensure that:

3.4.1 where using the Premises they are kept properly secure and it will comply and cooperate with the Partnership Leader's reasonable directions regarding the security of the same;

3.4.2 it and its Staff do not do anything in contradiction of, or to conflict with, any of the provisions of the leases held between the private businesses that operate at Woodlands Enterprise Centre and NDDC;

3.4.3 whilst at the Premises, its Staff complies with the Health and Safety Policy and any other applicable policies related to use of the Premises as notified to it by NDDC from time to time; and

3.4.4 only those of its Staff that are duly authorised to enter upon the Premises for the purposes of properly carrying out the Partnership (or any support services connected with the Partnership) do so.

3.5 MDDC shall notify NDDC immediately on becoming aware of any damage caused by MDDC (or its Staff) to the Premises.

3.6 Each Partner Authority shall notify the other as soon as practicable of any health and safety incidents or material health and safety hazards at the Premises of which it becomes aware and which relate to or arise in connection with the performance of this agreement. MDDC shall instruct its Staff to adopt any necessary associated safety measures in order to manage any such material health and safety hazards.

4. Assets

4.1 Each Partner Authority shall provide the Assets identified in Schedule 1 for the purposes of providing the Partnership and for use at the Premises in pursuance of the Partnership.

4.2 The list of Assets referred to at Schedule 1 is correct at the Commencement Date but may be varied by agreement of the parties in writing from time to time to ensure that it is accurate and up to date.

5. Support Services

5.1 The Partner Authorities shall support the Joint Team by providing the ICT Support Services in accordance with the Service Level Agreement.

5.2 NDDC shall support the Joint Team by ensuring that it commits appropriate resources to the processing of appropriately made payments on behalf of the Joint Team and in accordance with the Joint Working Agreement.

5.3 In addition to the ICT Support Services the Joint Team shall have the ability to request support from either Partner Authority as and when required for legal, human resources, financial and other support services over and above those provided in accordance with the Joint Working Agreement.

5.4 Such support services referred to in clause 5.3 may be re-allocated by agreement between the Partner Authorities (or worked on by both Partner Authorities jointly) depending on capacity and any prior knowledge/experience of the matter of the support request.

5.5 Where any support is required by the Joint Team from human resources by, or in relation to, particular members of Staff then this shall be dealt with by the human resources team of whichever of the Partner Authorities is determined to be the employer of the member of Staff.

6. Compliance

Where either Partner Authority procures a contract on behalf of the other Partner Authority or on behalf of both Partner Authorities, it warrants that it shall comply with all relevant procurement (including the Public Contracts Regulations 2015), state aid and local government legislation.

7. Charges and liabilities

7.1 Except as otherwise provided, the Partner Authorities shall each bear their own costs and expenses incurred in complying with their obligations under this Agreement.

7.2 In order to set up the Joint Team at the Premises the parties agree to the financial contributions arising in respect of the Partnership in accordance with Schedule 3 to this Agreement.

7.3 Both parties shall remain liable for any losses or liabilities incurred due to their own or their employee's actions and neither party intends that the other party shall be liable for any loss it suffers as a result of this Agreement.

8. Duration of the Agreement

This Agreement shall come into force on the Commencement Date and shall continue until terminated in accordance with the provisions of this Agreement.

9. Variations to this Agreement

No variation of this agreement shall be effective unless it is in writing and signed by the parties (or their authorised representatives)

10. Termination of this Agreement

10.1 The Partner Authorities agree that this Agreement may be determined upon terms agreed by both Partner Authorities.

10.2 In the event that this Agreement is terminated in whole or in part for any reason the provisions of the Exit Management Plan shall come into effect and the Partner Authorities shall co-operate fully with one another to ensure an orderly exit of MDDC's Staff from the Premises, the appropriate transfer of ICT Assets to NDDC and an orderly migration of the ICT Support Services back to the Staff of each Partner Authority.

- 10.3 The provisions of clause 6 (Compliance), 13 (Freedom of Information), 14 (Data Protection) and this clause 10 shall survive termination or expiry of this Agreement.

11. Internal Dispute Resolution

- 11.1 The Partner Authorities undertake and agree to pursue a positive approach towards dispute resolution which seeks (in the context of this joint working arrangement) to identify a solution at the lowest operational level that is appropriate to the subject of the dispute and which avoids legal proceedings and maintains a strong working relationship between the parties.
- 11.2 Any dispute or difference shall, in the first instance, be referred to the Partnership Leader to resolve in liaison with both Partner Authorities. In the event that such matters cannot be resolved within 10 Working Days it shall be referred to the each Partner Authority's Head of Paid Service and, in default of agreement, it shall be referred to the Joint Committee for determination.
- 11.3 In the event of any dispute or difference between the Partner Authorities relating to this Agreement which it has not been possible to resolve through the decision making processes of the Joint Committee (whether this be a matter of interpretation or otherwise) the matter shall be referred to arbitration in accordance with Joint Working Agreement.

12. Notices

- 12.1 Any demand, notice or other communication given in connection with or required by this Agreement shall be made in writing and shall be delivered to, or sent to the recipient by:
- 12.1.1 pre-paid first class post at the address set out at the beginning of this Agreement (or such other address as may be notified in writing from time to time);
 - 12.1.2 facsimile transmission at the number as may be notified in writing from time to time; or
 - 12.1.3 by e-mail to the address as may be notified in writing from time to time.
- 12.2 Any such demand, notice or other communication shall be deemed to have been duly served:
- 12.2.1 if delivered by hand, when left at the proper address for service;
 - 12.2.2 if given or made by pre-paid first class post, two Working Days after being posted;
 - 12.2.3 if sent by facsimile, at the time of transmission provided that a confirmatory copy is, on the same day that the facsimile is transmitted, sent by pre-paid first class post in the manner provided for in clause 12.1; or
 - 12.2.4 if sent by e-mail, at the time of transmission

provided, in each case, that if the time of such deemed service is either after 4.00pm on a Working Day or on a day other than a Working Day, service shall be deemed to occur instead at 10.00am on the next Working Day.

13. Freedom of Information

- 13.1 The Partner Authorities acknowledge that each is subject to the requirements of the FOIA and the EIR.
- 13.2 In accordance with clause 13.1 the Partner Authorities shall provide all necessary assistance and cooperation as reasonably requested by one another to enable them to comply with their obligations under the FOIA and EIR.
- 13.3 The Partner Authorities acknowledge that one or other of them may be required under the FOIA or EIR to disclose Information (including Information that may be deemed to be commercially sensitive) without consulting or obtaining consent from the other. The Partner Authorities shall take reasonable steps to notify one another of a Request For Information (in accordance with the Secretary of State's section 45 Code of Practice on the Discharge of the Functions of Public Authorities under Part 1 of the FOIA) to the extent that it is permissible and reasonably practical for them to do so but (notwithstanding any other provision in this agreement) the Partner Authority that received the Request for Information shall be responsible for determining in its absolute discretion whether any commercially sensitive information and/or any other information is exempt from disclosure in accordance with the FOIA and/or the EIR.

14. Data Protection

- 14.1 Each of the Partner Authorities shall duly observe all their obligations under the Data Protection Act 1998 (**DPA**), which arise in connection with this Agreement.
- 14.2 Notwithstanding the general obligation in clause 14.1, where one of the Partner Authorities is processing Personal Data on behalf of the other then they must comply with the Data Processing Agreement.

15. Severability

- 15.1 If any provision or part-provision of this Agreement is or becomes invalid, illegal or unenforceable, it shall be deemed modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision or part-provision shall be deemed deleted. Any modification to or deletion of a provision or part-provision under this clause shall not affect the validity and enforceability of the rest of this Agreement.
- 15.2 If any provision or part-provision of this Agreement is invalid, illegal or unenforceable, the parties shall negotiate in good faith to amend such provision so that, as amended, it is legal, valid and enforceable, and, to the greatest extent possible, achieves the intended commercial result of the original provision.

16. Successors

This Agreement shall be binding upon, and shall endure to the benefit of, each party's successors and permitted assigns.

17. Relationship of the parties

Each of the parties is an independent local authority and nothing contained in this Agreement shall be construed to imply that there is any relationship between the parties of a legal partnership or of principal/agent or of employer/employee. Except to the extent expressly permitted by the terms of this Agreement or where otherwise expressly authorised in writing, no party shall have any right or authority to act on behalf of another party or to bind another party by contract or otherwise.

18. Third party rights

The parties agree that they do not intend that any third party which may benefit from this Agreement shall have any rights of enforcement under the terms of the Contracts (Rights of Third Parties) Act 1999.

19. Entire agreement

- 19.1 This Agreement, the schedules and the documents annexed to it or otherwise referred to in it constitute the entire agreement between the parties and supersedes and extinguishes all previous agreements, promises, assurances, warranties, representations and understandings between them, whether written or oral, relating to its subject matter.
- 19.2 Each party agrees that it shall have no remedies in respect of any statement, representation, assurance or warranty (whether made innocently or negligently) that is not set out in this Agreement. Each party agrees that it shall have no claim for innocent or negligent misrepresentation or negligent misstatement based on any statement in this Agreement.

20. Governing law

This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

EXECUTED as a **DEED** by the
affixing of the **COMMON SEAL** of
NORTH DEVON DISTRICT
COUNCIL

in the presence of:

.....

Authorised Signatory

EXECUTED as a **DEED** by the
affixing of the **COMMON SEAL** of
MID DEVON DISTRICT COUNCIL

in the presence of:

.....

Authorised Signatory

SCHEDULE 1

Assets and Premises

1. Premises

- 1.1 The Premises (which have been provided by NDDC for use by the Joint Team to provide the Partnership) is a part of the Woodlands Enterprise Centre, Pathfields Business Park, South Molton EX36 3LH and is the freehold property of NDDC.
- 1.2 At the Premises the Joint Team shall initially be based on the first floor.
- 1.3 The Joint Team shall be able to use the reception, kitchen and lower floor meeting facilities in the Premises although shall ensure that this is managed, where appropriate, in consultation with the businesses that hold leases of the various units at Woodlands Enterprise Centre which also have access to the Premises to use these facilities.
- 1.4 The Joint Team shall also have the use of the Communal Car Park and bike shed along with NDDC's tenants at the Woodlands Enterprise Centre.

2. Assets

2.1 ICT Assets

2.1.1 NDDC shall:

- 2.1.1.1 where applicable, procure additional licences for the NDDC Software on behalf of and for use by the Joint Team;
- 2.1.1.2 establish:
 - (a) a connection to the Devon WAN for the Premises; and
 - (b) a Virtual Routing and Forwarding (VRF) link between the Partner Authorities.

2.1.2 MDDC shall:

- 2.1.2.1 procure, on behalf of and for use by the Joint Team:
 - (a) the ICT Assets on behalf of the Partner Authorities; and
 - (b) where applicable, additional licences for the MDDC Software;
- 2.1.2.2 issue asset numbers for the ICT Assets to enable these to be maintained for the duration of this Agreement;
- 2.1.2.3 adopt and maintain for the duration of the Partnership the connection and VRF link as provided at paragraph 2.1.1.2 of this Schedule 1; and
- 2.1.2.4 install, or provide access via the network connection to, the MDDC Software and other Software on the ICT Assets.

- 2.1.3 The ICT Assets and the Software shall be managed and maintained by the Partner Authorities in accordance with clause 5 and Schedule 2 of this Agreement.

2.2 **Furniture at the Premises**

- 2.2.1 NDDC shall provide furniture for use by the Joint Team at the Premises.
- 2.2.2 Any furniture provided pursuant to paragraph 2.2.1 shall be modified, maintained, repaired and replaced by NDDC (at NDDC's option) on receipt of reasonable requests by members of the Joint Team, in line with NDDC's maintenance and refresh of office furniture at its other sites and, in any event, in accordance its Health and Safety Policy and in line with any applicable law.

APPENDIX A – ICT Assets

APPENDIX B – Software
PART 1 – MDDC Software

PART 2 – NDDC Software

SCHEDULE 2 Service Level Agreement

1. Interpretation

The following definitions and rules of interpretation apply in this Schedule 2:

1.1 Definitions:

Contact List: a current list of contacts and telephone numbers to enable the Joint Team to escalate Support Requests, including:

- (a) the first person to contact; and
- (b) the persons in successively more qualified or experienced positions to provide the support sought.

Fault: any failure of the ICT Assets or the Software to operate in all material respects in accordance with the specification or documentation provided in respect of that ICT Asset or Software.

Help Desk Support: any support provided by help desk technicians sufficiently qualified and experienced to identify and resolve most support issues relating to the ICT Assets or the Software as appropriate to that Partner Authority.

Higher-level Support: any higher-level support provided by an individual on the Contact List or a supplier of the relevant Partner Authority in respect of Software/device management, diagnosis and resolution.

ICT Support Services maintenance, including Help Desk Support and Higher-level Support, but excluding any Out-of-scope Services, by:

- (a) MDDC of the ICT Assets and the then-current version or release of the MDDC Software; and
- (b) NDDC of the then-current version or release of the NDDC Software

Joint Team Cause: any of the following causes:

- (a) any improper use, misuse or unauthorised alteration of the Software by the Joint Team;
- (b) any use of the Software by the Joint Team in a manner inconsistent with the then-current specification or documentation provided in respect of that Software;
- (c) the use by the Joint Team of any hardware or software not approved for use by the Joint Team by:

- (i) MDDC in connection with the MDDC Software; or
- (ii) NDDC in connection with the NDDC Software; or
- (d) the use of a non-current version or release of the Software.

Out-of-scope Services: any services provided in connection with any apparent problem regarding the ICT Assets or the Software reasonably determined not to have been caused by a Fault, but rather by a Joint Team Cause or a cause outside the relevant Partner Authority's control (including any investigational work resulting in such a determination)

Support Hours: 9am until 5pm on all Working Days.

Support Request: request made by a member of the Joint Team in accordance with this agreement for support in relation to the ICT Assets or the Software, including correction of a Fault.

2. ICT Support Services

2.1 As part of the ICT Support Services, each Partner Authority shall ensure that their ICT teams:

- 2.1.1 provide Help Desk Support by means of a telephone number and e-mail address notified and agreed with the other Partner Authority in advance;
- 2.1.2 commit appropriate resources to the provision of Higher-Level Support;
- 2.1.3 use reasonable efforts to correct all Faults notified under paragraph 3.3.1; and
- 2.1.4 provide technical support for the Software and ICT Assets.

2.2 The Partner Authorities' ICT teams may reasonably determine that any request for services by the Joint Team is a request for Out-of-scope Services. If such a determination is made, the relevant Partner Authority shall promptly notify the Joint Team of that determination.

2.3 Each Partner Authority acknowledges that the other is not obliged to provide Out-of-scope Services.

3. Submitting Support Requests and Access

3.1 The Joint Team may request ICT Support Services by way of a Support Request.

3.2 Each Support Request shall include a description of the problem and the start time of the incident.

3.3 The Joint Team shall provide the relevant Partner Authority with:

- 3.3.1 prompt notice of any Faults; and
 - 3.3.2 such output and other data, documents, information, assistance and remote access as are reasonably necessary to assist the relevant Partner Authority to reproduce operating conditions similar to those present when the Joint Team detected the relevant Fault and to respond to the relevant Support Request.
- 3.4 All ICT Support Services shall be provided from each Partner Authority's offices.
- 3.5 Where a Partner Authority receives a Support Request in respect of an ICT Asset or Software which is the responsibility of the other Partner Authority's ICT team then such Support Request shall be promptly redirected to that other Partner Authority for resolution or, where the first Partner Authority deems it possible to resolve the Support Request without referring it on, it shall notify the other Partner Authority of the Support Request and agree the resolution with the other Partner Authority before proceeding.
- 3.6 NDDC acknowledges that, to properly assess and resolve Support Requests, it may be necessary to permit MDDC's ICT Staff direct access to the Premises and to files held on NDDC's behalf as well as to the Assets and NDDC's Staff.
- 3.7 NDDC shall provide such access promptly, provided that MDDC complies with all NDDC's security requirements and other policies and procedures relating to entering and working on the Premises notified to MDDC.

4. Service Levels

- 4.1 For the duration of this Agreement the Partner Authorities shall ensure that the ICT Support Services are performed during the Support Hours.
- 4.2 The Partner Authorities shall:
 - 4.2.1 prioritise all Support Requests based on a reasonable assessment of the severity level of the problem reported; and
 - 4.2.2 respond to all Support Requests promptly, providing the Joint Team with the same level of ICT Support Service as each of the Partner Authorities' Staff involved in ICT Support Services provide to internal departments and as though the Joint Team were another department at that Partner Authority.
- 4.3 Where a Fault of sufficient severity occurs, such as system defect or business critical failure which affects the operations of the Joint Team's business, the relevant Partner Authority shall provide the other Partner Authority with updates, on request, of the nature and status of its efforts to correct any Fault.

5. Escalation

- 5.1 If an issue arises with the provision of the ICT Support Services then either Partner Authority may escalate the problem and seek resolution in accordance with clause 11.

SCHEDULE 3
Financial contributions

SCHEDULE 4

Data Processing

Data Controller: has the meaning set out in section 1(1) of the DPA.

Data Processor: has the meaning set out in section 1(1) of the DPA.

Data Subject: an individual who is the subject of Personal Data.

Processing and process: have the meaning set out in section 1(1) of the DPA.

1. Obligations of the Data Processor

- 1.1 The Partner Authorities are aware that in the provision of the Partnership each Partner Authority will need to process Personal Data in respect of which the other Partner Authority shall be the Data Controller.
- 1.2 Except for the general provision for Processing of Personal Data in paragraph 1.1, the Partner Authorities are aware, in particular, that pursuant to this Agreement and to allow the Joint Team to work effectively:
 - 1.2.1 NDDC shall be transferring its building control electronic files and records from NDDC's systems to MDDC's systems pursuant to this Agreement, such files and records shall contain Personal Data in respect of which NDDC shall be the Data Controller and MDDC shall be Data Processor; and
 - 1.2.2 MDDC shall be transferring to NDDC details of its customers to enable the processing of payments on NDDC's Software, such details shall contain Personal Data in respect of which MDDC shall be the Data Controller and NDDC shall be Data Processor.
- 1.3 The Data Processor shall process the Personal Data only to the extent, and in such a manner, as is necessary for the purposes of carrying out the Partnership and in accordance with the Data Controller's instructions from time to time and shall not process the Personal Data for any other purpose. The Data Processor will keep a record of any processing of personal data it carries out on behalf of the Data Controller.
- 1.4 The Data Processor shall promptly comply with any request from the Data Controller requiring the Data Processor to amend, transfer or delete the Personal Data.
- 1.5 If the Data Processor receives any complaint, notice or communication which relates directly or indirectly to the processing of the Personal Data or to either party's compliance with the DPA and the data protection principles set out therein, it shall immediately notify the Data Controller and it shall provide the Data Controller with full co-operation and assistance in relation to any such complaint, notice or communication.
- 1.6 At the Data Controller's request, the Data Processor shall provide to the Data Controller a copy of all Personal Data held by it in the format and on the media reasonably specified by the Data Controller.

1.7 The Data Processor shall not transfer the Personal Data outside the European Economic Area without the prior written consent of the Data Controller.

1.8 The Data Processor shall promptly inform the Data Controller if any Personal Data is lost or destroyed or becomes damaged, corrupted, or unusable. The Data Processor will restore such Personal Data at its own expense.

2. Data Processor's Employees

2.1 The Data Processor shall ensure that access to the Personal Data is limited to:

2.1.1 those employees who need access to the Personal Data to meet the Data Processor's obligations under this Agreement; and

2.1.2 in the case of any access by any employee, such part or parts of the Personal Data as is strictly necessary for performance of that employee's duties.

2.2 The Data Processor shall ensure that all employees:

2.2.1 are informed of the confidential nature of the Personal Data;

2.2.2 have undertaken training in the laws relating to handling personal data; and

2.2.3 are aware both of the Data Processor's duties and their personal duties and obligations under such laws and this Agreement.

2.3 The Data Processor shall take reasonable steps to ensure the reliability of any of the Data Processor's employees who have access to the Personal Data.

3. Rights of the Data Subject

3.1 The Data Processor shall notify the Data Controller within 10 working days if it receives a request from a Data Subject for access to that person's Personal Data.

3.2 The Data Processor shall provide the Data Controller with full co-operation and assistance in relation to any request made by a Data Subject to have access to that person's Personal Data.

3.3 The Data Processor shall not disclose the Personal Data to any Data Subject or to a third party other than at the request of the Data Controller or as provided for in this Agreement.

4. Rights of the Data Controller

4.1 The Data Controller is entitled, on giving at least 10 days' notice to the Data Processor, to inspect or appoint representatives to inspect all facilities, equipment, documents and electronic data relating to the processing of Personal Data by the Data Processor.

4.2 The requirement under clause 4.1 to give notice will not apply if the Data Controller believes that the Data Processor is in breach of any of its obligations under this Agreement.

5. Warranties

5.1 The Data Processor warrants that:

- 5.1.1 it will process the Personal Data in compliance with all applicable laws, enactments, regulations, orders, standards and other similar instruments; and
- 5.1.2 it will take appropriate technical and organisational measures against the unauthorised or unlawful processing of personal data and against the accidental loss or destruction of, or damage to, Personal Data to ensure the Data Controller's compliance with the seventh data protection principle.

5.2 The Data Processor shall notify the Data Controller immediately if it becomes aware of:

- 5.2.1 any unauthorised or unlawful processing, loss of, damage to or destruction of the Personal Data; or
- 5.2.2 any advance in technology and methods of working which mean that the Data Controller should revise its security measures.

6. Indemnity

The Data Processor agrees to indemnify and keep indemnified and defend at its own expense the Data Controller against all costs, claims, damages or expenses incurred by the Data Controller or for which the Data Controller may become liable due to any failure by the Data Processor or its employees or agents to comply with any of its obligations under this Agreement.

7. Appointment of Subcontractors

7.1 The Data Processor may only authorise a third party (sub-contractor**) to process the Personal Data:**

- 7.1.1 subject to the Data Controller's prior written consent where the Data Processor has supplied the Data Controller with full details of such sub-contractor;
- 7.1.2 provided that the sub-contractor's contract is on terms which are substantially the same as those set out in this Agreement; and
- 7.1.3 provided that the sub-contractor's contract terminates automatically on termination of this Agreement for any reason.

SCHEDULE 5

Exit Management

1. Definitions

The definitions in this paragraph apply in this Schedule 5

Data:	any data (including any Personal Data relating to the Staff, customers or suppliers of a Partner Authority), documents, text, drawings, diagrams, images or sounds (together with any database made up of any of those), embodied in any medium, that are supplied to a Partner Authority by or on behalf of the other Partner Authority, or which the former Partner Authority is required to generate, process, store or transmit pursuant to this Agreement.
Registers:	registers and databases including all applicable detail for the continued operation of the Partnership including a list of sub-contracts.
Transferable Contracts:	the sub-contracts, licences or other agreements which are necessary to enable the Partner Authorities to continue to provide their respective building control functions independently.
Transitional Assistance Services:	the services to be provided by the Partner Authorities in the event of the expiry or termination of this Agreement for any reason to facilitate the transfer of the Partnership to the respective Partner Authorities.
Transitional Period	the period during which it is anticipated the Transitional Assistance Services will be required, such period to be reasonable in duration.

2. Purpose of Schedule

In the event of this Agreement terminating the Partner Authorities wish to ensure the orderly exit of MDDC's Staff from the Premises and the orderly transition of each Partner Authority's Data back to the applicable Partner Authority. This Schedule sets out the principles of the exit and service transition arrangements which are intended to achieve this and upon which the Exit Management Plan shall be based.

3. Exit Management Plan

3.1 The Exit Management Plan shall:

- 3.1.1 detail how the Partnership will transfer to the respective Partner Authorities including details of the processes, documentation, data transfer, systems migration and security by each Partner Authority or any of its Staff (where applicable);

- 3.1.2 specify the scope of the Transitional Assistance Services that may be required by each of the Partner Authorities, (subject to paragraph 7 of this Schedule 5) and detail how such services would be provided (if required) in the run up to termination;
- 3.1.3 provide a timetable and identify critical issues for carrying out the Transitional Assistance Services; and
- 3.1.4 set out the management structure to be put in place and employed during the run up to termination.

4. Obligations During the Term

- 4.1 Both Partner Authorities shall ensure that the Partnership Leader has the requisite authority to arrange and procure any resources of either Partner Authority as are reasonably necessary to enable compliance with this Schedule 5.
- 4.2 During the term of this Agreement, the Partnership Leader shall create, maintain and agree with each of the Partner Authorities all applicable Registers to ensure, as far as possible, the smooth transition of the Partnership back to the Partner Authorities with the minimum of disruption.
- 4.3 On reasonable notice, each Partner Authority shall provide to the other such material and information as the other Partner Authority shall reasonably require in order to facilitate due diligence (including in relation to the Partnership, Assets, Registers and Staff).
- 4.4 In respect of the Assets each Partner Authority shall ensure that, in the Exit Management Plan, it takes account of and complies with its obligations set out at clause 4 of this agreement.

5. Transitional Assistance Services

- 5.1 The Partner Authorities shall ensure that they continue to provide the Partnership during the Transitional Period.
- 5.2 During the Transitional Period, each Partner Authority shall, in addition to providing the Partnership and any Transitional Assistance Services, provide to the other Partner Authority any reasonable assistance requested by them to allow the Partnership to continue without interruption and to facilitate the orderly transfer of the Partnership. Each Partner Authority shall use all reasonable endeavours to reallocate resources to provide these services without additional costs. However if this is not possible, any additional reasonable costs incurred by the relevant Partner Authority in this regard which are not already in the scope of the Transitional Assistance Services or the Exit Management Plan shall need to be agreed by both Partner Authorities in advance.
- 5.3 On notice of termination neither Partner Authority shall terminate or vary in any material respect any Transferable Contract without the other Partner Authority's prior written consent, such consent not to be unreasonably withheld or delayed.
- 5.4 On termination of this Agreement or, provided that it does not have an adverse impact on either Partner Authority in providing the Partnership or the

Transitional Assistance Services, within the 6 months leading up to termination:

- 5.4.1 MDDC shall arrange for the ICT Assets and sufficient licences for the MDDC Software to be formally transferred to NDDC (subject to the signing by an authorised signatory on behalf of NDDC of any applicable asset disposal form(s) provided by MDDC);
 - 5.4.2 MDDC shall vacate the Premises;
 - 5.4.3 NDDC shall remove any Software for which it does not have a licence from the ICT Assets transferred to it, save for any MDDC Software being transferred to NDDC; and
 - 5.4.4 where Data is held by a Partner Authority (**Transferring Authority**) on behalf of the other Partner Authority (**Receiving Authority**) for whatever reason, the Transferring Authority shall ensure that all Data is returned to the Receiving Authority in line with the Receiving Authority's instructions and, when the transfer is complete, the Transferring Authority shall certify that it does not retain any of the Receiving Authority's Data.
- 5.5 The Transitional Assistance Services to be provided by each Partner Authority shall include (without limitation) such of the following services as the Partner Authorities may agree:
- 5.5.1 providing assistance and expertise as necessary to examine all operational and business processes (including all supporting documentation) in place and re-writing and implementing processes and procedures such that they are appropriate for use by each of the Partner Authorities after termination; and
 - 5.5.2 answering all reasonable questions from the other Partner Authority regarding the Partnership or any matter covered by this Agreement.

6. Transfer of Contracts

- 6.1 The Partner Authorities shall provide such assistance as may be necessary to help one another to identify which Transferable Contracts are required for the continued provision of the Partnership up to termination and to allow the Partnership to transfer to each Partner Authority following termination of this Agreement.
- 6.2 On request by a Partner Authority (**Requesting Authority**) the other Partner Authority shall, with the co-operation of the Requesting Authority procure the novation or assignment to the Requesting Authority of any Transferable Contracts which are to be transferred and shall, on request, help the Requesting Authority correctly apportion the costs associated with transferring any Transferable Contract.

7. Payment on Termination

Any charges to be made by either Partner Authority to the other Partner Authority in respect of performing its obligations in this Schedule 5 shall be reasonable and agreed by both Partner Authorities in advance.

**REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING AND
REGENERATION**

**GREATER EXETER STRATEGIC PLAN: LOCAL DEVELOPMENT SCHEME AND
OTHER MATTERS**

Cabinet Member	Cllr Richard Chesterton
Responsible Officer	Mrs Jenny Clifford, Head of Planning and Regeneration

Reason for Report: To make further recommendations on various aspects of the Greater Exeter Strategic Plan (GESP) to be prepared jointly with the Councils of Mid Devon, East Devon, Exeter City and Teignbridge in partnership with Devon County Council.

RECOMMENDATIONS TO COUNCIL THAT:

- 1. The subject matter of the Greater Exeter Strategic Plan is agreed, subject to review as the plan is prepared.**
- 2. The timetable for the Greater Exeter Strategic Plan is agreed.**
- 3. The Local Development Scheme attached as Appendix 1 is to have effect from 22nd February 2017.**
- 4. The Greater Exeter Strategic Plan is prepared under Section 28 of the Planning and Compulsory Purchase Act 2004, without the need for a statutory joint planning committee (thereby retaining sign off of key plan stages by individual councils).**
- 5. A Member Steering Group is set up with a representative from each of the five councils, to which the Cabinet Member for Planning and Regeneration is appointed, with the Leader as his deputy.**
- 6. A joint informal advisory reference forum is set up consisting of 5 councillors each from Mid Devon, Devon, East Devon, Exeter and Teignbridge to consider and make comments on draft plan proposals before they are formally considered by each council.**
- 7. That the “Issues” document attached as Appendix 2 to this report is agreed for consultation.**
- 8. That the draft Greater Exeter Statement of Community Involvement attached as Appendix 3 is agreed for consultation.**
- 9. That resolving any inconsistencies arising from the decisions of individual councils is delegated to the relevant Chief Executive in consultation with their Cabinet/Executive members for Planning.**

10. That delegated authority to agree minor modifications (which do not go to the heart of the documents' meanings) is granted to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Regeneration.

11. That the staffing proposal is approved with additional funding of £30,000 in order to ensure Mid Devon is represented.

Relationship to Corporate Plan: The Corporate Plan contains priorities of homes, community, economy and environment. Exploring collaborative working with other Councils on a sub-regional basis will enable enhanced delivery of these priorities through a joint strategic planning approach..

Financial Implications: The Cabinet report of 7th July 2016 set out anticipated costs associated with the production of a joint strategic plan, with emphasis on joint commissioning of the evidence base. A joint budget of £330,000 has been agreed for 16/17 on the basis of £70,000 equal split per authority with DCC also contributing £50,000 and holding the budget. This report also gave estimates for future financial years. The cost of the examination of the joint strategic plan will also be shared between authorities. Due to difficulties resourcing simultaneous work on the Mid Devon Local Plan Review and the Greater Exeter Strategic Plan from within the existing establishment of the Forward Planning team, an additional £30,000 is proposed to secure additional staff resource in order to ensure Mid Devon is adequately represented on GESP work.

Legal Implications: Authority has previously been granted to enter into a Memorandum of Understanding (MOU) between 'Greater Exeter' Councils. The MOU is not intended to be legally binding although signatory Councils will use reasonable endeavours to comply with its terms, spirit and honour any obligations arising.

Agreement has previously been reached to take advantage of the opportunity to work together in order to deliver a joint strategic plan across of the Great Exeter area. Local Planning Authorities have plan making responsibilities under the Planning and Compulsory Purchase Act 2004. This Act includes provisions for joint plan making. The Localism Act 2011 also introduced a legally binding duty to cooperate between authorities. This report sets out the legal basis upon which the GESP is proposed to be formulated, governance arrangements including seeking agreement over the establishment of a member steering group with associated representation, means to involve wider membership and to resolve any differences between councils.

Risk Assessment: The main risk associated with this decision is the potential for money to be expended in pursuing a joint strategic plan which could be wasted if agreement cannot be reached and/or the plan work is aborted. It is however considered that given the duty to co-operate on plan making whether through joint work or otherwise this risk already exists to some extent and any abortive work will still be of value to work on separate plans in any event. Against this must be set the risk of future local plans failing their "duty to co-operate" without a clear agreed strategic plan. The relevant Councils have already agreed to work together to jointly

prepare a strategic plan for the Greater Exeter area together with a joint budget to fund plan evidence base.

From a Mid Devon perspective, there is also risk that work on a Greater Exeter area strategic plan will divert from the completion of the Mid Devon Local Plan Review. It is unusual for an authority to work on two plans covering different plan periods simultaneously. However the Local Plan Review will remain the top priority for the MDDC Forward Planning team and is expected to be submitted to the Planning Inspectorate before the end of March 2017. Accordingly, until the examination of that plan has been completed, Mid Devon will contribute financially towards evidence commissioning, but will be in less of a position to participate in terms of staff resources in comparison with the other Greater Exeter area councils. Nevertheless in recognition of the importance of GESP and Mid Devon's desire to be a full partner in the shared work, funding for additional staff resource is sought within this report to contribute in the short /medium term.

1. BACKGROUND

1.1. The four Local Planning Authorities of East Devon, Exeter, Mid Devon and Teignbridge have confirmed that they will prepare a joint plan to cover strategic matters for their area and have agreed the general funding arrangements. Work will be in partnership with Devon County Council. Decisions were taken by full council meetings of each on 27 July, 26 July, 31 August and 26 September respectively. It is proposed that further consideration is now given to:

- **Subject matter and scope.**
- **GESP timetable**
- **Mid Devon Local Plan Review timetable**
- **Local Development Scheme**
- **Governance**
- **Issues Report consultation**
- **Statement of Community Involvement consultation**
- **Housing and Employment Land Call for Sites**
- **Dealing with inconsistencies between councils**
- **Staffing arrangements**

2. MAIN IMPLICATIONS

Subject Matter and Scope

2.1. The geographical scope and broad subject matter of the plan have already been agreed, extending to Mid Devon, East Devon, Exeter and Teignbridge (excluding Dartmoor National Park) and covering the following strategic planning matters;

- The vision for growth and development
- Housing and economic development needs and general distribution
- Strategic development allocations
- Strategic planning policies and infrastructure proposals
- Other policies where consistency is considered to be beneficial

2.2. Decisions on the plan's detailed contents will undoubtedly evolve as the plan progresses, and as evidence presents itself. In particular, the impact of financial and other devolution agreements and government policy changes will be kept under review. However, bearing in mind these uncertainties a potential structure and scope is emerging from officer discussions as below, with implications for city, town and countryside across the GESP:

- Contents
 - A list of chapters and policies.
- Executive summary
 - A short outline of what the plan is seeking to achieve and how.
- Role of the joint plan and relationship with other plans
 - Setting out the overall scope of the plan and how it can support other related strategies such as the Local Enterprise Partnership's policies and the results of the devolution discussions. How it relates to the existing and proposed new local plans prepared by each council and with Neighbourhood Plans. Duty to cooperate discussions.
- Background changes and issues
 - A consideration and analysis of what is happening and the problems and opportunities arising.
- Overarching vision and objectives
 - High level principles underpinning the plan
- Plan Strategy
 - Description of the overall strategy which best meets vision and the challenges facing the area. Covering the big ticket themes of where and how many homes and jobs are needed, how key environmental assets will be protected and enhanced and the need for new and improved infrastructure.
- Strategic Settlements and area strategy and functions
 - The implications of the vision and strategy for each of the main settlements and the plan area as a whole. Setting out the key planning functions and role of these.
- Strategic Development Proposals
 - The strategic development sites allocated in this plan to meet the strategy and other area's needs. Implications for the remaining district/city level local plans' allocations.
- Strategic Policies
 - Homes – setting the strategic targets for the objectively assessed need for housing, and considering the need for specific types of housing (including affordable, student, custom build and accessible homes).
 - Economy – considering forecast economic performance and how the plan can guide/improve. This is likely to include consideration of particular economic sectors (and in particular the evolving role of the knowledge economy and innovation), the protection of key economic assets across the whole plan area.
 - City and Town Centres – giving the overall approach to the need and best locations for retail, leisure and other “main town centre uses” taking account of the existing “hierarchy” of town and city centres in the area.

- Environment – policies concerning issues including climate change, air quality, flooding, protection of European sites, other strategic landscape and biodiversity matters and heritage protection.
- Community infrastructure – policies and proposals for the provision of community facilities and infrastructure, including information, smart systems and broadband.
- Quality of development – improving the design of new development, including consideration of density and space standards.
- Implementation, delivery and monitoring – proposals to ensure that policies and proposals happen on the ground and how their success will be measured.

3. Greater Exeter Strategic Plan Timetable

3.1. An indicative timetable was included in the previous report, subject to further investigation. Officers have considered this matter further, with a more detailed assessment of the evidence and other stages needed to prepare a strategic plan for this wide area. A revised timetable for the GESP is now proposed, as follows.

- February 2017
 - Consultation on an Issues Report
 - Consultation on a Greater Exeter Draft Statement of Community Involvement
 - Housing and Employment Land Availability Assessment “call for sites”
- January 2018 - Consultation on Draft Plan
- February 2019 - Publication (Proposed Submission) Plan
- August 2019 – Submission of Plan
- November 2019 - Hearings before Planning Inspector
- June 2020 – Adoption after Inspector’s report received

3.2. This timetable is reflected in a proposed Local Development Scheme set out in **Appendix 1** and will be similarly reflected in the other councils’ schemes.

4. Mid Devon Local Plan Review Timetable

4.1. The timescales for the production of the Mid Devon Local Plan Review together with associated Local Development Scheme were reported to Cabinet on 21st November 2016.

Stage	Date
Sustainability Appraisal Scoping	May 2013 (completed)
Preparation Stage Consultation	January 2014 (completed)
Publication Stage Consultation	February – April 2015 (completed)
Modifications Consultation	January – February 2017
Submission	March 2017

Hearings	September 2017
Adoption	January 2018
Revision	2020

- 4.2. Until the adoption of the Mid Devon Local Plan Review the planning team will be working on both plans at the same time, although the Local Plan will be prioritised through to examination completion.
- 4.3. The GESP is a strategic plan and as such it will not update all of the Mid Devon Local Plan Review policies. Therefore a timetable for a review of the remaining local plan elements is proposed to commence in 2020.
- 4.4. This is reflected in the proposed Local Development Scheme at **Appendix 1** to this report. It is recommended that the Local Development Scheme is approved, to be published on the council's website and to come into force on 22nd February 2017.

5. Governance of Greater Exeter Strategic Plan

- 5.1. Plans require member decisions at certain stages. A joint plan can be prepared under either of Sections 28 or 29 of the Planning and Compulsory Purchase Act 2004.
- 5.2. Under Section 28 a joint plan is subject to separate decisions by each of the Local Planning Authorities. In other words, all four councils will need to approve the plan at each relevant stage in accordance with their own constitutions/schemes of delegation.
- 5.3. Under Section 29, by comparison, a Statutory Joint Committee is set up with the delegated authority to prepare the joint plan as a planning authority. Setting up a joint committee requires that an order is laid before parliament defining its scope, remit and membership. Once the plan is adopted by the joint committee it is as if it has been adopted by each of the participating planning authorities.
- 5.4. The councils are being recommended to prepare the plan under the first of these approaches in view of the need to progress the plan quickly, without waiting for Secretary of State/Parliamentary approval. This would require no alterations to the individual constitutions of each council.
- 5.5. As part of the plan preparation process, it is further recommended that a member steering group is set up between the five councils, consisting of the appropriate cabinet / portfolio holder from each. This would have no formal decision making powers, which would remain with each council as set out above, but would provide high level leadership guidance into the work of the existing officer board.
- 5.6. It is recognised that it might be difficult for the wider council membership to input into a joint plan through the normal committee/council channels. It is therefore proposed that member input is provided for in two additional ways.

Firstly, it is proposed that a joint informal advisory reference forum is set up, consisting of 5 councillors from each of the five authorities (total 25 members). There would be an expectation that the councillors from each authority would be politically balanced. This joint forum would consider plan drafts and comment upon them before they are finalised and presented to the meetings of the individual councils. Secondly, officers will run member briefings before each formal committee cycle to allow all councillors to review and comment upon draft plan contents and proposals. This would help to ensure that councillors' views can be considered before proposals are finalised.

5.7 Members should note that there is a separate proposal to set up a Greater Exeter Growth and Development Board as a formal joint committee to consider economic development and other key related strategies for the area which will inform the strategic context for the GESP. This has been agreed in principle by Exeter and Teignbridge and will be considered by East Devon and Mid Devon. (Note that Devon County have confirmed their wish not to be involved in such a joint committee at this stage, although this does not undermine their commitment to the GESP). It is envisaged that the member steering group referred to above would have a role reporting on plan progress and strategy to the joint committee. This does not affect the recommendation referred to above to prepare the GESP under Section 28.

6. Issues Consultation

6.1. To give an opportunity to explain the scope of the Greater Exeter Strategic Plan and to encourage initial expression of views, it is recommended that the councils publish a short "launch" document for the plan, attached as **Appendix 2** to this report. This will;

- Introduce and explain the reasons for preparing an agreed strategy across the Greater Exeter area;
- Summarise the proposed general scope and subject matter of the Greater Exeter Strategic Plan;
- Introduce a number of relevant planning issues;
- Invite anyone with an interest to send us their initial views on what a plan of this type should contain and any other matters.

6.2. There are no specific proposals within this short document, it therefore provides an open opportunity for initial comment. It is proposed that this is published in February 2017, as set out in the timetable above. This allows for our already-timetable Mid Devon Local Plan Review consultation on local plan changes to finish before new GESP consultations start, avoiding potential for confusion.

6.3. You are recommended to endorse the issues report for publication and consultation.

7. Greater Exeter Statement of Community Involvement (SCI)

7.1. Each of the councils have their own Statement of Community Involvement (SCI) which contain policies on how the councils will consult on planning

decisions. However, these differ between the councils. Therefore if the existing SCI policies were used to guide GESP preparation, the consultation processes would vary within the GESP area. It would be time consuming to review each of the councils' existing SCIs individually to incorporate four identical GESP-specific sections, causing delay and diverting staff resources from actual plan production. Instead, it is proposed that a joint SCI is prepared, covering GESP-specific consultation only, to sit alongside each council's existing SCI.

7.2. While there is no specific legal requirement to consult on an SCI it is nevertheless proposed to do so and a draft is attached as **Appendix 3**, to be approved for consultation alongside the Issues report. The final SCI will be brought back to each council for adoption during 2017.

8. Housing and Employment Land Availability Assessment (HELAA)

8.1. It is a requirement of government policy that plans are deliverable; for development allocations a HELAA (formerly SHLAA) is prepared. An early stage of this is a "call for sites" where landowners, developers and site promoters are invited to advise the councils of land which is available for economic, housing and other development. This "call for sites" is not a consultation event as such, however it is of course a fairly public process. It needs to be undertaken early in the plan making process to allow time to research and assess the submitted sites before the contents of the Draft Local Plan are recommended to each council. It is therefore proposed that the call for sites starts alongside the publication of the Issues Report and Draft SCI.

9. Ensuring Consistency

9.1. Because decisions are taken by the four separate councils individually, it is possible that inconsistencies could arise. For example, a change of wording to the Issues Report could be agreed by one of the councils, but not considered by any of the others. It is hoped that this will not occur since the documentation has been prepared with the collaboration of the officers from each of the councils and the report is relatively uncontroversial. However, if that did happen there needs to be a process for achieving agreement before the document is formally published. It would be extremely time consuming for a revised version to go through each council's committee cycle again, delaying plan production against the timetable above. It is therefore recommended that such inconsistencies are resolved through agreement between the four Chief Executives in consultation with the relevant portfolio holders. This is reflected in the recommendations above.

10. Staffing Resources

10.1. The councils agreed to provide a central budget, held by Devon CC, to fund necessary evidence for the GESP work. This has now been set up and is working well. The earlier reports stated that staffing would be considered and reported back in more detail. Thus far the plan has been prepared using staff from each of the partner councils, in varying proportions reflecting their available team members. Following discussions between officers based on the experience so far it is now proposed to instead set up a joint team to carry out the core work on the plan, calling in additional staff, for example specialist advice, where necessary. It is considered that this will increase

the efficiency of the work and in particular help to achieve the timetable set out above.

10.2. Devon County is committed to joint working on GESP. Exeter and Teignbridge propose to continue to task existing staff to this joint team, without the need for additional staff being employed. However existing workloads within Mid Devon and East Devon do not currently permit this approach in the short/medium term. Accordingly, each of these authorities propose to appoint a temporary staff resource to work with the joint team from April 1st 2017. When workloads allow, existing East and Mid Devon staff will become available to work on the GESP. Further details such as location, timing and Human Resources implications are to be determined by agreement between officers of the five councils.

10.3. Mid Devon is unique in the GESP partner authorities in that we are working on two plans simultaneously. The Mid Devon Local Plan Review is well advanced and proposed to be submitted before the end of March 2017. However it is unlikely that the examination of that plan will be completed until after September 2017. Until then the priority for the staff in the Forward Planning team is the Mid Devon Local Plan Review. The importance of work on the GESP and the need for Mid Devon to act as a full partner in that joint work is recognised. However in order to make a meaningful contribution to that work and also to make sure that Mid Devon is represented, an additional staff resource is required. It is anticipated that this will be until the examination into the Mid Devon Local Plan Review has been completed. An additional £30,000 is sought in order to secure this resource and arrangements have been made to second time from forward planning staff from a different authority to assist with this. It is likely that the additional staff resource from Mid Devon towards GESP will initially comprise time from more than one officer, but it is intended that following the examination a dedicated resource will be made available at 1 FTE.

11. Groups consulted

11.1 The report has been agreed jointly with officers of the five participating authorities and is being presented (with appropriate variations to reflect local matters) to each.

Contact for any more information	Jenny Clifford, Head of Planning and Regeneration 01884 234346 jclifford@middevon.gov.uk
Background Papers	Cabinet 12 th May 2016, 7 th July 2016, 21 st November 2016
File Reference	None.
Circulation of the Report	Cabinet Member for Planning & Regeneration

Appendix 1

Local Development Scheme 22 February 2017

Greater Exeter Strategic Plan.

1. The Greater Exeter Strategic Plan will cover the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge (i.e. those Councils' administrative areas excluding Dartmoor National Park). It will be prepared jointly by those four local planning authorities with the support of Devon County Council under Section 28 of the Planning and Compulsory Purchase Act. It will:
 - set an overall vision and strategy for the development of the area in the context of national and other high level policy;
 - include overarching, cross-boundary and strategic targets, policies and proposals for development and conservation
 - guide the overall level and distribution of development
 - make strategic development and infrastructure proposals
 - contain other strategic policies necessary to implement the vision and strategy; and
 - cover the period to 2040.
2. Once adopted it will supersede specified strategic parts of the East Devon Local Plan, Exeter Core Strategy, Exeter Local Plan, Mid Devon Local Plan (once adopted), Teignbridge Local Plan and any other Development Plan Documents as necessary.
3. The preparation timetable is as follows:
 - January 2018 – consultation on draft plan
 - February 2019 – Publication (Proposed Submission)
 - August 2019 – Submission
 - November 2019 – Inspector's Hearings
 - June 2020 – Adoption

Mid Devon

1. INTRODUCTION

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

- The timetable for preparation and revision of the development plan documents

1.2 Local authorities can update their LDS at such times as considered appropriate. The previous Mid Devon version has been in place since October 2015. Since this time the Council has been undertaking a review of the Local Plan.

2. THE LOCAL PLAN

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

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

Document	Adopted	Scope	Subject matter
Local Plan Part 1 - Core Strategy 2006 to 2026	July 2007	Mid Devon	The Core Strategy is part 1 of the district's Local Plan. It was adopted in accordance with the timetable set out in the Council's first Local Development Scheme. It sets out a spatial strategy and strategic policies for Mid Devon and its settlements.
Local Plan Part 2 – Allocations and Infrastructure Development Plan Document (AIDPD)	October 2010	Mid Devon	The AIDPD is part 2 of the district's Local Plan. It allocates sites for housing, retail and employment development, whilst setting necessary infrastructure requirements, with policies on the Community Infrastructure Levy, public open space, affordable housing, education provision, green infrastructure and carbon footprint reduction.
Local Plan Part 3 – Development management policies (LP3)	October 2013	Mid Devon	LP3 is part 3 of the district's Local Plan. It provides the detailed development control policies to deal with the specifics of planning applications

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

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

3.0 NEW LOCAL PLAN

Local Plan Review (Core Strategy, AIDPD and LP3) Adoption Target: 2017

- 3.1 The existing Core Strategy has been in place for nine years and the AIDPD for six years. A review process began prior to the adoption of LP3 in October 2013 to reflect the need to adhere to the provisions of the National Planning Policy Framework. This review process includes all strategic policies and allocations for the district, and incorporates development management policies such as those in LP3. The updated document will replace the existing Core Strategy, the AIDPD and LP3 to produce a single Local Plan for the district (effectively a review of parts 1, 2 and 3 of the current Local Plan). The new document will extend the time period of the plan to 2033.
- 3.2 The reviewed Local Plan will contain:
- Strategic policies guiding housing, employment and retail distribution across the district;
 - The development focus for each of the three towns of Tiverton, Crediton and Cullompton, the villages of the district and the open countryside;
 - Site allocations for housing, employment, retail development, community facilities and infrastructure; and
 - Development management policies.
- 3.3 The evidence base for the Local Plan will include a Strategic Housing Land Availability Assessment, Strategic Housing Market Assessment, Open Space and Play Area Strategy, Viability Assessment, Gypsy and Traveller Accommodation Assessment, Renewable and Low Carbon Energy Screening Study, Landscape Character Assessment, Habitat Regulations Assessment, Transport Assessment, Town and Village Character Assessment, Retail Study, Employment Land Review, Infrastructure Delivery Plan and Strategic Flood Risk Assessment. A Community Infrastructure Levy charging schedule is also being produced alongside the Local Plan review.
- 3.4 Coverage: Mid Devon
- 3.5 Conformity: the document will be produced in conformity with the National Planning Policy Framework.
- 3.6 The following table sets out the timetable for production and adoption of the document:

Stage	Date
Sustainability Appraisal Scoping	May 2013 (completed)
Preparation Stage Consultation	January 2014 (completed)
Publication Stage Consultation	February – April 2015 (completed)

Modifications Consultation	January – February 2017
Submission	March 2017
Hearings	September 2017
Adoption	January 2018
Revision	2020

4.0 PROGRESS REPORTING

- 4.1 The Council produces an Annual Monitoring Report (AMR) in December each year, covering the ‘monitoring year’ (of the preceding April-March period). The AMR sets out the list of documents that are included within the LDS, their timetable for preparation, the stage they are currently at, and if they are behind schedule the reasons for this.
- 4.2 The AMR is made available on the Mid Devon website and can be seen at: <https://new.middevon.gov.uk/planning-policy/monitoring/>

5.0 REVIEW OF THE LOCAL DEVELOPMENT SCHEME

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

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Greater Exeter Strategic Plan



Consultation: Issues
Regulation 18
February 2017



Introduction

The local authorities of East Devon, Exeter, Mid Devon, Teignbridge and Devon County Council are working together, engaging with stakeholders and communities, to prepare a new joint plan. By working together we are seeking to deliver the best possible outcomes for the provision of new homes, jobs and infrastructure for existing and future generations, while also protecting and enhancing the environment. The plan area is being called Greater Exeter and covers all of the four local authority areas, excluding Dartmoor National Park.

This document is the first stage in producing the joint plan and is designed to stimulate debate early in the process. Your input will help inform the contents of the new plan and decisions on future growth and development. We need to be proactive in setting out where development will be located to ensure we meet the government's aim of boosting the supply of housing.

A new plan

The new document, looking forward to 2040, will be called the **Greater Exeter Strategic Plan**.

The purpose of preparing the Greater Exeter Strategic Plan is to:

- Have a joined-up vision and aspirations for the area
- Meet the area's housing needs in the right locations
- Secure economic growth and increased prosperity
- Provide transport and infrastructure improvements needed to support sustainable growth
- Conserve and enhance the area's environment



What is this document?

This is the first step in preparing the Greater Exeter Strategic Plan and, after setting out some background, we are asking your views on:

The scope and content of the new joint plan

The key issues facing the area

Your feedback will help shape the first draft of the Greater Exeter Strategic Plan which will be consulted on in 2018.

How to get involved

You can make comments on this document between 17th February 2017 and 31st March 2017. Please fill in the online consultation form at:

www.gesp.org.uk/<insert here>

If you need an alternative format to submit a response please email <insert here> or call **<insert here>**

We will be holding public exhibitions where you can learn more about the Greater Exeter Strategic Plan.

Date/time	Place
<insert here>	Exeter
<insert here>	Newton Abbot
<insert here>	Tiverton
<insert here>	Honiton

If you would like to be informed of progress without responding to this consultation, please register your details by providing us with your name and address, and if possible, email address.

Preparing the plan

Writing the Greater Exeter Strategic Plan will involve extensive evidence gathering, public consultations and joint working with neighbouring authorities and partners. You can follow the progress of the Greater Exeter Strategic Plan at: www.gesp.org.uk

We will prepare the plan using these steps:

Stage one (Current)	Issues Consultation and Call for Sites	You can comment on the content of the plan and provide local knowledge.
Stage two	Draft Greater Exeter Strategic Plan	You are invited to comment on draft policies, potential development locations and supporting information, based on the previous stage and evidence gathering.
Stage three	Publication version of Greater Exeter Strategic Plan	You can comment on the revised plan, changed in light of the previous stage and further evidence gathering. Plan and comments go to the Planning Inspector.
Stage four	Planning Inspector's hearings	An independent Planning Inspector examines the plan, evidence and comments made. He/she holds hearings to discuss the 'soundness' of the plan.
Stage five	Adopted Greater Exeter Strategic Plan	The plan is adopted and is used to inform local planning policy and decisions on planning applications.

Proposed contents of the Greater Exeter Strategic Plan

Councils are required to produce planning policy documents to cover key issues such as housing, employment and the environment. We are proposing that the Greater Exeter Strategic Plan will include:

- Vision and objectives
- Strategy (covering the overarching direction of the area, the function of places, housing, economy, connectivity, environment, healthy and resilient communities)
- Strategic policies
- Development policies
- Strategic proposals and allocations (development and infrastructure)
- Delivery policies
- Monitoring indicators

The Greater Exeter Strategic Plan and other plans

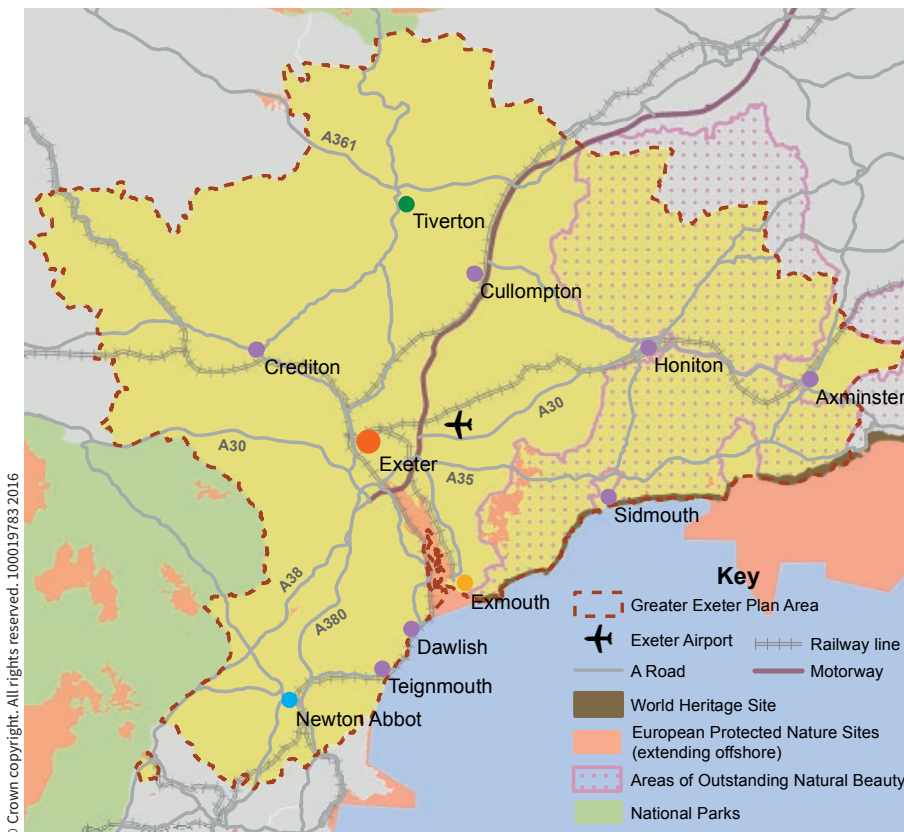
The relationship of planning documents in the Greater Exeter area is shown below:



Question 1

Do you have any comments on the content of the Greater Exeter Strategic Plan and its relationship with other plans?

The place



● Exmouth

Exmouth is the largest coastal town in the Greater Exeter area and is an important residential and commercial centre. Beside the sea and estuary, it is a desirable visitor and tourist destination with access to the Jurassic Coast (a World Heritage site) and a reputation for water sports. The Exe Estuary is an important wildlife habitat with European protection. The town benefits from a local rail link to Exeter but has a constrained road connection to the M5 and Exeter.

● Other market and coastal towns

The market and coastal towns in Greater Exeter play an important role in providing local services, facilities and some job opportunities. They offer highly valued access to rural and coastal environments.

Recently, the catchment area of people travelling to Exeter has increased, indicating a need to travel to achieve higher wages and better work prospects. Increased movement for work has created challenges for our transport system. A reliance on car journeys and difficulties in improving roads due to environmental and financial limits makes travel an issue in some locations.

■ Rural areas and villages

Most of the Greater Exeter area is rural or coastal. These beautiful areas provide a vital environmental asset for the area in terms of quality of life.

Larger villages act as local centres, complementing the role of nearby towns and Exeter. Although farming is not as significant a part of the economy as it once was, it supports many residents and associated industries. It also performs a vital role in managing the countryside.

● Exeter

The attractive city of Exeter is located strategically in south east Devon. At the heart of the Greater Exeter area it acts as a hub for local road and rail connections. Exeter benefits from a university, retail, commercial and cultural strengths and this, together with its setting, has encouraged strong economic growth. Exeter has been successful in attracting investment in knowledge based industries, building on the strength of the university and key employers like the hospital and Met Office.

Due to Exeter's location and economic success the city's population and its surrounds have grown significantly in recent years.

● Newton Abbot

Newton Abbot, part of the heart of Teignbridge, is the largest market town in the south west of the area.

It is located on the Teign Estuary between the coast and Dartmoor. It is strategically located close to the A38 and the A380 and also has a mainline rail station. The town offers a retail centre and employment which complements the business offer of Exeter, with specialist manufacturing. The town has developed large, residential areas in the recent past.

● Tiverton

Tiverton provides the greatest range of social and commercial services in the northern part of the area. It has good access to the M5, a rail service at Tiverton Parkway and is connected to the North Devon Link Road. Tiverton has seen significant housing development in the recent past. The largest employment sector is retail and wholesale trade with some larger employers.

The issues

Here are our initial ideas on the issues affecting those who live and work in the Greater Exeter area which could be addressed in the plan:



Housing

We know many residents in Greater Exeter find **houses unaffordable** and/or **struggle to find the right properties** to meet their needs (for example young families, older people). However, the picture is not the same everywhere; disparity is created by mixed levels of wealth and different house prices in the area.

The quality of our homes is also a key issue for many; we have homes which could be in **better condition**.



Economy and employment

Greater Exeter has a good level of employment. However, **wages are low** compared to national averages. To improve the choice of jobs and the wages people receive, we need to maximise the assets we have for **high value economic growth** and ensure our workforce is appropriately **skilled and productive**.



Transport

Many people living in Greater Exeter experience barriers to reaching employment and services. The rural nature of much of the area is a cause of this in a lot of cases. **High car dependency** is an **expensive** burden on many households and it is causing **traffic issues** on parts of our road network. It is also difficult to serve the rural areas efficiently with regular **bus services**. The reliance on cars has an **environmental cost** too. Transport can also be an opportunity – walking and cycling have significant health benefits.



Environment

We live in an exceptional environment in terms of our city, towns and villages, coastline, rural areas and our heritage. It is important socially, economically, and inherently, that our **natural and built environment** is **conserved and enhanced**.



Healthy communities

Our health is linked to many factors - the quality of our homes, our affluence, our lifestyles, the environment we live in. Whilst ensuring we **maximise opportunities to improve health** we also need to respond to new challenges. We have an **ageing population**; parts of Greater Exeter have significantly higher than average numbers of older people who may have specific requirements which need to be planned for. **Fuel poverty** also has a negative effect on people's health.



Adapting to future challenges

The impact of **climate change** on Greater Exeter is a difficult issue to quantify but the extreme storms in 2014, which damaged the railway at Dawlish, and **flood risk** are examples of challenges to which we may need to respond more often due to changes in our climate. Alongside environmental challenges we also need to be prepared for **economic pressures**, with uncertainty due to our withdrawal from the European Union and fluctuations in costs of goods (for example fuel).



Infrastructure

For communities to function and prosper they need infrastructure to support them, for example schools, health services, buses, trains, roads, broadband and flood defences. As the Greater Exeter population grows, further infrastructure will be required to ensure residents can thrive. Infrastructure **capacity** and **location/accessibility** are issues to be addressed.



Question 2

Do these reflect the issues you see facing Greater Exeter?
If not, what should we add or change?

What will Greater Exeter be like in the future?

We need to bring together a strong, clear and aspirational vision for the area. We want to make sure that the Plan deals with the current issues and helps to achieve an improved future.

Greater Exeter up to 2040

Exeter has an important role to play as a critical focus for investment and innovation to increase the prosperity of residents across the wider area. It has the potential to expand significantly the contribution it makes to the economic well-being of the southwest and the national economy, focusing on new, high tech industries such as applied environmental sciences and applied data analytics. The towns surrounding Exeter also have a key role in realising their full economic potential to support local residents too.

One of the key assets of the area, and one of the things most valued by residents, is the quality of the natural environment - the coast, the wider landscape and the historic and cultural heritage it contains.

There is also a strong relationship between the city of Exeter and the towns and communities in the wider area. This is a relationship that brings benefits to the whole area in terms of economic prosperity, access to facilities and overall quality of life.

Draft vision

The unique benefits of having a thriving, historic, University City situated within a vibrant network of rural towns and villages are maximised. The needs of Greater Exeter's communities are embraced, with economic successes built upon and new growth opportunities realised. Our exceptional coastal and rural environments are maintained and enhanced, supporting the healthy lifestyles of our communities. The area is a global leader at addressing the economic and environmental challenges associated with low carbon, energy, climate change and transport and Greater Exeter is established as a leading location for innovative, data-driven and knowledge-led businesses. Growth is sustainable, resilient and proactively managed to benefit both urban and rural communities.



Question 3

Is the draft vision appropriate for guiding the future of the Greater Exeter area up to 2040?
If not, what changes would you like to see?

Themes for the Greater Exeter Strategic Plan

To deliver the vision and address the planning issues identified, we think the Greater Exeter Strategic Plan should consider the following to inform our objectives:



Housing

- Quantity and cost
- Type
- Quality
- Location



Economy and employment

- More and better paid jobs
- New investment
- Building on specialist expertise
- Growing existing industries



Transport and communications

- Accessibility
- Rail, road and air links
- Sustainable and active travel
- Communication and technological systems, for example broadband



Environment

- Conserving and enhancing our environment
- Landscape and seascape
- Heritage
- Biodiversity
- Public spaces



Healthy communities

- Active lifestyles
- Balanced communities
- Social, sports and cultural facilities
- A healthy living environment



Adapting to future challenges

- Flooding
- Environmental adaptation
- Economic diversification
- Low carbon and energy



Infrastructure

- The effective use of existing assets
- Innovation



Delivery

- Infrastructure provision and funding
- Design standards
- Affordable housing



Question 4

Have we missed anything?
If yes, what additions or changes should we make?

Growth in the Greater Exeter area

If we want to secure the supply of high quality, reasonably priced housing for current and future generations, and continue to grow and develop our economy and prosperity, we need to plan for new development in addition to what is in our existing planning documents. If we do this proactively we can make sure that new development conserves, enhances and harnesses our special environment and provides for our quality of life.

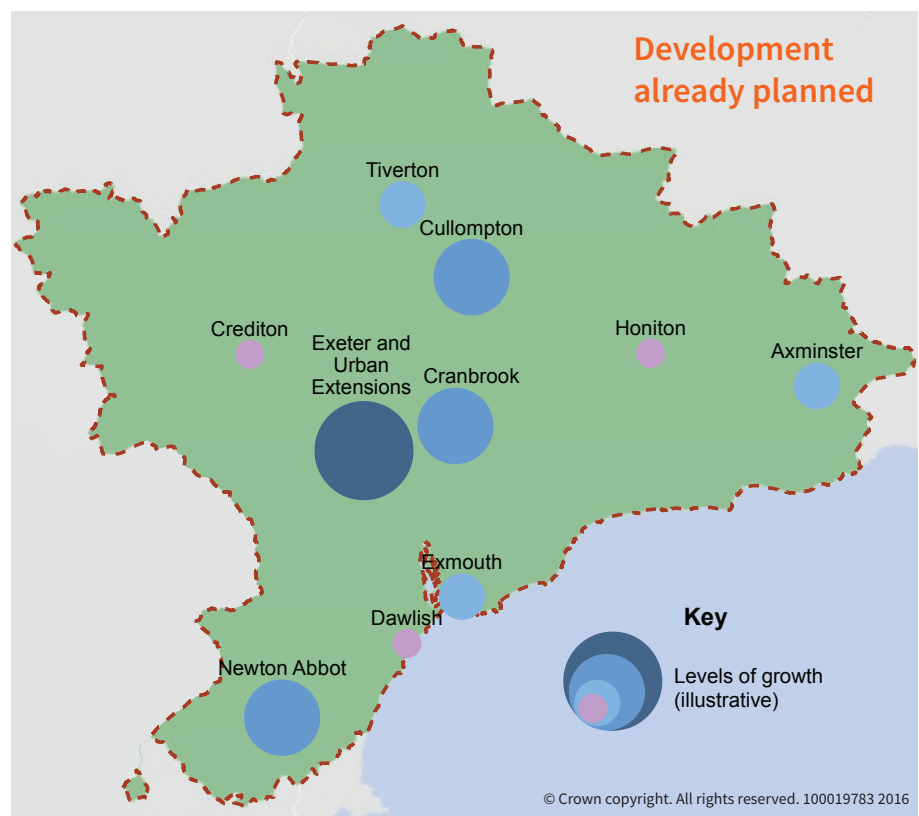
Now

Current plans (which only go up to between 2026 and 2033 depending on the area) set out the need for approximately 2500 new homes to be provided each year in the area. The broad pattern of development set out in these plans currently focuses growth in Exeter and its immediate surrounding area through the delivery of a new community at Cranbrook and a series of large urban extensions on the edge of the city at Newcourt, Monkerton and South West Exeter. This is complemented by smaller developments on the edge of Exeter, including Pinhoe.

Development close to Exeter and at Cranbrook accounts for almost half of the total housing provision planned in the area. Major employment sites are already planned for the east of Exeter at Science Park, Skypark and at a freight terminal.

Growth in and around Exeter is complemented by a series of urban extensions at Newton Abbot, Tiverton, Cullompton, Dawlish and Axminster, with some smaller scale growth in the remaining market and coastal towns such as Exmouth.

The current development pattern has been successful in delivering housing and economic growth although care has been needed to minimise pressure on sites of environmental importance, particularly the European protected Exe Estuary and East Devon Pebblebed Heaths. The transport network continues to be affected, with significant traffic and slower average speeds on some parts of the road network.



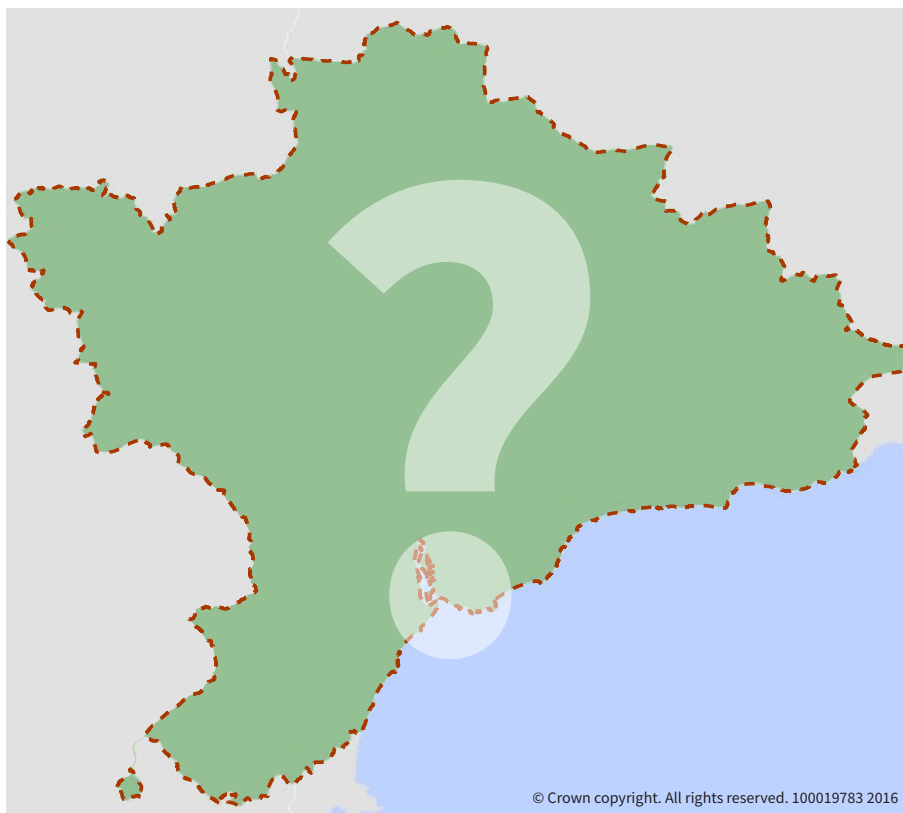
The future

Looking to the future we will need to think about how development can be best accommodated if we are to deliver the housing and economic provision the area needs. We also need to respond to central Government's focus on increasing housing supply.

Technical work is underway to consider the number of houses and jobs we need in future. Evidence is also being prepared to cover environmental issues, transport, infrastructure and other themes.

While the detail is being worked up it is useful to consider how we could provide for future growth in the Greater Exeter area while conserving the high quality environment. We will need to think about how forms of development we are currently seeing may work in the future.

Future stages of the Greater Exeter Strategic Plan will set out more detail, suggesting where future development could be located.



Question 5

If we are to meet the area's needs for housing and employment, what forms of development do you feel best deliver our draft vision?

For example:

- More efficient use of land in Exeter
- Major urban extensions in Exeter and main towns
- Dispersed small scale development
- Stand alone new communities
- Other



Question 6

Are there any further comments you would like to make on the Greater Exeter Strategic Plan?

Thank you very much for taking the time to look at this document. Your views are valued and responses to the questions will help shape the future of the Greater Exeter Strategic Plan.

To request this information in an alternative format or language please call <insert here> or email <insert here>

We consider requests on an individual basis.

Greater Exeter Strategic Plan (GESP) Joint Statement of Community Involvement Draft for Consultation

We are carrying out consultation on this document between 17 February 2017th and 31st March 2017. You are invited to give us your views either electronically at www.gesp.gov.uk/xxx or in writing (addressing correspondence to xxx). If you need help understanding what is proposed, or making your views known, please contact us by emailing xxx or calling xxx.

This is a Joint Statement of Community Involvement (SCI) that sets out our approach for consultation and involvement in the Greater Exeter Strategic Plan (GESP) only. The Joint SCI will be adopted by the four authorities working in partnership on the GESP: East Devon District Council, Exeter City Council, Mid Devon District Council, and Teignbridge District Council.



This SCI has been kept clear and concise to ensure that as many people as possible will read it and understand our approach.

Important Note:

This joint SCI only sets out the consultation approach on the Greater Exeter Strategic Plan and not on other planning documents or on planning applications. All authorities have existing Statements of Community Involvement containing policies for consultation and involvement in other policy documents and planning applications, and

these are not affected by this document. Please contact the individual authorities for details.

Background

The GESP will be a formal statutory Development Plan Document, providing the strategic planning framework for the four Local Planning Authority areas (therefore excluding any part of Dartmoor National Park). Devon County Council will assist with producing the GESP. It will contain strategic policies and allocations, including those that set the overall spatial strategy and level of housing and employment land to be provided. It will cover the period to 2040.

Consultation is required at various stages in its preparation, including “Publication” stage, after which it will be submitted to Government.

An independent Planning Inspector then carries out an Examination into the document, considering the views of interested people. The final decision on the soundness of the Plan will be made by that Inspector, after which the plan is to be adopted by the four councils. You can find government guidance on preparing local plans here: <https://www.gov.uk/guidance/local-plans>

General Principles of planning consultation

We will apply some general principles to our GESP consultation:

- Involvement will be open to all regardless of gender, faith, race,

disability, sexuality, age, rural isolation and social deprivation

- We will undertake consultation when the plan is still at a formative stage
- We will choose consultation processes by balancing cost and time constraints, and our level of discretion on the outcome
- Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any decision. They will give sufficient reasons and information to allow an informed response. Enough time (usually 6 weeks) will be given for responses
- Responses will be considered conscientiously
- We will inform people who respond to consultations of later stages

Who we will consult

- Statutory organisations including councils, infrastructure providers and government bodies as legally required or otherwise appropriate
- The general public
- Groups representing place or interest communities
- Local businesses
- Voluntary and other organisations
- Planning and development industry and consultants
- Others who have expressed an interest in the subject matter

How we will consult

- We will contact appropriate organisations and individuals directly
- We will publicise consultations by a combination of the following methods:

Website, press release, leaflets, posters, displays, social media, community groups, community events

- We will make consultation documents available at council offices and public libraries
- Consultation documents will be made available for download on the Council's websites and on the GESP website (www.gesp.gov.uk/xxx) and will be available for purchase at a price reflecting publication costs
- If asked we will give copies of consultation documents to community groups, councils and other statutory organisations
- We will consider organising or supporting consultation events such as public exhibitions
- We will publish comments received or a summary as soon as feasible. We will explain how these comments have been taken into account when decisions are taken

When we will consult

- An initial short consultation document is published alongside this joint SCI (www.gesp.gov.uk/xxx) to ask for views and ideas about the scope and content of the Plan
- After considering the initial consultation responses we will consult on the Draft Greater Exeter Strategic Plan
- We will formally publish the 'Publication Version' document for representations in accordance with the relevant regulations before submission to Government

MID DEVON DISTRICT COUNCIL

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

Present

Councillors

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

Also Present

Councillor(s)

R M Deed, Mrs B M Hull, R F Radford, Mrs J Roach and
F J Rosamond

Also Present

Officer(s):

Andrew Jarrett (Director of Finance, Assets and Resources), Jill May (Director of Corporate Affairs and Business Transformation), Nick Sanderson (Head of Housing and Property Services), Jenny Clifford (Head of Planning and Regeneration), Christie McCombe (Area Planning Officer), John Bodley-Scott (Economic Development & Regeneration Manager), Catherine Yandle (Internal Audit Team Leader), Jane Cottrell (Group Human Resources Manager) and Sally Gabriel (Member Services Manager)

126. APOLOGIES

There were no apologies.

127. PUBLIC QUESTION TIME 00-01-18

Mr Arthur Shenton spoke in relation to item 4 on the agenda, Syrian Vulnerable Persons Scheme, and stated that he was a retired teacher and had taught in Tiverton for quite a while and had also been a lecturer in Education at Plymouth University. He had lived in Washfield for nearly 30 years. This morning we had emailed you a document about the position in Washfield with regard to the Syrian refugees. I am going to ask a question on behalf of my fellow villagers in Washfield, who as you will know from the email are very passionate and committed to supporting a refugee family in Washfield as a simple human response to the dreadful suffering these people have endured. Before I ask a question I would just like to remind us all that Washfield already has a proud history of supporting vulnerable people fleeing from war. In September 1939, children escaping the bombing in London were welcomed into families in Washfield and I recently discovered that two of these children, 11 year old Martin Corey and his sister Nancy were given a safe haven in the house next to where I now live and so we, the present day residents of Washfield, wish to be part of that noble British tradition of extending a helping hand to families who are in desperate circumstances. We ask that the Cabinet today makes an in principle decision that a Syrian refugee family can be resettled in the Washfield property that we are offering subject to resolution of the planning consent issues. I understand that

councils all over the country are finding it very difficult to find suitable properties but here we are offering a property. We understand that the process takes between 6 weeks and 3 months from when Mid Devon notify Devon County that a suitable property is available. We ask that today, as soon as the planning position is resolved, you will immediately notify Devon County Council and thus begin the process. We the residents of Washfield, many are represented here, and the surrounding villages, pledge to fully support the family as detailed in the document that was emailed to you earlier today.

Annabel Taylor-Ross, speaking in relation to the same item, stated that she had had the privilege of working in various refugee camps in conflict zones when she worked for the UN. It is well documented that the best place for refugees is to stay as near to home as possible so that they can return when circumstances allow but sadly in the case of Syria it is unlikely that for these particular refugees that that would happen at any time in the near future. I have been in communication this week with former UN colleagues who are still working for UNHCR and they totally support the notion that for these particular refugees who have been handpicked for this scheme that resettlement in the UK is their best chance. In the refugee camps that I have been in there are huge amounts of dignity as well as huge amounts of hope in a place where you would imagine the most dire hopelessness. We watch the news with desperation back here in the west but we don't often get the chance to do something practically that may make a difference to people by giving them the stepping stone they need to help themselves. We would like to ask the Cabinet to change their proposal from 'up to 5 refugee families' to 'at least 5 refugee families' so that if this is a success and if it does work we are not then hampered or hamstrung by paperwork, we can go straight forward and open this opportunity up for more families in the future. We would also like to congratulate the Council on having their eyes wide open to join this scheme to be able to do something at a time when the world probably needs a bit more humanity in it.

Mr Gerald Conyngham, also speaking in relation the refugee item, stated that he was from Crediton and was the convener of the 'Welcoming Refugees in Crediton' Group. We have got just under a hundred people who have been attending meetings and have offered support in Crediton. We have been going for just over a year and we are really glad that this point has now been reached and there is a recommendation to Cabinet about accepting 5 families. We very much hope that you will accept it. My question really is related to the paper that has gone to you about the role of the council in supporting these families. I am aware that there are enormous pressures on you as a council, pressures on officers dealing with homelessness etc. We in our group, and I'm sure I speak for Washfield as well and Bradninch, are very able and wanting to help in every way we can to support these families. When I read the paper I got the impression that everything was going to be done by the officers, that surely is not the case, we can do a lot, for instance, some of visits that the officers do, why can't some of that be done on your behalf by local groups working on behalf of the Council? That would relieve the pressure on you and your officers. My question is, what role do you see us being able to undertake in supporting these families which we very much hope will be coming to Mid Devon. We would like to add that we have got one or two properties that will become available in Crediton which we can pass on to you.

128. MINUTES OF THE PREVIOUS MEETING (00-10-33)

The minutes of the previous meeting held on 5 January 2017 were approved as a true record and signed by the Chairman.

129. SYRIAN VULNERABLE PERSONS SCHEME (00-11-44)

Arising from a * report of the Head of Housing and Property Services, the Homes Policy Development Group had made the following recommendations:

a) Up to 5 refugee families be housed / supported, as and when properties came forward, for the duration of the scheme providing the costs were met by the Devon County Council led resettlement programme and that this be reviewed four months after the arrival of the first family (Note: the programme was currently of 4 years duration).

b) These refugee families be accommodated in Private Sector accommodation. However, further consideration must be given to the need for support (help) which would involve a minimum of weekly visits by one or more officers and also an exit strategy involving the landlord, the Council and DCC.

The Member Services Manager outlined the decision making process for this item, referring to the original Motion put before Council on 31 August 2016, the initial discussions by the Homes Policy Development Group (PDG) and decision by Council on 26 October 2016 to support the Motion. Following this, the Homes Policy Development Group had considered a report of the Head of Housing and Property Services and made recommendations; she informed the meeting that in her view it was now a business decision that should be made by the Cabinet.

The Cabinet Member for Housing stated that all were aware of the situation in Syria and he welcomed the offer of voluntary help from those present, it was however necessary to look at the issue from a Local Authority point of view and the scheme that was being run by Devon County Council with Government funding. He outlined the number of Syrian families already in place in Devon and the process that was required. He reiterated that refugees would only be housed in the private sector and properties had to be found, preferably in the urban areas so that facilities were at hand. There would be on costs for the Local Authority which would have to be funded through the Housing Revenue Account.

Addressing the questions posed in public question time, he welcomed the help offered by volunteers present but explained that the Local Authority had to follow the guidelines outlined in the scheme, the recommendation from the PDG had been that up to 5 families were housed in Mid Devon, he felt that this was a starting point and that the scheme should be trialled at this level initially. The accommodation at Washfield was welcomed and if it met the standard required (with any necessary planning permission) then it would form part of a recommendation to Devon County Council.

Consideration was given to:

- Financial implications
- The work of the volunteers within the scheme

- Possibly increasing the number of families to be housed
- The need to support the recommendation of the PDG and trial 5 families in Mid Devon

RESOLVED that the recommendation of the Policy Development Group be approved.

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

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

130. **DECANTING POLICY (UPDATE) (00-36-14)**

Arising from a * report of the Head of Housing and Property Services, the Homes Policy Development Group had recommended that the revised Decanting Policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the review of the policy reflected changes in good practice and that it provided a framework for staff which set out the Council's approach to decant tenants from their current property due to an emergency such as fire, flood or major repairs or refurbishment.

RESOLVED that the recommendation be approved.

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

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

131. **STRATEGY FOR TIVERTON 2017/27 (00-38-27)**

Arising from a * report from the Tiverton Town Centre and Market Manager, the Economy Group had recommended that the Strategy for Tiverton 2017/27 be recommended to Council for approval.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the production of a Town and Market Strategy for Tiverton was to enable the stakeholders of Tiverton to work towards a successful and sustainable town centre and market. He highlighted the action plan within the report and the work that had taken place to date.

Consideration was given to:

- How much had and what would be implemented
- The experience of the Town Centre/Market Manager and his vision
- Possible evaluation of achievements against objectives and that the Economy Policy Development Group would monitor the action plan
- The bad impressions highlighted in the strategy and the work that could take place with immediate effect

| **RECOMMENDED** to Council that the Strategy for Tiverton 2017/27 be approved.

(Proposed by Cllr R J Chesterton and seconded by Cllr K I Busch)

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

132. DESTINATION MANAGEMENT PLAN FOR TOURISM (1-01-34)

Arising from a * report of the Economic Development & Regeneration Manager, regarding the draft Destination Management Plan for consultation, the Economy Policy Development Group had recommended that the draft Destination Management Plan be approved for consultation bearing in mind the comments and concerns of the Policy Development Group with regard to the small sample of people interviewed, the number of locations where this had taken place and the need for caution when considering the conclusions in the survey.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a need to provide a strategic direction for the development of the tourism sector within Mid Devon. In order for Mid Devon to be a competitive destination tourist area there was a need to understand who currently visited the area and why; therefore a survey had taken place. He outlined the number of interviews that had taken place, the locations used and the findings of the survey

Consideration was given to:

- 19% of those interviewed were local residents
- The size of the document and the need for it to be more succinct
- The ageing visitor profile, which Members felt was a strength not a weakness
- The profile of population in Mid Devon
- Good clean facilities
- An audit of signage that was taking place
- Visitor leaflets, signage and marketing and work that could take place with the Parish Councils

RESOLVED that:

- a) The findings of the tourism research be noted;
- b) Officers be asked to secure a revised dataset based solely on visitors to Mid Devon and to analyse this data prior to finalising the draft Destination Management Plan ;
- c) Approval for consultation on the draft Destination Management Plan be delegated to the Chief Executive in consultation with the Cabinet Member for Planning and Economic Regeneration.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

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

133. **MASTERPLAN - AREA B TIVERTON EASTERN URBAN EXTENSION (1-33-46)**

The Cabinet had before it a *report of the Head of Planning and Regeneration requesting Members to consider information on Area B of the Tiverton Eastern Urban Extension (EUE) for Stage 1 public consultation, for a Masterplan Supplementary Planning Document (SPD).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report highlighting by way of presentation the area within the Eastern Urban Extension named as Area B. The Allocation and Infrastructure Development Plan Document adopted in January 2010 allocated sites for development which included 153 hectares of land east of Tiverton, he explained the mechanism for the master plan that had followed for Area A but had not fully resolved the land use issue across the whole of the allocation. Since the adoption of the existing masterplan, the Council had commissioned survey work to understand Area B and that this would now form an addendum to the masterplan for the Eastern Urban Extension.

He outlined the proposed 2 stages of consultation which would commence with a scoping exercise which would highlight the key issues of the developable area and amount of development, the access to Area B, green infrastructure and the phasing of development. He also outlined the opportunities available for access to the site and the constraints. He informed the meeting that the Stage 1 consultation programme would be delayed to take into consideration the Devon County Council elections and would therefore start on 16 May 2017 for a 4 week period.

Consideration was given to:

- Reservations regarding the access points to the site
- The impact on local residents and the need for the junction at the A361 to be in place prior to construction
- The impact on Blundells Road and Halberton
- Funding issues with regard to the A361 junction.

RESOLVED that the Area B Masterplan Supplementary Planning Document (SPD) be approved for stage 1 consultation.

(Proposed by Cllr R J Chesterton and seconded by Cllr K I Busch)

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

134. **MEETING MANAGEMENT (1-59-47)**

The Chairman indicated that he would like to amend the order of business and take agenda items 17 and 18 next. This was **AGREED**.

135. **WASTE STORAGE SUPPLEMENTARY PLANNING DOCUMENT (2-00-06)**

The Cabinet had before it a * report of the Head of Planning and Regeneration seeking approval to adopt the Refuse Storage for New Residential Properties Supplementary Planning Document (SPD).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining that the document provided guidance on the design of waste recycling storage in new residential developments across Mid Devon. The issue had originally been raised at the Scrutiny Committee and that the SPD complimented existing local planning policy on design of housing (DM14) which required adequate external space for recycling and refuse storage. Effective waste storage was also a component of good design more generally under policy DM2 'High Quality Design'. The proposed Local Plan Review Policy DM12 'Housing Standards' would continue to provide the baseline for the more detailed guidance included in the SPD.

Consideration was given to developments that had commenced using the guidance established within the SPD

RESOLVED that the Refuse Storage for New Residential Properties Supplementary Planning Document be adopted.

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

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

136. **PERFORMANCE AND RISK**

The Cabinet had before it and **NOTED** a *report of the Director of Corporate Affairs and Business Transformation 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 the key business risks.

The Audit Team Leader walked Members through the report and highlighted the positive performance within the Corporate Plan targets.

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

137. **GREATER EXETER GROWTH AND DEVELOPMENT BOARD (2-08-35)**

The Cabinet had before it a *report of the Chief Executive seeking support for the establishment of formal joint governance arrangements for economic development and strategic planning and infrastructure project management and delivery for the Greater Exeter area to ensure that this functional economic area 'punches its weight' regionally and nationally.

The Leader outlined the contents of the report stating that agreement was being sought in principle and whether or not the devolution proposals lead to a new relationship on planning and economic development matters across the LEP geography, there was a need for a formal body that had the advantages of acting as a single organisation with one strategy, plan and decision making process bringing together direction, commitment, effort and resources to remove duplication and address major strategic issues affecting the functional economic area.

Consideration was given to:

- Whether there would be a role for scrutiny
- The need for joint governance to be open and transparent

- The work of the Partnership Working Group
- Development difficulties in the Exeter area
- Queries as to why Devon County Council were not involved

RESOLVED that:

a) The principle of the setting up of the proposed Greater Exeter Growth and Development Board together with local authorities covering the Greater Exeter functional economic area, namely East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council be approved. The Board will be a Joint Committee under s101 (5), 102 Local Government Act 1972 and s9EB Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

b) Devon County Council had been asked to support this, but was not yet prepared to do so be **NOTED**.

c) It be noted that further detailed reports would be brought to Cabinet and/or full Council as appropriate on:

- The terms of reference and rules of procedure of the joint committee (Greater Exeter Growth and Development Board)
- The required amendments to the Constitution once the Terms of Reference have been agreed and approved by each Council
- Any future decisions on the creation of delivery vehicles
- Any funding decisions

(Proposed by the Chairman)

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

138. **PROPOSED HEART OF THE SOUTH WEST PARTNERSHIP GOVERNANCE REPORT (2-20-51)**

The Cabinet had before it a *report of the Chief Executive explaining that in the absence of any 'Devolution' proposition at this time, the Heart of the South West (HotSW) partnership was seeking to take forward proposals to create formal governance for the partnership and prepare/approve a Productivity Plan in support of our future devolution asks and to replace the Strategic Economic Plan for the area.

The Leader outlined the contents of the report explaining the change of Government view with regard to the establishment of a combined authority in the HotSW area without an Elected Mayor. The new Secretary of State had now given a clear indication that a mayoral combined authority would be required in order to achieve a significant devolution deal. It was considered that the partnership must maintain the momentum achieved to date by putting in place arrangements across the HotSW area which would enable the delivery of key ambitions of raising productivity.

Consideration was given to:

- Events taking place in Dorset
- The need for closer partnership working

It was therefore:

RECOMMENDED to Council that:

a) The update about the HotSW Combined Authority / devolution deal proposals (including noting that a Joint Committee, if established, would have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities) be **NOTED**;

b) The proposals for the HotSW Productivity Plan preparation and consultation proposals be approved (including noting that a Joint Committee, if established, would have responsibility for approving and overseeing the implementation of the Productivity Plan);

c) The following was **AGREED**:

(i) 'In principle' to the establishment of a HotSW Joint Committee with a commencement date of Friday 1st September 2017 in accordance with the summary proposals set out in this report;

(ii) That the 'in principle' decision at (i) above was subject to a further report to the Council after May 2017 to: approve the establishment of the Committee; a constitutional 'Arrangements' document; an 'Inter-Authority Agreement' setting out the support arrangements; appoint representatives to the Joint Committee; and appoint an Administering Authority.

(Proposed by the Chairman)

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

139. **FINANCIAL MONITORING (2-25-23)**

The Cabinet 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.

The Cabinet Member for Finance outlined the contents of the report stating that the General Fund now showed a proposed deficit of £64k; the significant movements within the month which included reactive maintenance at leisure centres and additional income from Development Control fees and charges. He highlighted the well managed Housing Revenue Account with rental income good and arrears low. The capital budget had some slippage but that was mostly on housing projects.

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

140. **BUDGET (2-27-20)**

The Cabinet had before it a * report of 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 Cabinet Member for Finance outlined the contents of the report highlighting the work of officers and the Policy Development Groups to secure significant savings without reducing service delivery and maintaining the commitment to four key aims within the Corporate Plan, this had resulted in the Council only requiring £89k to set a

balanced budget which was proposed to be taken from the New Homes Bonus. He outlined the Government changes that had been made to the New Homes Bonus and that that funding stream could not be relied on in the future.

Consideration was given to:

- The need for the authority to be more commercially minded in order to raise money
- An additional recommendation to include the provision of a litter picking service
- The need for a good joined up approach with regard to the litter picking service with the Parish Councils
- The need for education with regard to the disposal of waste

The Cabinet recorded its thanks to the Finance Department for their hard work with regard to the budget process.

RECOMMENDED to Council that:

- a) Council Tax be increased by £5 to £192.15.
- b) General Fund budget for 2017/18 be approved.
- c). The 2017/18 budget required no transfer from the General Fund Balance.
- d). The General Fund Budget required a one off transfer of £89k from New Homes Bonus.
- e). HRA budget for 2017/18 be approved as outlined in Appendix 5 of the report.
- f). HRA fees/charges be approved based on the attached schedule shown as Appendix 5a of the report.
- g). That work on strategic planning for delivering balanced budgets in the future be commenced in the Spring based on the funding levels contained in the fixed 4 year Government grant settlement.
- h) To seek the provision of two operatives and a van dedicated to litter picking throughout the district, initially for a one year period commencing April 2017. The financing of this service to be considered within the street cleaning review of Spring 2017, with any surplus funding requirement provided from the New Homes bonus.

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

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

141. **CAPITAL PROGRAMME (2-44-22)**

The Cabinet had before it a * report of the Director of Finance, Assets and Resources seeking Council approval for the 2017/18 Capital Programme and that the estimated amounts for 2018/19, 2019/20 and 2020/21 be noted.

The Cabinet Member for Finance outlined the contents of the report stating that the proposed Capital Programme had been produced following detailed consultation with spending officers and now mainly focussed on essential asset maintenance, funding for a range of private sector housing projects, modernisation of refuse and recycling vehicles, ICT replacement and maintenance and maintaining the housing stock. He

informed the meeting that the New Homes Bonus would form a substantial amount of funding for the programme.

Consideration was given to:

- Capital expenditure on the market
- Rear of the Town Hall, Tiverton

RECOMMENDED that:

- a) The detailed Capital Programme for 2017/18 be approved and the estimated amounts for 2018/19, 2019/20 & 2020/21 be noted.
- b) To agree to earmark New Homes Bonus (NHB) monies of £471k to support the 2017/18 Capital Programme (see para 2.3 of the report).

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr K I Busch)

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

142. **NATIONAL NON DOMESTIC RATES (2-48-16)**

The Cabinet had before it a *report of the Director of Finance, Assets and Resources providing Members with an update on the income generation and financial implications of the number of Business Rate properties in Mid Devon and requesting it to approve the NNDR1 (estimated income to be generated in 2017/18 from business rates).

The Cabinet Member for Finance outlined the contents of the report explaining the business rates retention scheme, the new and old schemes, the central pooling that allowed county councils and district councils to join together to pool their growth and offset the growth of one area against a decline in another.

Consideration was given to :

- Relief for small businesses
- The changes made to the scheme by the Chancellor in the autumn statement as detailed in the report
- The re-evaluation scheme taking place

RECOMMENDATION to Council that:

- a) The calculation of the NNDR1 net yield of £ 15.033m from 2887 Business Rated properties be noted and approved for 2017/18;
- b) The proportions distributed to the respective authorities and central government be allocated as per the statutory regulations; and
- c) Members note and approve that central government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing reliefs.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr C R Slade)

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

143. POLICY FRAMEWORK (2-55-03)

The Cabinet had before it a report of the Chief Executive requesting it to endorse the Policy Framework for the year.

The Cabinet considered the policies and the review dates.

| RECOMMENDED that the Policy Framework be adopted.

(Proposed by the Chairman)

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

144. ESTABLISHMENT (2-55-59)

The Cabinet had before it a *report of the Group Human Resources Manager outlining the overall structure of the Council showing the management and deployment of officers.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that a significant amount of positive change had taken place and that this would continue to deliver a more effective and efficient service. She referred to the following table which gave the total number of full time equivalent posts as at 31 January 2017:

Service	FTE 2017	FTE 2016
Business Information Services (ICT)	16.49	18.49
Chief Executive (inc Electoral Services)	6	5
Communities and Governance	16.71	19.71
Customer Services (inc Revenues)	36.79	43.08
Financial Services	24.14	25.06
Housing and Property Services	119.90	123.12
HR and Development (inc Leisure)	71.96	61.32
Planning & Regeneration	34.26	36.16
Public Health Services	17.6	17.47
Street Scene	77.51	76.51
Total	421.36	425.92

She also explained that while pressures of work were rising the Council had implemented support for staff suffering with stress.

| **RECOMMENDED** that the Establishment be approved.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr K I Busch)

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

145. **NOTIFICATION OF KEY DECISIONS (3-00-08)**

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

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

(The meeting ended at 5.27 pm)

CHAIRMAN

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Strategy for Tiverton 2017/27

Cabinet Member: Cllr Richard Chesterton
Responsible Officer: Alan Ottey – Town Centre and Market Manager

Reason for Report: To establish a Tiverton Town Centre and Market Strategy and Action Plan for 2017 to 2027.

RECOMMENDATION: That the Economic PDG recommends that the Council adopt the strategy and action plan.

Relationship to Corporate Plan: Links to the following priorities, Economy, Community and Environmental. It deals with the 4 main focus subjects in Economy, the three main focus subjects in Community and to the three focus subjects in Environment.

Financial Implications: Capital finance has been allocated for Market and Town Centre Improvements. Other financial implications will be covered from within the revenue budget allocation to the Town Centres and Markets.

Legal Implications: None

Risk Assessment: If the Strategy is not adopted then there is a great chance the economy of the town centre will diminish and void properties become more apparent. The market would become totally unsustainable and gradually would become a financial burden to the council.

1.0 Introduction

- 1.1 The reason for the production of a town and market strategy for Tiverton is to enable the stake holders of Tiverton Town Centre, of which Mid Devon District Council is one, work towards a successful and sustainable town centre and market. Mid Devon D.C. will take a strong leadership role in co-ordinating the various themes of the strategy with the aim of improving the town and market's economic performance, thus making it a place where business can thrive and people will want to visit.
- 1.2 This should be a living document and should be reviewed regularly as it is designed to be flexible enough to respond quickly to changes in the economic condition of the town and changes in the community and their way of life. It also embraces changes that are happening especially in the social and digital media arena.
- 1.3 The decision was made to combine a market strategy with that of the town centre as they are complimentary to each other as well as being supportive to each other.

Contact for more Information: Alan Ottey
(07815 791191)
aottey@middevon.gov.uk

Circulation of the Report: Cllr Richard Chesterton
Stephen Walford, CE & Director for Growth

List of Background Papers: Strategy for Tiverton 2017-2027

A Strategy for Tiverton 2017 to 2027 A vision for the next 10 years

A Strategy and Action Plan for the town and market.

INTRODUCTION TO TIVERTON TOWN CENTRE AND MARKET STRATEGY 2017/2027

Background

To enable the stake holders in the town centre and market in Tiverton it is necessary to enable all concerned to work towards a successful and sustainable town centre and market.

This can only be successful if a flexible strategy and action plan is in place to give leadership and direction for all the stake holders.

Mid Devon District Council is taking on the role of providing the initial leadership so as to co-ordinate all the different themes of the strategy and ensure the aim is to improve the economic performance of the town centre and market, thus making it a place where business can thrive and people will want to visit.

The decision was also made to combine town centre strategies with those of the market so that there is only one strategy document which is complementary both to the town and the market.

Executive summary

The strategy gives an overview of the national perspective as to the current situations in town centres and markets. They are at critical stage nationally in many places and there are many challenges to be met, especially for small market towns such as Tiverton. The same applies to the market scene nationally and the reasons for decline are complex and varied but there are still genuine economic and social benefits in maintaining and developing them. Town centres also need to reinforce and redefine their role and function in response to the economic change that has occurred over the last few years. The impact of creating local business is explained and shows how this is beneficial to the local economy, especially with the pressures on local authority budgets.

The next area covered is the local Tiverton perspective both for the town centre and the market. This includes the critical success factors for both. The good impressions and bad impressions are given, again for both the town and the market. The strategy will enable the town and market to become sustainable and having a robust and effective management in place.

It also supports many aspects of Council policy and these are listed. Most importantly the strategy will help to enhance the relationship between councils and small independent businesses to help secure the towns future and not fall into decline, resulting in loss of businesses and hence more unemployment.

A suggested vision is outlined and this would be supported by a number of key themes. These 12 themes will form the basis of the strategy and each theme will have an objective and key strategic outcome. This will be achieved through the key actions under each strategic theme. Many of the actions will in fact overlap other themes, but essentially they are positive ways forward. There are many additional actions that will present themselves during the life of the strategy and these should not be ignored or discounted. The strategy is a living document and should be reviewed regularly to ensure it is still 'fit for purpose' and appropriate to the economic climate at the time of review as this will certainly change.

The strategy also indicates the challenges, threats and risks to Tiverton as seen at present. Again these will change and will need review. An example would be the development of junction 27 and the impact upon the town which shows the need for a 'threats' strategy to ensure the right actions are taken to ensure that there is not a negative impact on the town.

A short summary is provided outlining why the strategy and action plan are necessary and finally there are 12 main recommendations from it. These briefly are:

1. The strategy is adopted.
2. An annual review is carried out and any modifications made.
3. Mid Devon D.C. retain management of market.
4. Monthly health checks carried out.

5. Up to date policies introduced which are legally compliant.
6. Consideration given as to amount of resource available.
7. Improved signage.
8. Embrace technology and review its best use.
9. Carry out annual customer survey.
10. Ensure council carries out regulatory requirements but take into account entrepreneurial enterprise.
11. Detailed survey of potential improvements and evaluation of them.
12. All decisions made involving the town follow consultation.

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National perspective

Market towns, such as Tiverton, have a very long history and have been focal points for as long as they have been in existence. As such they have always represented important public spaces. These towns and markets can offer possibilities, not only local economic growth, but also places for people to use a public space to mingle and become accustomed to each other and their differences. They therefore act as focal points for local communities, a site of public interaction and retail spaces....as noted many years ago by Professor Sophie Watson.

That said, Town centres and markets, like the whole retail arena, have been affected by the downturn in the economy. There are many challenges to be met and not only by towns and markets. Small market towns and their markets - such as Tiverton - play a vital role in the 'High street' revival. With the introduction of the 'Mary Portas' independent review and the subsequent pilots (of which Tiverton was one), all applications emphasised the considerable value of their town and market.

Pro-actively managed towns across the country seem to be the ones that are in the best position, are making improvements, and are developing trade by various initiatives: but there are challenges for markets managed by local authorities. These cover issues such as investment and budgets. There are also some restrictive market regulations that need modification since staid product choice and traditional opening hours simply diminish opportunity. The reasons for the current plight of many markets are varied and complex yet there are still genuine economic and social benefits in maintaining and developing them.

Town centres are a critical point, needing to reinforce and redefine their role and function in response to the economic changes that have occurred over the last few years as a result of the recession. Town centres are complex places and they need to perform as multifunctional centres offering a variety of retail, services, recreation and even more living accommodation.

Town centres need to respond to the continual changes in their demographics as that is where the customer comes from. At one level, small market towns may suffer from the lack of the major multiple stores since more and more are just concentrating on major centres. This is also influenced by 'shop on line' in the age of the computer, smartphone, and internet. That said, it follows that there are opportunities created for forward-thinking towns to embrace the change and to develop an entrepreneurial attitude.

Tiverton should emphasise the importance of being a market town which is supporting its local businesses and thereby strengthening the local economy.

Recently a survey was carried out by the National Association of British Markets Authorities (NABMA) resulted in the following facts:

- 1,225 retail markets.
- 33,000 market traders.
- 1,000 apprentices employed by market traders.
- 55,000 people employed directly on retail markets.
- Retail market turnover of around £2.5 billion a year.
- £36.6 million invested to improve retail markets.
- 65% of retail markets are run by local authorities.
- An estimated 30 billion shopping visits to retail markets per year.

Markets across the country are being invested in, resulting in regeneration of an area and trade. As a result of the economic changes in the last few years, the opportunities for small business development, through a market, have greatly supported the number of new start up entrepreneurial businesses. They are incubator spaces and allow development of exciting, innovative, businesses without the necessity for a large cash investment.

In surveys it was found that 42% of customers would not visit an area if the market was not present, which illustrates that many customers see the presence of markets as a key deciding factor in whether or not they will shop in a certain area.

The largest direct impact from market trade is the revenue generated by local retailers. Customer surveys show a highly positive attitude towards markets. In addition to the local benefits, tourists will often cite markets as a key reason for travelling to an area.

In many areas, the trader or business in a town centre is a local resident dealing with local customers which has a beneficial impact on the local economy. For every £1 spent by a local person with a local trader or business, that £1 will be worth about £1.70 to the

local economy. If that local trader or business then spends it with another local business, that £1 will then be worth around £2.20. Spend that £1 with a multi-national company then it has a value of about £0.22 to the local economy.

There are several reports over recent years of the value of town centres and markets. Most of these emphasise the importance to the community and the boosting of local small business and entrepreneurship.

With the growing pressures on local authority budgets, failing or loss-making local-authority-run markets are transferring to private control. Indeed, recent data seem to indicate that some private sector markets outperform those managed by the Council.

Trends in markets are changing. 'Street food' is certainly becoming very popular, especially with the lunch time trade from local businesses and offices. Crafts are another area where there is an increased demand. This shows there is a move from the 'cheap' goods sold out of a box to a better quality of goods. The latter market has been undercut as new items from China in stores such as PRIMARK are often cheaper than local "seconds" – once the staple of this sector. Markets will change in the future as the customer changes and the whole retail arena develops. This is complex and how things change is dependent upon the area's local demographic.

The Government have indicated support for town centres and markets and at the Department of Communities and Local Government (DCLG) the Minister for Local Government is also Minister for town centres and markets. They have given financial support to national promotions such as 'The Great British High Street', 'Markets Fortnight' and 'Love Your Local Market', (which now has developed into an international event across the world). They see the importance of the town centre and market as a place for economic opportunity for aspiring entrepreneurs (low cost and low risk) and have a role in helping creating community cohesion. They also recognise the support for environmental objectives, more efficient packaging methods and reduction of travel for food and customers.

Consideration has to be given into the formulating of a strategy to deal with the potential development at Junction 27. A positive way forward has to be mapped out and careful consideration given as to the way in which the town will embrace such a development and actually economically benefit from its presence.

The outlook for the future of town centres and markets is in general good, subject to the ability to invest, change and attract both traders and customers. As with multi-national companies, there is a need to be flexible to change and invest to ensure sustainability and a return on investment is achieved.

Tiverton perspective – an overview

Town Centre

The emphasis of the strategy will be on learning from the past but not living in it. Unless town centres and markets respond to the changing customer they will in time disappear or become dormitory towns. Change is happening and the industry has to react accordingly and there are opportunities to ensure the sustainability of the town centre and the market in the future.

Tiverton is well positioned in that in many ways it could be ‘the capital of rural Devon’.

Vitally important to having a successful town centre and market are the ‘critical success factors’. If these are missing, then maintaining a sustainable vibrant town centre and market becomes extremely difficult.

The factors are:

- Sense of place
- Critical mass
- Good management
- Accessibility and permeability
- Marketing and PR
- Safety and Security
- Integration with surrounding retail offer and community
- Partnership working

Outlined are the initial ‘good’ and ‘bad’ impressions around which the strategy was developed.

Good impressions:

- Abundance of notable historic buildings.
- Situated in centre of a rural hinterland.
- Unique small independent businesses
- Situated on 2 rivers and with a canal as tourist attraction.
- Fairly low unemployment with unique businesses within the area.
- A developing town with areas able to be used for development.
- Reasonable rents/rates in comparison to larger towns.
- Good sports facilities and a large further education college.
- Small number of vacant premises.
-

Bad impressions:

- Some buildings looking drab and tired and in need of revitalising.
- Street scene poor. Pavements look poorly maintained and in need of repair and cleaning up.
- Lack of footfall.
- Lack of effective pedestrian signage around town.
- Poster box in Phoenix Way complete eyesore and unattractive.
- Lack of street name plates (or cannot be seen easily) therefore difficult for visitors to get around.
- Lack of cooperation between various business groups which leads to poor communication.
- Lack of vision as to where and what the town wants to be.
- Lack of attraction for young family groups who have disposable income. Town uninviting.
- Lack of younger generation using town for purchases etc.
- Poor quality of some of shop windows and displays.
- Large number of charity shops in prime locations.
- Lack of general marketing and promotion.
- Lack of links and information boards for town centre businesses at car parks and some perceived by the public as being a high price for the type of offer the town has.
- Whole town in need of smartening up 'its act' and being united for common cause. Even Town Hall has vegetation growing on the roof and looking run down.

The town does have to look forward and to grasp opportunities. There will be opportunities in the future but the town still needs to work in partnership, which is public and private to ensure there is a common vision and strong leadership is given to take the issues forward so eventually there will be a return on both the public and private investment.

Market

The first question to ask is 'Does Tiverton need a market?' Historically there has been a market in Tiverton ever since it was established as a place where people lived. The town has evolved around the market as traders turned their businesses from stalls to shops and new traders evolved, thus creating new businesses.

Tiverton market is an important part of the town's heritage and is also an essential part of the attraction for visitors.

Outlined are the initial 'good' and 'bad' impressions around which the strategy was developed

Good Impressions

- Historic building
- Positioned in a 'Market Town'
- To some extent a visitor attraction
- Some good traders with local produce (very good fruit and veg stalls)
- On the whole traders welcoming
- Very reasonable rents/tolls
- Room for expansion
- Good night-time markets at intervals throughout the year and well attended

Bad Impressions

- Hard to locate as a visitor to town
- Poor signage from town centre
- Building being all glass and thus cold during winter as a consequence of its design
- Looks 'tired' and bland
- Looks dirty and paintwork poor. Badly in need of cleaning
- Faulty doors and design in need of attention
- Lack of variety, especially in food
- Poor facilities for café area, makes it look unsuitable for business.
- Lock ups also not fully fit for purpose and small space for display etc.
- Whole area requires a 'face lift' to help regenerate this part of the town
- Lack of younger generation and young families using the market, i.e. mainly reliant on older generation
- Lack of promotion
- Review of written policies, regulations etc. to make the market compliant with market laws.
- Review of vision and strategy
- High car park charges for size of town restricting dwell time and spend with businesses
- Lack of footfall

There are problems with the current market - identified above - and there is a clear need for change and improvement. The strategy will consider the current layout of the market and the potential to make changes, thereby creating inviting areas for customers and tourists to dwell. Without such action, Tiverton market will inevitably become a burden to the Council and will result in the Council continually subsidising its existence. Evidence across the country has shown that, by investing resources into improving a market, sustainability becomes a reality.

A return on the investment will happen, the length of time of this depending upon the amount and type of resource provided.

The installation of effective management and changes in outdated policies can result in a return in investment within a short time. Improvements in appearance will also result in return on investment but over a slightly longer period.

With a successful market, then the expectations of a reasonable return are achievable. Traders will pay appropriate rents if trading is successful and there is a good footfall. This is the same as the retail property sector where higher rents are achievable in areas of greater footfall and trade.

As with any investment, there is a need to have a vision as to its outcomes and a strategy to follow. This is very apparent with the successful markets around the country of which there are plenty - and even more now taking action.

The vision for the market has been written to incorporate all aspects of the benefits of a market.

General Comment

The strategy takes into account all the aspects of the vision so as to enable the town and the market to be sustainable over a projected 10 year life. Actions are achievable on this time scale and can be quite easily attained if robust and effective management is set in place.

It is very difficult to evaluate the town and market thoroughly as there are no base lines to work from other than rental income. As the voids increase, then the profitability of the town and its sustainability will come under question and the market will remain a loss maker for the Council. Efficiently managed and with strong leadership from Council, the market can create a surplus in time and add value to the economy of the town.

Market Towns in this country do have a viable future, as can be shown from successes up and down the country. They do support many aspects of Council policy in relation to the dimensions listed below:

- Provision of a trading space for small independent businesses at an affordable rate.
- Creation of entrepreneurship and innovation. This is especially so with links with Colleges and the younger generation allowing them opportunities to develop business and ideas. It also improves the quality of independent businesses.
- Creation of employment within the town.
- An area which helps community cohesion and opportunities for the understanding of different cultures.

- An arena for promoting healthy living and affordable food.
- A major attraction for visitors to the town and encourage return visits.
- An area where the older generation enjoy visiting and socialising.

Most importantly, the strategy will help to enhance the relationship between the Council and small independent businesses and other stake holders in the town centre. These stake holders are many and include local authorities, retail (both national companies and small independents), banking, estate and property agents, solicitors and other service businesses, hotels and guest houses, property developers, manufacturers, voluntary and charity sector, churches etc. In addition there are hidden advantages such as the reduction of unemployment and benefits paid out, the success of the town in attracting additional business etc.

If the town and market progress into gradual decline, then there will be a loss of businesses and hence yet more unemployment. Tiverton will also become less attractive to developers and investors as well as suffering loss of community spirit.

The strategy themes are designed to be a comprehensive plan covering every aspect of current issues and also to be able to respond quickly to changes in the economic and social spheres which will happen over the next 10 years. It emphasises the need to promote the town and market and implies more working with the new generations that bring innovation and entrepreneurship to them and beyond.

The main recommendations for taking the strategy forward are:

- Establishment of a robust and effective management model which would include monitoring performance and creation of base lines.
- Build on the relationship with new businesses and the younger generation through links with educational establishments.
- Provision of business support to help create innovation and entrepreneurship.
- Consider the resource that could be allocated and establishing what the return on the investment would achieve.

Many things covered in the strategy are already under consideration and actions are being taken. The market is important to the town and its economy as well as - when running efficiently - creating an income stream for the Council.

Tiverton has a great potential.

It should aim to be one of the south west's leading market towns, which can only be good for the promotion of the town and its economy.

The town centre contributes to the Council's corporate priority of the Economy through:

- Business development and growth
- Improving and regenerating our town centres
- Growing the tourism sector

Vision and Strategy Key Themes

Vision

To develop and sustain an attractive, inviting and vibrant town and market which will:

- Add value to the economic, social, environmental and cultural fabric of Tiverton,
- Create a dynamic visitor experience that is diverse, vibrant and adds value,
- Enhance the existing market: helping to create local employment and development of business,
- Promote the future whilst remembering the historic background.

This will be achieved through working with businesses, retailers, market traders, the customer and effective leadership from Mid Devon District Council. It will be flexible, so as to embrace changes in business and within the community thereby affording the opportunity to adapt to and exploit changes in business as all the actions are reviewable on an annual basis to ensure that they are still appropriate.

Key Themes to Town Centre and Market Strategy

The strategy itself consists of various themes each of which has a set of actions to be undertaken. Below are the key themes and the strategic outcomes. The letter key is (B) for both town centre and market, (T) for the town centre and (M) for the market.

1. Town and Market Position – To monitor and determine the sustainability of the town and market.

Key strategic outcomes:

- (B) Creation of inviting, clean and safe atmosphere.
- (B) Better liaison with town centre businesses and other like business organisations and market traders.
- (B) Linked signage and wayfinding.
- (B) Establishment of strategy and policy to respond to future developments i.e. Junction 27.
- (T) Improvements to public domain.
- (T) Maximise use of empty property and reduce the number of void properties.
- (M) Sustainable rents and charges.
- (M) Balance of goods creates competition but not saturation.

2. Town and Market Management – To establish a proactive, effective and efficient management regime which contributes to the delivery of the themes of the strategy.

- (B) Review the level and the type of management and partnership required.
- (M) System of management to comply with DCLG best practice guidance.

3. Marketing and promotion - To maximise the marketing and promotion with a view to increasing visitor numbers.

- (B) Communications plan supported by an active website and social media presence.
- (B) Consider potential production of a quarterly town centre newsletter.
- (B) Annual programme of targeted customer promotions.
- (T) Examine feasibility and cost of introduction of Wi-fi across town centre.

- (M) Ensure liaison with County Council Trading Standards and MDDC Environmental Health.
 - (M) Develop a Tiverton Market brand.
4. Improvement potential, maintenance and cleanliness – To establish a maintenance regime and to explore and evaluate the various options for further improvement of the trading arena.
- (T) Baseline agreement on town centre cleansing and waste removal.
 - (T) Removal of street clutter following street audit.
 - (B) Improved signage around the town
 - (M) Review of the cleaning regime.
 - (M) Establishment of monthly inspection regime.
 - (M) Research into and financial implications of improvements of market layout both internally and externally.
 - (M) Traders are consulted on all potential changes and their input considered and acknowledged
5. Social and community – Engage with the community and seek to provide a town and market that people want to visit and that they enjoy visiting.
- (B) Link with the various voluntary groups in the area who assist in raising the image of Tiverton through community pride.
 - (B) Create an environment for the town's changing communities.
 - (B) Supporting town diversity through foods, crafts, performing arts and culture.
 - (B) Maximise opportunities for increasing the opportunity for disposable income to be spent in the town centre and on the market.
6. Consultation – To engage with both the customer and the businesses/traders so an understanding of the relationship can be achieved.
- (B) Establish 'what the customer wants' and what attract them to come to the town.
 - (B) Improvement in customer service.

- (B) Improved relationships and partnership working between the Council, businesses, market traders and other stake holders in the town.
- (B) Membership of relevant organisations to enable continual review of best practice.

7. Economy and regeneration – To increase the diversity and vitality of the town in general to support Tiverton’s overall offer.

- (B) Enhancement and vitality of the town centre.
- (B) Opportunities for small businesses and employment provided.
- (B) An open regenerated town centre and market which attracts customers.
- (B) Tiverton is attractive to local businesses thereby supporting economic development.

8. Innovation, entrepreneurship and enterprise – to encourage the development of new business by building relationships with educational institutions, job centre plus and other initiatives which help provide assistance to business.

- (B) Working with Petroc on business initiatives.
- (B) An active business ‘buddying’ scheme up and running help mentor/assist new businesses.
- (B) Opportunity provided for creative industries sector to establish outlets.
- (B) Opportunities provided for high quality goods and displays.
- (B) Business start-up programme implemented.
- (T) Expansion of the night time economy to cater for more diversity in the leisure provision.
- (M) Introduction of ‘incubator’ units for ‘start up’ businesses on the market.

9. Culture and tourism – To be a major part of the town’s cultural heritage and provide support to events and creating the sense of place.

- (B) A sense of place and identity for the town and market is created.
- (B) Through a Town Centre Partnership ensure a program of events in place.
- (B) Town Centre and Market play a major part in the town’s showcase of cultural events.
- (M) The market provides an opportunity for people to discover other cultures through food.

- (M) The market is seen as a traditional part of the town's heritage in its own right.

10. Ethical and environmental – provide a good and safe environment for visitors and increase the opportunities for reducing waste and increasing recycling.

- (B) A modern, clean environment for both businesses and customers is established.
- (T) Improvements in pavements throughout town.
- (T) Review of all street furniture
- (M) The aim of becoming a 'green market' is achieved.
- (M) The market is seen to deliver sustainability with a 'local' outlet for goods and encourage reduction in 'food miles'.
- (M) The market space is used by customers and visitors to dwell.

11. Educational liaison – to liaise with educational institutions and assist in providing produce and business awareness.

- (B) Ensuring that students are aware of the offer of the town centre and how it links with the local economy.
- (B) Awareness is raised of where and how produce is produced/grown and awareness of seasonal variations, food miles etc.
- (B) Relationships in place with educational establishments to support business and waste management studies.
- (M) Market is used by college students for "real life" learning about business management through the use of a market stall.

12. Food and health – to promote a healthy life style through good food knowledge

- (M) Fresh fruit and vegetables available at least five days a week.
- (M) Fresh fish and meat available.
- (M) Healthy options on all stalls and provision of specialist foods e.g. gluten free diets etc.
- (M) The market monitors and introduces some control on goods offered which are harmful to health.

Action Plan to support Strategy and outcomes

Timescale	Key Actions	Theme	(B) Both (T) Town Centre (M) Mkt	Progress/Review
November 2016	1. Attend the various different group meetings and ensure communication between them. 2. Support community groups in initiatives such as voluntary area clear ups. 3. Implement training programme to achieve an effective management team. 4. Design leaflets/publicity targeting specific customers and be widely available. 5. Introduce support and advice for traders on using digital marketing and social media. 6. Regular visits by MDDC Environmental Health to carry out random checks. 7. Introduce maintenance plan for monthly checks on condition of market structure, roads and equipment etc.	1 1 2 3 3 3 4	(B) (B) (M) (B) (M) (M) (M)	Some being attended since April 2106 1st course 2nd Nov.

8. Provide opportunities for the community to engage in a welcoming atmosphere using performing arts etc. to show diversity of area.	5	(B)
9. Actively encourage new business into the town and market and thereby extend the 'offer'.	7	(B)
10. Encourage businesses to develop and expand their business plans and ensure they encompass quality, customer services and standards.	8	(B)
11. Promote business opportunities through use of vacant stalls.	8	(M)
12. Build on existing successful programme of town events/promotions to increase its vibrancy.	9	(B)
13. Promote the varied food offer available and highlight the quality and reasonable price comparisons.	9	(M)
14. Develop safe and clean environment through continual review and encourage businesses to improve their appearance.	10	(B)
15. Ensure compliance with the market regulations which require that a healthy offer is available 3 days a week.	12	(M)
16. Actively promote healthy food option.	12	(M)

December 2016	1. Establish a balance of goods policy to prevent saturation, allow competition and raise standards.	1	(M)
	2. Introduce KPI's and report on them monthly and monitor any trends or changes in performance.	2	(B)
	3. Introduce the establishment of Town Centre Partnership which includes all stake holders in the town.	2	(B)
	4. Introduce Town Centre Newsletter.	3	(B)
	5. Produce a business case and costings for the market improvements including inside and outside pannier building and improvements to the lock-ups.	4	(M)
	6. Develop potential for specialist markets and planning for future specialist markets.	5	(M)
January 2017	1. Carry out signage audit and prepare recommendations and strategy.	1	(B)
	2. Review options for market management and recommend model which supports regeneration and return on investment.	2	(M)

3. Develop and implement communications plan.	3	(B)	Craft mkt 4th and 18th Dec
4. Use Tiverton Market brand on all communications and publicity.	3	(M)	
5. Feasibility study of installation of Wi-fi across the town.	3	(T)	
6. Fully appreciate the demographics and how to use them for targeted promotion and use shopper lifestyle profiles to increase town and market use.	5	(B)	
7. Introduce a trader policy which also the provision of support for business and help create employment.	8	(M)	
8. Work with night time economy and examine ways of introducing more diverse offers, especially in leisure facilities such as cinema and theatre.	8	(T)	
9. Carry out feasibility study to examine potential of 'incubator units' within market area.	8	(M)	
10. Actively work with traders to instigate a 'green market' where waste is minimal and the waste management strategy is about recycling.	10	(M)	
11. Actively develop the current liaison with Petroc to support educational programmes involving the business and	11	(B)	

March 2017	community sector.		
	12. Encourage schools to carry out projects around the town centre and market and have presentation sessions with selective audience.	11	(B)
	13. Make stall available for use by educational institutions to develop business plans and enable practical experience.	11	(M)

	1. Introduce street scape manual to cover planning, conservation areas etc.	2	(T)
	2. Establish markets website, blogs and use of social media to promote market.	3	(M)
	3. Produce terms of reference and constitution for 'Friends of market' group and recruit suitable members.	6	(M)
	4. Create a business welcome pack with information on area and on business development for new businesses.	7	(B)
	5. Annual review of market regulations on the control of goods thought to be dangerous etc. and regulations up to date.	12	(M)

April 2017	1. Introduce annual survey to identify and improve customer satisfaction.	1	(B)
	2. Work with DCC to reach agreement over condition of footways		

and have an agreed standard of public realm.	1	(T)
3. Research and evaluate a form of Tiverton loyalty card available to local residents.	3	(B)
4. Work with MDDC and Tiverton Town Council to agree an acceptable level of cleansing in the town centre.	4	(T)
5. Implement cleaning regime on market to ensure it is clean and presentable and looks attractive.	4	(M)
6. Introduce an annual customer satisfaction survey including suggestions as to improvements and quality of offer etc.	6	(B)
7. Carry out 'secret shopper' exercise annually to measure customer service across the town.	6	(B)
8. Work with town centre business and community groups (through a town centre partnership), to explore ways of funding improvements and other initiatives throughout the town (i.e. BIP, HSIF etc.).	7	(B)
9. Working closely with Petroc, develop a relationship with business development, innovation and entrepreneurship that will help business and the local economy as well as retaining 'local talent'.	8	(B)
10. Promote and support opportunities for new business ventures through development and marketing.	8	(B)

May 2017	1. Explore opportunities to utilise void properties, especially upper floors, to be converted for other use or residential.	1	(T)
	2. Explore potential for more local produce on the market and encourage producer involvement.	10	(M)
	3. Actively develop the market's open areas as help in the creation of space where the customer will want to dwell and spend time around the market.	10	(M)
	4. Liaise and work with interested groups and educational institutions on the promotion of healthy foods and living.	12	(M)
	5. 5. Run 'Healthy Living' market annually.	12	(M)
June 2017	1. Provide a town centre promotional pack for residential developers and estate agents for new residents.	3	(B)
July 2017	1. Create an environment to attract and keep younger shoppers and visitors interested in the town centre.	5	(B)
August 2017	1. Develop a 'Threats strategy'. This is designed to enable the town to react in a positive manner to influences such as developments nearby (junction 27), competition i.e. Exeter and Taunton and other changes that may happen which affect Tiverton.	1	(B)

Ongoing

2. Look at achieving the 'Real Deal' charter working in partnership with DCC Trading Standards.	3	(M)
3. Ensure support for community groups and the various initiatives they carry out. Assist in ensuring they are recognised for the work they do.	5	(B)
4. Introduce an annual 'business of the year' and 'trader of the year' competition to encourage service and innovation.	8	(B)
5. Continual development of 'Electric Nights' market to ensure its sustainability and success.	9	(M)
6. Look at feasibility of competition for educational institutions involving business innovation.	11	(B)
7. Develop links with other educational centres where the 'market experience' will assist students.	11	(M)

1. Continual investigation into best practice from around the country and applicable to Tiverton through various organisations such as NABMA, ATCM etc. and remaining members of these associations.	1	(B)
2. Continual review of trading hours across the town centre and monitoring trading times.	1	(B)
3. Actively strive to gain awards for the town and market through the various categories which help in promotion of the town and market.	9	(B)
4. Regularly review the risk assessments of the town and market	10	(B)

to ensure safe and pleasant surroundings for all shoppers, visitors and people who work in the town centre.

This action plan is a live document and should be reviewed at regular intervals and certainly annually. It has only done the actions until the end of August (although most will be continually done each year after evaluation as to suitability, success and whether they are applicable) as the Town Centre Management role will be under review, the current contract only till September 2017.

Challenges, threats and risks to Tiverton

The following is an outline of the challenges, threats and risks to Tiverton. There is only ever a limited time and scope to explore new ideas, plans and opportunities as they arise when seeking to achieve economic sustainability. By learning from the past, not living in it, new initiatives can be developed. The following points in relation to challenges, threats and risks have to be taken into consideration and should be reviewed on a regular basis as they will change as society changes.

The potential for development of the market is an important part of the regeneration of Tiverton Town Centre and it is essential that the strategy and action plan link closely to the proposed master plan for the town centre and the strategy being prepared for the tourism aspect. Once strategies are in place then it is essential that they are reviewed regularly and are flexible enough to be able to respond to any changes in social behaviour (i.e. shopping, online etc.) and develop a plan to ensure the sustainability of the town and market.

Once the strategy, which would encompass a vision for the town and market, linked to an action plan around the various themes can be developed, the town and market will have a united focus and all stakeholders knowing what is intended and the ways it can be achieved.

Challenges	Threats	Risks
Changes in the economic climate.	Major developments e.g. new out of town centre shopping with retail and food but little connectivity to the market.	Unable to sustain the market due to lack of budget etc.
Changes in 'shopping habits' of the customer.	Development of new major outlets for food and eating and development of 'pop up' bars and eateries.	Changes in local authority policies.

Digital developments in relation to business and business transactions	Ease of travel to Exeter and Taunton and major shopping areas.	Failure to efficiently manage the running of the town and market.
Changes in the climatic conditions and effects on trade.	Lack of new traders and retirement of older traders leading to a lack of variation in offer.	Failure to have policy in relation to balance of goods that results in loss of traders and diminishes size of market thus reducing the attraction.
Changes in legislation or regulatory control.	Being able to respond to competition from other value retailers in the town, thus creating a market that can offer something the customer wants.	Changes in law.
Recruitment of new businesses to the town and market.	Being unable to attract new customers due to changes in age profile and societal trends.	Failure to recognise the different demographic profiles of the town and market and changes that occur over the week.
Creation of a comprehensive communications plan that encompasses all aspects of communicating with all stakeholders in the town and having the necessary consultation with them.	Being unable to recruit new traders and attain a good variation in goods offered for sale.	Failure to attract the local population to shop and support the town centre and market.
Establishing a fee structure that makes the markets sustainable but does not rise excessively.	Stalls and properties not being fully fit for purpose.	Failure to attract tourists: a very important part of the local economy.
Creating an attractive inviting town and market that people would want to visit regularly.	Stalls and premises unfit to provide suitable trading conditions.	Excessive charges on properties and traders.
Creating an entrepreneurial		Insufficient local authority

partnership between the Council and the businesses.

Establish loyal customers to Support and promote the town and market.

Having total 'buy in' from businesses over potential changes across the town and market and to develop a strong partnership

Establishing finance and resource for initiatives which will create new businesses.

Establishing finance for developments, improvements or alterations.

Investment to create sustainability and return

Failure to take any action and thus allow the market to simply carry on as at present and continue to decline.

Summary

This strategy has a very wide remit and covers the majority of issues and effects that a good market town has on a local economy. It has covered issues around the condition of the town centre and market design, about the offer, the retention of businesses and traders and the introduction of new ones, relationship with the customer and consultation plus many more covering the critical success factors.

The purpose of the strategy is to ensure the success of the town centre and the market returns to the central attraction for it. It should also ensure in the future, that they become sustainable, selling goods, food and produce that both the resident and visitor to the town would want to purchase.

The strategy is flexible but does require regular updating, monitoring and evaluation to ensure it is fit for purpose under the trading conditions at the time.

Many of the actions from the above themes will be ongoing from year to year and the strategy should also be reviewed on an annual basis to ensure that the town centre and market remain a viable asset to the town and are responsive to change, this being managed to ensure customer satisfaction. This should be treated as a 'living document' and therefore it should be flexible enough to react to any changes that may arise and which might threaten the sustainability of the town.

Many of the strategy themes and actions are overlapping. The actions can support more than one theme, so are included in each individual theme action plan.

Tiverton is signposted as an 'historic market town' and it is essential that the market provided is sustainable for the future and remain an important part of the town's economy.

The number of actions will vary on the length of time they take to achieve and many are ongoing so will need regular review.

The market is a great asset to the town and is a good example of where regeneration of the market can help the town's overall economy. In relation to the market there have been lessons learned through the development that was carried out some nearly 10 years ago and these will be taken into account.

With the adoption of the strategy then the vision can be achieved.

Main Recommendations from Strategy

1. That Mid Devon District Council adopts the vision and strategy for 2017 to 2027. It should make every effort to ensure the various action plans under the themes are allocated to the appropriate officer.

2. That an annual review of the strategy is carried out and any modifications or alterations, due to changes in wider economic conditions, be adopted.
3. The recommendation on the evidence of the research would tend to indicate that Mid Devon District Council actually retain the total management of the market.
4. Monthly health check is carried out and report submitted. (started April 2016)
5. Update of all current policies relevant to the market and introduction of new ones that are compliant with legal requirements and best practice.
6. Consideration being given to the amount of resource that will be available in order to ensure the sustainability of the market and to achieve a return on investment.
7. Improve signage around the town.
8. Embrace technology and review its best use on the town.
9. Carry out an annual customer satisfaction survey so improvements can be evaluated and areas that need attention identified.
10. Ensure that the Council does carry out regulatory requirements but, at the same time, make full consideration to entrepreneurial enterprise and support where appropriate.
11. In relation to potential improvements a detailed survey should provide a list of what could be done. Assessing the full financial implications of such improvements would involve taking into account potential changes in shoppers' behaviour and the results of survey(s). This should also evaluate the potential return on investment.

12. That all decisions are made following consultation and taking into account information provided by the annual customer survey.

Alan Ottey
Markets Manager
Mid Devon District Council
Oct 2016.

Proposed Heart of the South West Partnership Governance

Cabinet Member Cllr Clive Eginton, Leader of the Council
Responsible Officer Stephen Walford, Chief Executive

Reason for Report: In the absence of any 'Devolution' proposition at this time, the Heart of the South West (HotSW) partnership is seeking to take forward proposals to create formal governance for the partnership and prepare/approve a Productivity Plan in support of our future devolution asks and to replace the Strategic Economic Plan for the area. The recommendations below are being presented to all 17 councils across February/March.

Recommendation: That Cabinet endorses and recommends to Full Council:

- 1. Notes the update about the HotSW Combined Authority / devolution deal proposals (including noting that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities);**
- 2. Approves the proposals for the HotSW Productivity Plan preparation and consultation proposals (including noting that a Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan);**
- 3. Agrees:**
 - (a) 'In principle' to the establishment of a HotSW Joint Committee with a Commencement Date of Friday 1st September 2017 in accordance with the summary proposals set out in this report;**
 - (b) That the 'in principle' decision at (a) above is subject to a further report to the Council after May 2017 to: approve the establishment of the Committee; a constitutional 'Arrangements' document; an 'Inter-Authority Agreement' setting out the support arrangements; appoint representatives to the Joint Committee; and appoint an Administering Authority.**

Relationship to Corporate Plan: Specific links to corporate priority of Economy, although increased productivity will impact across all council objectives.

Financial Implications: Any costs associated with the early work on the Productivity Plan preparation relate to officer time which is being provided 'in kind' by councils and partners. In addition some direct costs will be met by the Local Enterprise Partnership.

The costs associated with the operation of the Joint Committee will be identified at the point of decision in summer 2017. These will be covered by a cost sharing agreement. The council currently contributes £5k per annum to the partnership.

Legal Implications: Each of the partner Councils' legal teams and Monitoring Officers will be involved in the development of the Joint Committee.

The Joint Committee will be instigated through an 'Arrangements' document setting out the functions, membership and operation of the Committee as well as an Inter-Authority Agreement setting out how the councils will support the Committee. These documents will be brought to the councils for approval in May but a summary of the principles and issues to be covered are set out in this report.

Somerset County Council has been the lead authority for the Governance work-stream within the Partnership and the Council's Chief Executive and Monitoring Officer have developed the outline proposal for the Joint Committee in consultation with Council Leaders and Chief Executives.

Risk Assessment: Risk implications will continue to be addressed at all stages of these proposals. The Secretary of State is yet to formally clarify his position on the HotSW devolution proposal, however the partnership needs to move forward with the priority development of a Productivity Plan. This can best be achieved through the establishment of a formal Governance arrangement. The formation of a Joint Committee in place of the current informal arrangements will put a formal governance structure around the Productivity Plan preparation, approval and delivery so minimising risk to the County Council and the other partner authorities. It will give partners the ability to negotiate with Government at pace, particularly on the emerging Industrial Strategy but without the statutory commitment required of a Combined Authority.

Without a Productivity Plan in place the Council and the wider area will be at a disadvantage in negotiating and lobbying Government on the growth agenda.

1.0 Introduction

- 1.1 The urgent and essential need to improve productivity across the HotSW area is the driver for the recommendations in this report.
- 1.2 The Productivity Plan will replace the Local Enterprise Partnership's Single Economic Plan. It will be the key strategic document for engaging with Government on a range of investments and powers emerging from the Industrial Strategy and the National Infrastructure Fund.
- 1.3 The recommendations also reflect the position reached with the Government on the Combined Authority / devolution deal matters. With no agreement in sight on either issue the Leaders wish to put in place an alternative formal collaboration arrangement at HotSW level to maintain and take forward the momentum achieved by the partnership.
- 1.4 The HotSW Joint Committee will provide a formal strategic partnership to complement and maximise the ability of local sub-regional arrangements to deliver their aspirations. It will allow the partners to collaborate to agree and deliver the Productivity Plan as well as engage effectively with the Government, other deal areas and other LEPs on a range of policy agendas.

It will allow the partnership to test and improve its ability to work together as a potential precursor to the establishment of a Combined Authority at some point in the future. It will also provide a mechanism to work alongside and influence the LEP on strategic investment decisions affecting the HotSW area and to secure improvements to LEP governance and accountability.

- 1.5 Without a Joint Committee in place at this time at a strategic level, the HotSW area is likely to find itself disadvantaged in terms of taking advantage of Government policy initiatives and new funding opportunities compared to those areas that have and are establishing formal strategic partnerships. Although a Joint Committee cannot undertake the full range of functions of a Combined Authority, it would provide a mechanism towards the establishment of a Combined Authority if deemed appropriate, including the potential to operate as a shadow Combined Authority at some point in the future.

2.0 **Background**

- 2.1 Following the in-principle agreement by Heart of the South West (HotSW) local authorities to move towards a Combined Authority model to deliver its devolution deal, the Government has changed and the EU Referendum has taken place. Both of these events have had a significant impact on Government policy and in particular the approach to devolution.
- 2.2 Members will recall that before the change of Government the previous Secretary of State had indicated his support for the establishment of a Combined Authority for the HotSW area and indicated that a Mayor would not be imposed or be a pre-condition of any initial devolution deal. Although it was made clear that Mayoral Combined Authority areas would get more powers/ funding than a non-Mayoral Combined Authority deal, the partnership was encouraged to push the limits of an initial deal, with the potential for further deals into the future. At that stage in the early autumn of 2016, the Autumn Statement presented the first opportunity for the announcement of an initial deal. It was also acknowledged that the HotSW LEP would not be penalised in Growth Deal 3 negotiations through not agreeing to a Mayor.
- 2.3 These indications were sufficient for the councils to pass resolutions in July / August 2016 to agree to the principle of creating a non-Mayoral Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area.
- 2.4 Following the change of Government, the new Secretary of State has given a clear indication that a Mayoral Combined Authority will be required in order to achieve a significant devolution deal.
- 2.5 It is considered that the partnership must maintain the momentum achieved to date by putting in place arrangements across the HotSW area which will enable us to deliver our key ambition of raising productivity. Pending any progress being made on devolution, and to allow the area to capitalise on the emerging National Industrial Strategy, the Leaders are recommending the following at this stage:

- Creation of a new Productivity Plan to develop the strength of the Heart of South West's economy; and
- That consideration is given to the creation of a Joint Committee of HotSW partners that, if created, will drive the development and delivery of the Productivity Plan and be the basis for identifying further public sector reform opportunities for recommendation to the partner authorities.

3.0 HotSW Productivity Plan

- 3.1 The report to Cabinet of 7th July 2016 (to Full Council on 31st August 2016) set out that regardless of whether the area entered into a devolution deal with Government the partnership intended to continue with the development of a Productivity Plan to deliver the aspirations set out in the Prospectus for Productivity agreed by the Councils in February 2016. This remains the priority of the partnership.
- 3.2 The Productivity Plan, which replaces the LEP's Single Economic Plan, will guide the long term growth aspirations for the area and will be our key strategic document for engaging with Government and our communities on future prosperity. In the absence of a Combined Authority / devolution deal at this stage a mechanism is required to enable the partners to collaborate formally to maximise what can be achieved within existing structures and resources through new ways of working as well as continue negotiations with government over a range of policy agendas to help deliver the partnership's productivity ambitions.
- 3.3 The latest research from Exeter University confirms that the (HotSW) area has one of the best employment rates in the country. However, too many of those jobs are part-time and low paid. The area significantly lags behind the rest of the UK in terms of its productivity and the key to our future prosperity is to address this disparity
- 3.4 Productivity is defined as: "the amount of goods and services that a person, industry or country produces per hour." The more good and services that are produced, the more productive – and ultimately wealthy – an economy is. There are 5 drivers of productivity which must all be addressed for productivity to rise:

Competition

- Which encourages business to innovate and be more efficient; and
- Access to national and international markets through good infrastructure.

Enterprise

- New business opportunities for existing firms and start-ups where competition encourages new ideas and ways of working; and
- Support for businesses and entrepreneurs.

Investment in physical capital

- Machinery, equipment, buildings and infrastructure. More capital generally means that more can be done, better and quicker; and
- Infrastructure and somewhere to 'set up shop' are essential, and investment capital must be available.

Skills

- Skills are needed to take advantage of investment in new technologies and ways of running a business; and
- Skills alone can determine productivity but so do good management, creativity and investment.

Innovation

- The successful exploitation of new ideas: technology, products or ways of working boost productivity, for example as better equipment works faster; and
- Research and development and general support for innovators is essential.

3.5 Our Prospectus for Productivity confirms our commitment to increasing productivity across the Heart of the South West to ensure a successful future economy. We know the new Secretary of State for Business Energy and Industrial Strategy, who is developing the Industrial Strategy, is keen to hear and reflect the local narrative in his strategy. The Productivity Plan will provide the platform for the area to engage with Government on this agenda with our collective aspirations for growth in the Heart of the South West.

3.6 The Productivity Plan will be developed through an evidence base produced by the LEP's Future Economy Group and engagement with stakeholders and the community. In developing the Plan a range of issues will be explored:

- Productivity in the public and private sector
- Understanding how the local economy works and interventions required to guide investment decisions
- Bringing together local government, business community, public, the universities and other groups
- The need to build an inclusive economy with growth for all.

3.7 Work to create the Productivity Plan is intended to be a fully inclusive process involving all stakeholders and will include public consultation. It will take the form of several stages as follows:

23 January – 10 March 2017 – a discussion paper will be shared shortly with all Councils. This 'Green Paper' will set out some of the emerging challenges for Heart of South West productivity identified by the LEP's Future Economy Group. The results from this discussion paper will form the basis of a formal consultation paper on the vision and priorities for a Productivity Plan

May 2017 – A formal consultation 'White Paper' will be released to all Councils and stakeholders. This will be a public consultation to directly inform the content of the productivity plan.

September 2017 – The Productivity Plan will be submitted for formal adoption

4.0 HotSW Joint Committee Proposal

- 4.1 Members of all councils will be aware of the work that was underway to develop a Combined Authority model of governance for the HotSW area through the Governance Review process. This work was suspended following the change of government focus outlined elsewhere in this report. The partnership decided that until we have clarification locally from the Secretary of State on the criteria for moving forward on devolution, it would take forward a less risky and more cost effective short term option of forming a HotSW Joint Committee to oversee and own the development and delivery of the Productivity Plan. Although the Joint Committee would not have the statutory status of a Combined Authority and cannot therefore deliver the full range of benefits that a Combined Authority can, it has the potential to provide cohesive, coherent leadership and formal governance to agree and oversee delivery of the Productivity Plan and bring forward other pan-HotSW proposals for recommendation to the constituent authorities, as desired and necessary. Its role will focus on collaboration, negotiation and influencing with full delegated decision making responsibilities limited to agreeing and overseeing the implementation of the HotSW Productivity Plan. All other matters where a decision is required will be referred back to the constituent authorities for approval.
- 4.2 Ultimately the aims of the Joint Committee through delivery of the Productivity Plan will be to:
- Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
 - Increase our understanding of the economy and what needs to be done to make it stronger;
 - Ensure that the necessary strategic framework, including infrastructure requirements, is in place across the HotSW area to enable sub-regional arrangements to fully deliver local aspirations; and
 - Improve the efficiency and productivity of the public sector.
- 4.3 The creation of a single strategic public sector partnership covering the HotSW area will: facilitate collaborative working; help us to remove barriers to progress; and will provide the partnership with the formal structure to engage with Government to maximise the opportunities /benefits available to the area from current and future government policy. It will also enable partners to have discussions with neighbouring councils / combined authorities / LEP areas on South West peninsula priorities and issues as well as the ability to move swiftly towards a devolution deal and Combined Authority in the future if the conditions are acceptable.

- 4.4 A Joint Committee will also provide a formal mechanism for the constituent authorities to engage effectively with the LEP across common boundaries and agendas. The LEP is in the process of adopting a new assurance framework as part of new government requirements which require improvements in the LEP's transparency and accountability. The direct involvement of the LEP in the Joint Committee on many common agendas will provide a mechanism to enable the councils to have a more direct involvement in and greater influence over the activities of the LEP.
- 4.5 The detail of the proposed functions of the Committee and how it will operate will be set out in a draft 'Arrangements' document which will be presented to councils for approval in the summer. The reason for only seeking an 'in principle' approval to the creation of a Joint Committee at this stage is because of the local County Council elections scheduled for May 2017. Therefore final decisions to establish the Joint Committee will be sought from all councils in July/August with a view to the Committee being established on the 1st September 2017.
- 4.6 In detail the proposed functions of the Joint Committee are as follows:
- a) Develop, own and implement the HotSW Productivity Plan in collaboration with the LEP.
 - b) To identify and develop proposals (for recommendation to constituent authorities / partner agencies as necessary) in response to policy opportunities presented by the Government to secure functions and funding for the benefit of improving productivity. Examples include Industrial Strategy, Brexit, and Devolution.
 - c) Develop and make recommendations to the constituent authorities / partner agencies for actions emerging from the work of the Brexit Opportunities and Resilience Task Group
 - d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government's strategic infrastructure commitments, eg, strategic road and rail transport improvements
 - e) Identify opportunities for rationalising / improving existing public sector governance arrangements and make recommendations to the constituent authorities/partners..
 - f) To work with the LEP to identify and deliver improvements to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes formally endorsing the LEP's assurance framework on behalf of the constituent authorities as and when required and before it is formally approved by the LEP's Administering Authority.
 - g) To ensure that adequate resources (including staff and funding) are allocated by HotSW partners to enable the objectives in (a) to (f) above to be delivered.

- 4.7 In addition to the functions set out above, the Joint Committee Arrangements document will set out in detail:
- a) Membership arrangements: based on 1 authority, 1 Member (normally the Leader) and 1 substitute member (this will include the 2 National Park Authorities) and 1 vote. Partner organisations such as the LEP and the Clinical Commissioning Groups will also have non-voting membership of the Joint Committee
 - b) Standing Orders / Rules of Procedure: An Administering Authority will be identified to support the operation of the Committee and it will be recommended that the Standing Orders and Rules of Procedure of the Administering Authority will apply to the operation of the Committee. This will include the usual Access to Information rules which apply to local authority meetings.
 - c) Provisions to enable a Constituent Authority to formally withdraw from the Joint Committee and for the Joint Committee to be dissolved.
 - d) Appointment of a Chairman and Vice-Chairman on an annual basis.
 - e) The ability for the Joint Committee to appoint sub-committees or establish working groups as required.
- 4.8 A draft Inter-Authority Agreement will accompany the 'Arrangements' document for approval in the summer. This will detail how the Joint Committee will be supported and set out the obligations on the constituent authorities.
- 4.9 In particular this document sets out the Administering Authority functions in support of the operation of the Committee including the provision of financial, legal, constitutional and administrative support to the Committee.
- 4.10 The Agreement will also include:
- a) The cost sharing agreement setting out how the costs of running the Joint Committee will be met by the constituent authorities
 - b) The roles and responsibilities of the constituent authorities in support of the Joint Committee
 - c) The roles and duties of the Chief Executives' Advisory Group that will support the Joint Committee
 - d) Accounts, Audit, Insurance arrangements
 - e) Confidentiality, Equal Opportunities, Data Protection provisions
 - f) Dispute Resolution provisions.
- 4.11 In addition to the Arrangements and Agreement documents, as part of the summer approval recommendations, the constituent authorities will also be asked to confirm nominations for Joint Committee membership; and appoint an Administering Authority to support the Committee.

Contact for more Information: Stephen Walford, Chief Executive, 01884 234201
swalford@middevon.gov.uk

Background Papers:

Cabinet Report of 7th July 2016 – Devolution for Mid Devon within the Heart of the South West (<https://democracy.middevon.gov.uk/ieDecisionDetails.aspx?Id=382>)

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Budget for 2017/18

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

Reason for Report: This report provides the proposals for the General Fund and the Housing Revenue Account for the year 2017/18.

RECOMMENDATIONS:

That the Cabinet recommend to full Council that:

1. Council Tax is increased by £5 to £192.15.
2. General Fund budget for 2017/18 is approved.
3. The 2017/18 budget requires no transfer from the General Fund Balance.
4. The General Fund Budget requires a transfer of £89k from New Homes Bonus.
5. HRA budget for 2017/18 be approved – Appendix 5.
6. HRA fees/charges are approved based on the attached schedule shown as Appendix 5a.
7. That work on strategic planning for delivering balanced budgets in the future be commenced in the Spring based on the funding levels contained in the fixed 4 year Government grant settlement.

Relationship to Corporate Plan: This report is driven by the key priorities contained within the current Corporate Plan, which seeks to deliver a wide range of cost effective services. All budget decisions have taken account of these priorities and pledges.

Financial Implications: Sound financial management underpins the entire report.

Legal Implications: It is a legal requirement to set a balanced budget under the Local Government Act 2003.

Risk Assessment: The production of the budget has taken full account of the following:

1. The outturn for 2015/16.
2. The 2016/17 monitoring and forecasted outturns.
3. Inflation levels.
4. Changes in legislation.
5. Major income flows have been prudently estimated.
6. Risk assessments of all significant budgets have been incorporated into the budget setting process.
7. Reserves will be maintained above minimum recommended levels.
8. The Medium Term Financial Plan.

1.0 Introduction

- 1.1 Preparing the 2017/18 budget after 7 years of austerity measures was always going to be a difficult challenge. The Council's overall Formula Grant (which includes a Business Rate retention amount) has now been reduced from £6.2m in 2010/11 down to £3.0m for 2017/18 an overall reduction of **£3.2m or 51.6%**.
- 1.2 At this juncture it is worth remembering that the Council has already secured significant savings during the past 7 years in order to “balance the books” and maintain service delivery. Therefore, to secure further savings from 2018/19 onwards will not be possible without making some difficult decisions that will alter the shape/quality/quantity/frequency of services in the future.
- 1.3 Senior Management, Service Managers and the Finance Team have been involved in discussions to secure significant savings, without reducing service delivery. It is becoming a more difficult challenge year on year and therefore looking to the future a new more strategic process will be required to match service provision to available funding.
- 1.4 The draft budget considered at PDG and Cabinet meetings in November/December showed a budget deficit of £419k, based upon a number of key assumptions (e.g. Government funding, inflation rates, pay award, Council Tax level, use of balances/reserves, etc.), and embraced a number of savings totalling circa £621k offset by costs pressures in excess of £1m.

2.0 January PDGs and Cabinet – Budget Update

- 2.1 The subsequent PDG and Cabinet meetings in January received an update report on the draft budget position which highlighted a reduced budget gap of £231k. This accounted for a number of additional changes to service costs/incomes and provided an update on the Formula Grant.
- 2.2 After this update report was produced the Director of Finance, Assets and Resources has managed to secure further service and corporate savings of £142k for the General Fund Budget. This has resulted in the Council only requiring £89k of New Homes Bonus in order to deliver a balanced budget.

3.0 Budget Consultation

- 3.1 All budget decisions are clearly linked to our Corporate Plan priorities and are set against the context of annual budget consultation exercises, which have included residents, Town & Parish Councils and Local Organisations.
- 3.2 The law also requires consultation with Business Ratepayers. This meeting was held on the 26 January 2017, where the current financial issues facing the Council were outlined to a group of our commercial ratepayers. This looked at the proposed budget for 2017/18 and talked through a number of assumptions which had been made in order to deliver a “balanced” budget.

4.0 The Corporate Plan

- 4.1 The most recent update of the Corporate Plan still maintains the Councils commitment to four key aims: economy, homes, empowering our community, the environment. All decisions made whilst compiling the draft 2017/18 budget had regard to the main aims and priorities of the Corporate Plan.

5.0 Key Assumptions for the 2017/18 Budget

- 5.1 The Council has carefully scrutinised all existing budgets and the service risks associated with delivering them. It has also examined all material income sources, especially the ones which are most at risk, due to the continuing fluctuations in demand and price movements e.g. recycling products, planning and leisure services income. In addition to the above, regard has been made to our existing and future level of balances which are required. We have a number of ongoing commitments made against this balance (e.g. future capital contributions, economic development and building projects, “spend to save” projects, business transformation, town centre regeneration, future grant settlements). It is strongly recommended that our General Fund Balance should be maintained at 25% of operational expenditure (circa £2.142m) which was last agreed by Full Council on the 26 February 2014.
- 5.2 With regard to all items of expenditure and income, Service Managers in conjunction with the Finance Team, review all areas for known increases/decreases based on both prevailing and predicted changes in demand, price inflation, contractual obligations, etc., when proposing the 2017/18 budget. More volatile budgets are subject to sensitivity analysis and a reasonably prudent assessment is made.

6.0 Local Government Finance Settlement

- 6.1 The 2017/18 final Formula Grant Settlement was received on the 15th of December 2016.
- 6.2 The settlement awarded Mid Devon a provisional Revenue Support Grant figure of £498k, which is in agreement to the level of funding, and cuts, which we accepted earlier in the year.

7.0 Requirements for Council Tax Setting

- 7.1 In recent years the Government (via the DCLG) has become far more prescriptive with regard to acceptable levels of Council Tax increase. The implementation of the Localism Act has effectively replaced Government set “capping limits” and replaced them with principles that allow the local electorate to call for a referendum if the Council is planning to increase its Council Tax above an acceptable level. The level for District Councils was again set at the lower of £5 or 2.0% for the 2017/18 budget year.

- 7.2 The Council Tax income included in the proposed budget includes a £5 increase. This equates to a band D charge of £192.15. (a 1% variation to our Council Tax changes the income generated by approximately £51k).

8.0 General Fund Budget 2017/18

- 8.1 The proposals contained in this report result in a balanced budget for the General Fund (see Appendix 1). After the updated budget report was considered by the PDGs and Cabinet in January there was still an outstanding budget gap of £231k. Since that time we have considered a number of budget savings, produced an additional month's budget monitoring information and have also reviewed a number of short term earmarked reserves that are no longer required. To balance the budget for 2017/18 after this additional work we will have a requirement to take an additional £89k from New Homes Bonus.

9.0 Future Funding Concerns/Cost Pressures

- 9.1 As the existing range/quality of service provision will be financially undeliverable from 2018/19 onwards the Council will need to reassess its overall Corporate priorities and therefore where it allocates future budgets, it will also need to consider:

- Statutory vs Discretionary service provision
- Reaffirm resident priorities
- How it can work more closely with Towns/Parishes
- Take on more commercial opportunities (but be aware of risks)
- Continue to consider any partnership possibilities
- Revise Treasury options
- Maximise all income possibilities
- Impact of changes to New Homes Bonus – (From 2018/19 onwards we will lose over half of our New Homes Bonus, which will remove over £1m from the funding of our capital programme.)

10.0 Overall General Fund (GF) position at 31 March 2017

- 10.1 The monthly monitoring report tabled to this Cabinet meeting shows an estimated GF overspend of circa £80k at the end of 2016/17. This will result in the Council ending this financial year below its minimum level of £2.142m agreed by Full Council in February 2016.

11.0 Transfers to and from earmarked reserves

- 11.1 Appendix 3 shows in detail which amounts are being contributed to various earmarked reserves in 2017/18, including significant amounts to fund the future purchase of vehicles for street cleansing and trade waste collection. Appendix 4 shows which amounts are expected to be taken from earmarked reserves in 2017/18, the largest of which is £294k to be used to fund activity in Development Control.

12.0 General Fund Budget Summary

- 12.1 The final budget summary for the 2017/18 General Fund is as follows:

- To provide a balanced budget without any transfer from the General Fund Balance
- To increase Council Tax by £5
- To utilise New Homes Bonus receipts to balance the budget
- To continue to provide the current level of service provision

13.0 Housing Revenue Account Budget 2017/18

- 13.1 The Housing Revenue Account (HRA) is ring fenced and accounts for the income and expenditure associated with the Council's statutory housing obligations to its tenants.
- 13.2 The recent budget proposals recommended at the Decent & Affordable Homes PDG has resulted in a balanced draft budget for the Housing Revenue Account for 2017/18 as shown at Appendix 3.
- 13.3 The main proposals for the 2017/18 budget can be summarised as follows:
- Legislation requires a 1% decrease in social housing rents for four years
 - Freeze alarm charges at current rates, except for those where a 30p increase will enable harmonisation
 - Increase garage rents by 10p per week
 - Freeze garage plot ground rents at current rates
- 13.4 A more detailed analysis of the proposed rent **decrease** can be found in Appendix 5a that shows that the average housing rent will decrease to £79.05 on a 52 week basis, an average decrease of 1%. The other income changes are detailed in Appendix 5.
- 13.5 The overall HRA budget has been constructed on a detailed line by line examination of expenditure and income, having regard to last year's outturn, this year's forecast position and the on-going improvement of the housing service.
- 13.6 Some items of expenditure can be defined quite accurately whilst others require managers to exercise business judgement based upon their experience, particularly in the case of new commitments. Where such judgement has been applied the proposals before Members are based upon realistic assumptions.
- 13.7 Meetings have taken place with business managers who have been challenged where necessary to ensure the budget is as robust as possible, with the knowledge available to us at this point in time.
- 13.8 The main factors influencing this year's budget are broken down between the key national and local issues that are pertinent to next year's housing business plan as detailed below.

14.0 Key National Issues affecting the Housing Revenue Account

- 14.1 The key issues affecting the budget for the HRA are detailed below:

- Formula Rent (FR) reducing by 1% each year for four years
 - Right to buy (RTB) enhanced discounts, resulting in higher sales volumes
 - Universal Credit
- 14.2 In the Government budget announcement made in July 2015, we learnt that FR will reduce by 1% each year for the next four years. Until that point, we had expected it to increase by CPI + 1% each year for the next nine years. Since dwelling rent is the largest number in the HRA, the impact this has is obviously significant.
- 14.3 The single biggest issue facing social housing is welfare reform. There was a recent announcement concerning the roll-out of Universal Credit in Mid Devon. The full digital service will be rolled out in the area covered by the Tiverton Job Centre Plus (JCP) with effect from April 2018 and in the area covered by the Exeter JCP with effect from June 2018. Some tenants in the District are already receiving Universal Credit but as the roll out gathers pace we can anticipate that it will have significant implications for the income stream into the HRA.
- 14.4 Members will recall that Universal Credit has been introduced to replace a number of other benefits including Job Seekers Allowance and Housing Benefit. It is paid four-weekly in arrears direct to the claimant. The new arrangements are there to support people of working age. Pensioners will not be affected. This aspect of welfare reform is significant for the Council because up until now our tenants have been receiving Housing Benefit which is rebated to their rent accounts every Monday. With Universal Credit, there is usually a six week delay before the claim goes into payment and housing costs are not payable for the first week of the claim. Once the full digital service has been rolled out, claimants will be expected to manage their claims and also their interaction with the JCP online. On 16 January 2017, Sophie Barnes, writing in Inside Housing magazine, reported on some recent research undertaken by the National Federation of Arm's Length Management Organisations (NFA) and the Association of Retained Council Housing (ARCH) amongst tenants in Council homes on Universal Credit. This showed that the percentage of Council tenants on Universal Credit in rent arrears has increased to 86% over the past year. The research also revealed that 59% of Universal Credit claimants living in Council houses have arrears which equate to more than one month's rent.
- 14.5 Once new arrangements have bedded in, it will be clearer what action MDDC needs to take. For instance, it is not completely clear how Universal Credit will be rolled out in our region or how it will be operated in practice.
- 14.6 The latest legislation on Right to Buy means that we're likely to sell more properties in future years. This will have an impact on our rent income, which in turn affects our ability to fund property maintenance and development as well as servicing any existing or new debt.

15.0 Key Local Issues affecting Mid Devon's HRA

15.1 The key local issues facing the HRA are as follows:

- Building more stock
- Review our investment levels based on our 30 year Business Plan – in line with the stock condition survey
- Demand for increased housing stock and funding to deliver it

15.2 The prospect of building new social housing raises the issue of significant financing requirements. It means that reserves may need to be built up or additional debt taken on (subject to the cap on debt) in the near future, increasing the need to manage the impact on the revenue budget each year.

16.0 Capital Works and Planned Maintenance

16.1 The major repairs allowance has historically been based upon the number and class of property but as a result of right to buy sales our mix of properties varies slightly from year to year. The major repairs allowance is determined by the level of depreciation charged on our properties. The latest stock condition survey (2010) identified a need to spend £3.5m per annum more than the current level over the next 30 years, meaning any operating surpluses or savings generated by the new Self Financing system should be directed here.

17.0 Housing Benchmarking

17.1 The Council continues to undertake valuable benchmarking work in conjunction with Housemark. These findings are then used to inform the budget setting process. In doing so, MDDC are able to better identify their position in relation to other authorities in the sector and identify areas for improved efficiency.

18.0 Overall Financial Position of the Housing Revenue Account

18.1 Prudence would dictate that the HRA reserves should not fall below £1.5m. The HRA reserve is estimated to increase to circa £10.5m at the end of 2016/17.

18.2 Any balance held against the MRA will be reported to Members at the end of 2016/17 and targeted towards key stock improvement work in 2018/19. This will be reported to the Cabinet and Decent and Affordable Homes PDG in the 2016/17 outturn report.

18.3 In addition, the Renewable Energy Fund is expected to stand at £436k at the end of 2016/17. It is intended that any expenditure funded from this money be used on renewable energy schemes.

19.0 Housing Revenue Account Budget Summary

19.1 The final budget summary for the 2017/18 HRA is shown in Appendix 5. It will continue to provide for an enhanced housing service which will allow for more capital investment and additions to our existing stock.

20.0 Capital Programme 2017/18

- 20.1 This is discussed in a separate agenda item which shows that the 2017/18 programme totals £13.175m – the most significant funding source required to support this programme is the £5.114m of borrowing from the Public Works Loan Board in relation to the development work planned in the centre of Tiverton.

21.0 Conclusion

HRA

- 21.1 The HRA has an obligation to provide a high quality, value for money service for its tenants coupled with affordable rent levels. The government's legal requirement to cut housing rents by 1% for the next two years will reduce the available income to fund both revenue and capital expenditure. If the trend were to continue it would have the potential to affect the long term sustainability of the HRA. The rent decrease was discussed at a recent meeting of Tenants Together. In addition, there is a concern that the roll out of the full digital service of Universal Credit will have a significant impact upon revenue into the HRA due to the expected rise in the level of rent arrears.

General Fund

- 21.2 The General Fund budget has been set against a back drop of 7 consecutive years of cuts to Public Sector funding. We have now agreed to the three year funding cuts proposed by the government and so we will have no Revenue support Grant by 2019/20. We will face a further loss of circa £1m in New Homes Bonus annually after 2018/19.
- 21.3 Now we have more certainty over two of our main three funding resource, but there is still uncertainty of what 100% business rates collection will result in for Mid Devon. Nevertheless we need to prepare for the future in a timely manner and this is why we will continue to discuss how we can continue to provide a wide range of services in a much reduced funding envelope. The process will need to involve all staff, Members and our local residents/businesses.

Capital Programme

- 21.4 With few disposable assets and a great reliance on government grants our future capital programmes will come under greater pressure. If we continue to use a proportion of New Homes Bonus to help balance the General Fund there will be less available to help fund our annual capital programmes in the district. Indeed with the loss of circa £1m of New Homes Bonus we will need to start planning the affordability of revenue contributions for capital, to maintain the level of our capital programme.

App 3	Transfers into Earmarked Reserves
App 4	Transfers from Earmarked Reserves
App 5	HRA Budget Summary
App 5a	HRA Fees and Charges

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GENERAL FUND REVENUE ACCOUNT DRAFT BUDGET SUMMARY 2017/18

	Notes	Net Direct Costs Budget 2016/17 £	Budget Changes £	Draft Net Direct Costs Budget 2017/18 £
Cabinet	2,4	3,974,760	376,130	4,350,890
Community	2,4,7	2,593,410	25,020	2,618,430
Economy	2,4	(922,960)	197,730	(725,230)
Environment	2,4	2,413,390	(227,430)	2,185,960
Housing	2,4	1,116,120	19,050	1,135,170
TOTAL NET DIRECT COST OF SERVICES		9,174,720	390,500	9,565,220
Net recharge to HRA	6	(1,265,490)	19,760	(1,245,730)
NET COST OF SERVICES		7,909,230	410,260	8,319,490
PWLB Bank loan interest payable		112,030	(5,110)	106,920
Finance Lease interest payable		34,000	2,760	36,760
Provision for the financing of capital spending		400,720	(2,350)	398,370
Interest from Funding provided for HRA		(54,000)	0	(54,000)
Interest Received on Investments	5	(171,000)	(83,000)	(254,000)
Revenue contribution to capital programme		0	0	0
New Homes Bonus		(1,831,460)	109,480	(1,721,980)
Transfers into earmarked reserves	3	2,745,770	(324,290)	2,421,480
Transfers from earmarked reserves	3	(575,780)	(56,810)	(632,590)
Proposed contribution from New Homes Bonus Rese	8	0	(89,380)	(89,380)
TOTAL BUDGETED EXPENDITURE		8,569,510	(38,440)	8,531,070
Funded by:-				
Revenue Support Grant		(1,017,260)	519,710	(497,550)
Rural Services Delivery Grant		(463,810)	89,300	(374,510)
Transition Grant		(31,630)	120	(31,510)
NNDR revenue		(2,055,890)	(209,320)	(2,265,210)
NNDR appeals		100,000	(100,000)	0
CTS Funding Parishes		55,250	(8,290)	46,960
Collection Fund Surplus		(8,230)	(44,630)	(52,860)
Council Tax (27,876.12 x £192.15)	1	(5,147,940)	(208,450)	(5,356,390)
TOTAL FUNDING		(8,569,510)	38,440	(8,531,070)
REQUIREMENT TO BALANCE THE BUDGET		0	0	0

Current Assumptions :

1. Council Tax has been increased by £5 as an illustration with an increased property growth of 169.
2. 2017/18 salary budgets include an increase of 1%.
3. All earmarked reserves have been reviewed and adjustment made based upon existing need.
4. All income flows have been reviewed and adjusted for changes in demand and unit price.
5. Investment income has been based upon the existing lending criteria now in force.
6. Support services have been inflated in accordance with the pay award.
7. Car parking fees are based upon 2016/17 fees and vends.
8. A one-off transfer of £89,380 has been made from New Homes Bonus in order to set a balanced budget.

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PDG SERVICE UNIT MOVEMENTS

Appendix 2

GENERAL FUND SUMMARY			FTE	Budget Net Direct Cost	Impact of 10% savings	Impact of 20% savings	FTE	Current Budgeted Net Direct Cost	Movement	+/- %
		Notes	2016/17	2016/17	2016/17	2016/17	2017/18	2017/18	2017/18	2017/18
	Cabinet									
SCM01	Leadership Team		2.0	165,450	16,545	33,090	5.0	456,240	290,790	175.8%
SCM03	Corporate Fees/Charges		0.1	149,120	14,912	29,824	0.0	226,930	77,810	52.2%
SCM06	Pension Backfunding		0.0	825,010	82,501	165,002	0.0	901,510	76,500	9.3%
SFP01	Accountancy Services		8.5	414,750	41,475	82,950	7.5	316,580	(98,170)	-23.7%
SFP02	Internal Audit		2.7	100,770	10,077	20,154	2.7	101,700	930	0.9%
SFP03	Procurement		2.5	75,880	7,588	15,176	2.5	77,390	1,510	2.0%
SFP04	Purchase Ledger		1.5	46,360	4,636	9,272	1.5	45,480	(880)	-1.9%
SFP05	Sales Ledger		1.5	43,200	4,320	8,640	1.5	44,580	1,380	3.2%
SHR01	Human Resources		6.8	275,980	27,598	55,196	6.4	265,020	(10,960)	-4.0%
SHR02	Mddc Staff Training		0.0	95,400	9,540	19,080	0.0	131,880	36,480	38.2%
SHR03	Payroll		1.9	62,630	6,263	12,526	1.7	57,020	(5,610)	-9.0%
SHR04	Learning And Development		1.4	45,300	4,530	9,060	2.4	50,590	5,290	11.7%
SIT01	It Gazetteer Management		2.0	64,820	6,482	12,964	2.0	65,080	260	0.4%
SIT03	It Information Technology		12.7	814,490	81,449	162,898	12.7	785,620	(28,870)	-3.5%
SLD01	Electoral Registration		4.0	155,710	15,571	31,142	4.0	135,590	(20,120)	-12.9%
SLD02	Democratic Rep And Management		2.8	424,160	42,416	84,832	2.8	440,180	16,020	3.8%
SLD04	Legal Services		5.5	215,730	21,573	43,146	5.8	249,500	33,770	15.7%
			55.9	3,974,760	397,476	794,952	58	4,350,890	376,130	9.5%
	Community PDG									
SCD01	Community Development		5.0	414,980	41,498	82,996	0.0	98,700	(316,280)	-76.2%
SCS20	Customer Services Admin		4.0	108,040	10,804	21,608	4.0	108,030	(10)	0.0%
SCS22	Customer First		24.2	752,020	75,202	150,404	22.7	684,770	(67,250)	-8.9%
SES04	Public Health		0.0	22,640	2,264	4,528	1.0	44,370	21,730	96.0%
SES16	Es Staff Units/Recharges		15.0	557,070	55,707	111,414	15.5	593,020	35,950	6.5%
SES17	Community Safety		1.5	53,970	5,397	10,794	1.4	57,890	3,920	7.3%
SES18	Food Safety		0.0	(4,650)	(465)	(930)	0.0	(12,530)	(7,880)	169.5%
SES21	Licensing		3.0	(12,430)	(1,243)	(2,486)	3.0	(15,480)	(3,050)	24.5%
SES22	Pest Control		0.0	4,000	400	800	0.0	4,000	0	0.0%
SES23	Pollution Reduction		0.0	4,230	423	846	0.0	4,240	10	0.2%
SPR01	Building Regulations		5.6	(2,060)	(206)	(412)	6.1	(5,090)	(3,030)	147.1%
SPR02	Enforcement		2.5	96,500	9,650	19,300	2.5	102,170	5,670	5.9%
SPR03	Development Control		22.7	142,100	14,210	28,420	24.3	146,010	3,910	2.8%
SPR04	Local Land Charges		1.6	(24,600)	(2,460)	(4,920)	1.6	(33,010)	(8,410)	34.2%
SPR09	Forward Planning		6.5	205,210	20,521	41,042	5.5	204,290	(920)	-0.4%
SPR11	Regional Planning		0.0	92,200	9,220	18,440	0.0	348,340	256,140	277.8%
SRB01	Collection Of Council Tax		9.3	234,950	23,495	46,990	8.3	186,450	(48,500)	-20.6%
SRB02	Collection Of Business Rates		1.0	(74,290)	(7,429)	(14,858)	1.0	(76,180)	(1,890)	2.5%
SRB03	Housing Benefit Admin & Fraud		11.9	118,030	11,803	23,606	11.4	126,530	8,500	7.2%
SRB04	Housing Benefit Subsidy		0.0	(75,000)	(7,500)	(15,000)	0.0	(75,000)	0	0.0%
SRB06	Debt Recovery		1.9	62,910	6,291	12,582	2.9	94,380	31,470	50.0%
SRS01	Recreation And Sport		57.2	(82,410)	(8,241)	(16,482)	57.6	32,530	114,940	-139.5%
			172.9	2,593,410	259,341	518,682	169	2,618,430	25,020	1.0%
	Economy PDG									
SCD02	Economic Development - Markets		2.0	(3,410)	(341)	(682)	2.2	18,420	21,830	-640.2%
SCP01	Parking Services		0.0	(616,390)	(61,639)	(123,278)	0.0	(592,390)	24,000	-3.9%
SES03	Community Safety - C.C.T.V.		0.2	3,030	303	606	0.2	3,060	30	1.0%
SPR06	Economic Development		2.5	207,720	20,772	41,544	5.3	413,470	205,750	99.1%
SPS12	GF Properties Shops / Flats		0.0	(513,910)	(51,391)	(102,782)	0.0	(567,790)	(53,880)	10.5%
			4.7	(922,960)	(92,296)	(184,592)	8	(725,230)	197,730	-21.4%
	Environment PDG									
SES02	Cemeteries		1.5	(47,610)	(4,761)	(9,522)	1.5	(34,850)	12,760	-26.8%
SES05	Open Spaces		1.2	54,800	5,480	10,960	1.2	85,410	30,610	55.9%
SGM01	Grounds Maintenance		20.0	562,130	56,213	112,426	20.0	536,150	(25,980)	-4.6%
SPS03	Flood Defence And Land Drain		0.0	26,430	2,643	5,286	0.0	26,430	0	0.0%
SPS04	Street Naming & Numbering		0.2	7,910	791	1,582	0.2	7,220	(690)	-8.7%
SPS07	Public Transport		0.0	(15,080)	(1,508)	(3,016)	0.0	(15,110)	(30)	0.2%
SPS11	Public Conveniences		1.3	49,300	4,930	9,860	1.3	43,230	(6,070)	-12.3%
SWS01	Street Cleansing		7.4	322,770	32,277	64,554	7.4	334,720	11,950	3.7%
SWS02	Waste Collection		29.6	546,720	54,672	109,344	30.6	417,270	(129,450)	-23.7%
SWS03	Recycling		30.8	730,150	73,015	146,030	30.8	619,700	(110,450)	-15.1%
SWS04	Waste Management		5.7	175,870	17,587	35,174	4.7	165,790	(10,080)	-5.7%
			97.7	2,413,390	241,339	482,678	98	2,185,960	(227,430)	-9.4%
	Housing PDG									
SES15	Private Sector Housing Grants		4.6	165,720	16,572	33,144	4.1	163,900	(1,820)	-1.1%
SHG03	Homelessness Accommodation		6.5	232,470	23,247	46,494	7.4	251,340	18,870	8.1%
SPS05	Administration Buildings		0.0	260,260	26,026	52,052	0.0	257,310	(2,950)	-1.1%
SPS06	Mddc Depots		0.0	57,960	5,796	11,592	0.0	28,120	(29,840)	-51.5%
SPS08	Office Building Cleaning		3.1	59,880	5,988	11,976	3.0	53,490	(6,390)	-10.7%
SPS09	Property Services Staff Unit		10.9	339,830	33,983	67,966	10.9	381,010	41,180	12.1%
			25.1	1,116,120	111,612	223,224	25.4	1,135,170	19,050	-0.4
	GRAND TOTAL									
			356.3	9,174,720	917,472	1,834,944	358.1	9,565,220	390,500	-0.6
	Net recharge to HRA									
				(1,265,490)				(1,245,730)	19,760	-1.6%
	PWLB Bank Loan Interest Payable			112,030				106,920	(5,110)	-4.6%
	Finance Lease Interest Payable			34,000				36,760	2,760	8.1%
	Provision for the Financing of Capital Spending			400,720				398,370	(2,350)	-0.6%
	Interest Received on Investments			(171,000)				(254,000)	(83,000)	48.5%
	Interest from Funding provided for HRA			(54,000)				(54,000)	0	0.0%
	Revenue Contribution to Capital Programme			0				0	0	N/A
	New Homes Bonus			(1,831,460)				(1,721,980)	109,480	-6.0%
	Proposed contribution from New Homes Bonus Reserve							(89,380)	(89,380)	N/A
	Transfers into Earmarked Reserves	APP 3		2,745,770				2,421,480	(324,290)	-11.8%
	Transfers from Earmarked Reserves	APP 4		(575,780)				(632,590)	(56,810)	9.9%
	Funded by:-									
	Revenue Support Grant			(1,017,260)				(497,550)	519,710	-51.1%
	Rural Services Delivery Grant			(463,810)				(374,510)	89,300	-19.3%
	Transitional Grant			(31,630)				(31,510)	120	-0.4%
	NNDR			(2,055,890)				(2,315,210)	(259,320)	12.6%
	NNDR Appeals			100,000				50,000	(50,000)	-50.0%
	CTS Funding Parishes			55,250				46,960	(8,290)	-15.0%
	Collection Fund Surplus			(8,230)				(52,860)	(44,630)	542.3%
	Council Tax (27,876.12 x £192.15)			(5,147,940)				(5,356,390)	(208,450)	4.0%
	Total Budget			0				0	(0)	4
	Projected Budget Overspend 2016/17									
				80,238						
	GF Balance B/F			(2,211,036)				(2,130,798)		
	GF Balance C/F			(2,130,798)				(2,130,798)		

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2017/18 BUDGETS

Appendix 3

Transfers into Earmarked Reserves

SERVICE		MAINT 17/18 BUDGET	PLANT 17/18 BUDGET	EQUIPMENT 17/18 BUDGET	VEHICLES 17/18 BUDGET	OTHER 17/18	NEW HOMES BONUS	Market Walk /Fore Street Surplus	
CS500	MESSENGER SERVICES				1,440				
CS900	CENTRAL PHOTOCOPYING			5,000					
CS902	CENTRAL POSTAGE			2,500					
CS910	CUSTOMER SERVICES ADMIN			250					
CS932	CUSTOMER FIRST			5,000					
ES100	CEMETERIES	25,000							
ES450	PARKS & OPEN SPACES	25,000							
ES450	PARKS & OPEN SPACES				1,200				
ES580	POOL CAR RUNNING COSTS				4,320				
ES660	CONTROL OF POLLUTION			4000					
ES730	ENVIRONMENTAL ENFORCEMENT				2,950				
GM960	GROUNDS MAINTENANCE				38,050				
GM960	GROUNDS MAINTENANCE		14,360						
IT800	PHOENIX HOUSE PRINTING			9,700					
LD201	ELECTION COSTS - DISTRICT					20,000			
LD300	DEMOCRATIC REP & MANAGEMENT			5,000					
PS350	PUBLIC CONVENIENCES				1,120				
PS980	PROPERTY SERVICES STAFF UNIT				7,400				
WS650	STREET CLEANSING				56,470				
WS700	REFUSE COLLECTION				217,510				
WS710	TRADE WASTE COLLECTION				21,720				
WS725	KERBSIDE RECYCLING				158,810				
WS725	KERBSIDE RECYCLING			20,000					
WS770	UNIT 3 CARLU CLOSE	2,700							
								50,000.00	
NHB							1,721,980.00		
TOTAL		52,700.00	14,360.00	51,450.00	510,990.00	20,000.00	1,721,980.00	50,000.00	2,421,480.00
2016/17		80,000.00	14,360.00	46,640.00	550,900.00	20,000.00	1,831,460.00	202,410.00	2,745,770.00
Movement		(27,300)	-	4,810	(39,910)	-	(109,480)	(152,410)	(324,290)

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2017/18 BUDGETS

Transfers from Earmarked Reserves

Appendix 4

SERVICE		UTILISE NHB	OTHER	
CD200	COMMUNITY DEVELOPMENT	(45,000)		
CS938	DIGITAL STRATEGY STAFFING	(23,180)		
LD600	LEGAL SERVICES	(16,180)		
PR200	DEVELOPMENT CONTROL	(294,000)		
PR400	BUSINESS DEVELOPMENT	(21,730)		
PR400	BUSINESS DEVELOPMENT	(40,700)		
PR400	BUSINESS DEVELOPMENT	(100,000)		
PR800	PLANNING POLICY	(30,000)		
RB600	REVENUES MISC INCOME TEAM		(20,000)	
ES361	PUBLIC HEALTH		(19,700)	
EQ638	DEV CONT LINEAR PARK		(4,170)	
EQ640	W52 POPHAM CLOSE COMM FUND		(1,950)	
EQ641	W67 MOORHAYES COM DEV FUND		(1,630)	
EQ642	W69 FAYRECROFT WILLAND EX WEST		(4,620)	
EQ643	W70 DEVELOPERS CONTRIBUTION		(6,650)	
EQ644	DEV CONT WINSWOOD CREDITON		(3,080)	
TOTAL		(570,790)	(61,800)	(632,590)

2016/17	(325,780)	(250,000)	(575,780)

Movement	(245,010)	188,200	(56,810)

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Appendix 5

Analysis by service

Code	Service unit	Previous Year Outturn	Current Year Budget	Movement	Proposed Budget 2017/18
	Income				
SHO01	Dwelling Rents Inc	(12,779,940)	(12,593,760)	225,170	(12,368,590)
SHO04	Non Dwelling Rents Inc	(549,947)	(554,070)	(17,350)	(571,420)
SHO06	Tenant'S Ch For Services	(46,313)	(42,360)	42,010	(350)
SHO07	Leaseholders' Ch For Serv	(21,952)	(23,540)	1,900	(21,640)
SHO08	Contributions Towards Exp	(44,518)	(33,720)	(2,750)	(36,470)
SHO09	Alarm Income - Non Tenants	(194,509)	(194,660)	(14,860)	(209,520)
SHO10	H.R.A. Investment Income	(42,103)	(40,000)	0	(40,000)
SHO11	Misc. Income	(142,628)	(19,000)	0	(19,000)
	Services				
SHO13A	Repairs & Maintenance	2,892,640	3,214,780	(116,400)	3,098,380
SHO17A	Housing & Tenancy Services	1,243,870	1,354,750	(39,460)	1,315,290
SHO22	Alarms & L.D. Wardens	127,540	152,200	(30,500)	121,700
	Accounting entries 'below the line'				
SHO29	Bad Debt Provision	(3,034)	25,000	0	25,000
SHO30	Share Of Corp And Dem	222,429	177,400	(12,080)	165,320
SHO32	H.R.A. Interest Payable	1,300,619	1,268,030	(53,530)	1,214,500
SHO34	H.R.A. Trf To/From Emr	3,006,048	2,393,010	559,810	2,952,820
SHO36	H.R.A. R.C.C.O.	590,196	24,000	8,000	32,000
SHO37	Capital Receipts Res Adj	(24,700)	(20,800)	(5,200)	(26,000)
SHO38	Major Repairs Allowance	2,390,468	2,800,000	(525,000)	2,275,000
SHO45	Renewable Energy Transactions	(136,027)	(130,000)	0	(130,000)
	NET DIRECT TOTAL	(2,216,729)	(2,242,740)	19,760	(2,222,980)

Subjective analysis

Code	Service unit	Previous Year Outturn	Current Year Budget	Movement	Proposed Budget 2017/18
1000	Employees	2,434,055	2,350,280	(99,700)	2,250,580
2000	Premises	143,308	166,070	(1,040)	165,030
3000	Transport	213,234	348,560	59,400	407,960
4000	Cost Of Goods And Services	10,620,712	9,056,480	(87,990)	8,968,490
7000	Income	(15,628,038)	(14,164,130)	149,090	(14,015,040)
	NET DIRECT TOTAL	(2,216,729)	(2,242,740)	19,760	(2,222,980)
5000	RECHARGES		1,265,490	(19,760)	1,245,730
6000	CAPITAL CHARGES		977,250	0	977,250
	TOTAL		0	0	0

6000 CAPITAL CHARGES

MRP for capital financing (Wells Park)	60,940
Depreciation	2,000,000
Depreciation reversal	(2,000,000)
PWLB loan MRP	916,310
	977,250

Assumptions

All rents to decrease by 1%, moving the actual average rent to £79.05 per week (over 52 weeks)

Thirty properties sold during 2016/17

Twenty properties sold during 2017/18

Average of fifteen properties void at any one time

Six properties are excluded from rent setting as they are not available for re-let

Affordable Rents to decrease by 1%, moving the actual average rent to £111.27 per week

Garage rents to be increased from £11.00 to £11.10 per week

Occupancy in HRA retail units to remain at current levels

Community alarm customer numbers to remain at current levels

HRA cash balances to remain high in the short term and so generate investment income of circa £40k

Debt repayments of £2,645k to PWLB

- including debt interest payments of £1,212k to PWLB and £54k to GF

£2,182k contribution to the Housing Maintenance Fund to be made

Recharges to reduce by £20k

SHO34 H.R.A. Trf To/From Emr

	£
Surplus amount	2,181,574
Renewable energy surplus	130,000
Affordable Rent surplus	72,330
Loan premium deficit	568,916 (see below)
Total	2,952,820

PWLB loan

	£
Principal actually repaid	1,485,228
Principal accounted for	916,313
Loan premium deficit	568,916

HRA: Proposed Fees and Charges 2017/18

	<u>2017/18</u>	<u>Increase</u>	<u>Increase %</u>	<u>2016/17</u>
<u>Community Alarm Charges per week per property</u> (48 week basis)				
Accessible Accommodation Support	£3.30	£0.30	10.0%	£3.00
Lifeline Base Unit	£3.76	£0.00	0.0%	£3.76
Garage rents per week (48 week basis) <i>It should be noted that council tenants receive a discount of £2.00 per week on any garage rent.</i>				
	£11.10	£0.10	0.9%	£11.00
Garage ground rents (Annual charge)				
	£225	£0	0.0%	£225
<u>N.B.</u>				
MDDC Formula Rent on average (52 weeks)	2017/18: £79.10		2016/17: £79.90	

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CAPITAL PROGRAMME 2017/18 – 2020/21

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

Reason for Report: To seek approval of the 2017/18 Capital Programme and note the draft 2018/19, 2019/20 & 2020/21 programmes.

RECOMMENDATIONS: That the Cabinet recommend to Full Council:

- 1. The detailed Capital Programme for 2017/18 be approved and the estimated amounts for 2018/19, 2019/20 & 2020/21 be noted.**
- 2. To agree to earmark New Homes Bonus (NHB) monies of £471k to support the 2017/18 Capital Programme (see para 2.3).**

Relationship to the Corporate Plan: The Capital Programme identifies the capital investment proposed across all strands of the Corporate Plan over the next four years.

Financial Implications: The Capital Programme submitted for 2017/18 is fully funded; however this includes £5,114k anticipated PWLB borrowing to fund the development at the rear of the Town Hall. Future capital receipts are now estimated at such a low level that the Council needs to evaluate ways of making additional provision to fund its long term capital programme or reduce its property portfolio. This is especially relevant after recent announcements on the future of New Homes Bonus.

Legal Implications: See comments below in relation to spending of grants and receipts.

Risk Assessment: There is a risk of claw back of external funds if sums received are not spent in accordance with the terms on which they were given, or not within agreed timescales. Useable Capital Receipts for 2017/18 have been projected at a prudent level of £350k but there is a risk that if these do not materialise, the authority may need to delay scheme start dates to the following financial year or to make a revenue contribution to Capital to ensure full programme delivery.

1.0 Introduction

- 1.1** The proposed Capital Programme has been produced following detailed consultation with spending officers and is now mainly focused on essential asset maintenance, funding a range of private sector housing projects, modernisation of our refuse and recycling vehicles, ICT replacement and investment and ensuring that our existing housing stock is maintained to the decent homes standard. The programme also includes Council House

building projects and spend to save projects that will only be undertaken if a robust business case demonstrates an acceptable payback period. This year additional projects include: development at rear of the Town Hall, land acquisition for Affordable Housing and provision to contribute to DCC for the funding of the A361 junction to facilitate the Eastern Urban Extension.

- 1.2 A significant amount of work was undertaken when producing the Council's Medium Term Financial Plan (MTFP) during the late summer which helped to scope the size and funding of the 2017/18 capital programme. A number of subsequent meetings were held with service managers which focused on the essential projects (in terms of end of life asset replacement or health and safety) and involved reprioritising or rescheduling expenditure to future years.

2.0 The 2017/18 Capital Programme

- 2.1 Through reprioritisation of capital projects the Council has been able to set a balanced capital programme for 2017/18. Appendix 1 shows the proposed Capital Programme for 2017/18 which totals £13,175k.

- 2.2 The 2017/18 Capital Programme is fully funded by a combination of:

General Fund Project Funding Sources	Amount of Funding
S106 & Affordable Housing Contributions	1,865
Capital Reserve	71
DCLG (Disabled Facilities Grant)	490
New Homes Bonus (NHB)	450
Contrib from Private Sector Housing EMR	104
Contrib from Vehicle sinking fund EMR's	95
Contrib from ICT EMR	107
PWLB Borrowing	5,114
Total Funding General fund Projects	8,296
HRA Project Funding Sources	Amount of Funding
Contribution from existing Useable Capital Receipts	279
Use of forecast Useable Capital Receipts to be generated in 2017/18	350
MRA Reserve	2,278
New Homes Bonus (NHB)	21
Use of forecast Replacement Homes Capital Receipts to be generated in 2017/18	0
Contrib from Renewable Energy fund EMR	100
Contrib from Housing Maintenance Fund	1,851
Contrib from Affordable Rents Surplus EMR	0
Total Funding HRA Projects	£4,879k
Total Funding (GF & HRA)	£13,175k

- 2.3 The 2017/18 Capital Programme requires £471k (£450k General Fund + £21k HRA) of New Homes Bonus (NHB) funding to ensure it is balanced. Further contributions from NHB are required over the life of the MTFP, with the forecast contribution amounting to £2,881k for 2018/19, 2019/20 and 2020/21.
- 2.4 Recent announcements on NHB will see our annual receipt fall from circa £1.8m in 2016/17 to around £0.7m from 2018/19 onwards. Clearly this will have a major funding impact on the size of future capital programmes and will need to be factored into our next MTFP update.
- 2.5 A contribution is expected from the Housing Maintenance Fund (30 year maintenance plan) of £1,851k in order to deliver the HRA related projects identified in the 17/18 Capital Programme. Further contributions from this reserve will be required to deliver council house building aspirations identified in our MTFP amounting to £8,143k for 2018/19, 2019/20 and 2020/21. The remainder of these schemes will be mainly funded by a combination of useable capital receipts (general and replacement homes receipts) and to take advantage of current favourable PWLB borrowing rates. (See Para 4.2)
- 2.6 A deliverable programme of £2,278k has been identified to maintain our existing council house stock, the balance of available monies will remain in the Housing Maintenance Fund in order to deal with future additional spend that has been identified by the stock condition survey.
- 2.7 Appendix 2 shows the MTFP, which was presented at the October 2016 Cabinet. Appendix 1 shows, the 17/18 Capital Programme that has evolved from the MTFP and has been refreshed with up to date information on expenditure and funding as referred to in paragraphs 2.1 to 2.6 above. A summary of the subsequent 3 years is shown in the table below.

MTFP summary 2018/19, 2019/20 & 2020/21

	2018/19 (£k)	2019/20 (£k)	2020/21 (£k)
Total General Fund Capital Projects	2,672	2,922	1,588
Total HRA Capital Projects	9,982	11,091	7,093
Total GF & HRA Capital Projects	12,654	14,013	8,681

For a detailed breakdown please refer to Appendix 2

- 2.8 The further into the future we try to predict the more difficult it is to do with the same level of certainty, therefore although 2019/20 and 2020/21 give an indication of the likely resource required during these years, we will know with a greater level of certainty nearer the time, therefore the predicted level of expenditure may well change.

3.0 Funding the Capital Programme

- 3.1 NHB funding forms a substantial amount of the funding of this programme (as referred to in para 2.3 above) (£3,352k over the four years which includes £471k in 17/18). The significant change in NHB funding (referred to in para 2.4), will impact on our future capital programmes and they may need to be curtailed to match the funding we have available.
- 3.2 Due to the very low level of estimated new capital receipts for 2017/18, only a small number of new Council funded schemes have been incorporated in the Capital Programme. Council house sales have been predicted at 20 sales per annum for the life of this programme. The Government Pooling arrangements mean a proportion of the sale is pooled to the government, a proportion is retained in a ring fenced reserve for replacement house building (linked to the HRA self-financing arrangements that have been in place since 01/04/12) and the balance is retained by the authority as a useable capital receipt, which can be used to support our Capital Programme.
- 3.3 The projected level of usable capital receipts available for 2017/18 is £629k (this is made up of £350k, net of pooling, estimated to be generated from sales in 2017/18 and a contribution of £279k from existing Useable Capital Receipts). All other previously generated capital receipts have been used to balance the subsequent years of the MTFP.
- 3.4 The figures assumed for receipts from the sale of assets have been calculated prudently and therefore if any additional receipts are generated we can return to some of the projects which could not be funded in the first instance and consider their inclusion. Any such decision (subject to constraints within the financial rules) would require Full Council approval and be linked to the Corporate Plan priorities.
- 3.5 Due to the pressure on the revenue budget we no longer make a revenue contribution from the General Fund. Currently NHB funding enables this but the changes to our allocation of NHB may mean we need to alter this strategy in the future.

4.0 Council Borrowing

- 4.1 Prudent borrowing has been estimated for 2017/18, this will be used to fund the proposed project at the rear of the Town Hall, this is subject to a forthcoming design competition and once the successful Scheme is selected its cost will determine the amount of prudential borrowing required.
- 4.2 Borrowing is also envisaged in 2018/19, 2019/20 and 2020/21 to deliver the proposed Waddeton Park Council House Building Scheme. Borrowing is only considered in exceptional circumstances, whether in relation to the projects detailed above or for spend to save projects following a robust cost/benefit analysis exercise that would be able to demonstrate both an acceptable 'payback period' and that savings would be generated in excess of the annual revenue cost of servicing the debt.

5.0 Conclusion

- 5.1 As previously mentioned, the Capital Programme for the next four years is limited due to the scarce availability of funding. It is, therefore, imperative that capital funds are only spent on those projects which enable the Council to deliver its Corporate Plan objectives.
- 5.2 Due to the continuing austerity programme being implemented by Central Government the Council is beginning to explore more commercial options in order to balance budgets. Examples include: regeneration projects and land or building acquisition; any such projects will need to be justified through robust business cases. Projects of this type will need significant capital funding either from existing receipts or from longer term borrowing. All members will be kept informed of any developments in these areas.

Contact for more information:	Andrew Jarrett, Robert Fish 01884 234242, 01884 234313 ajarrett@middevon.gov.uk
Background Papers:	Capital Bid Submissions and workings for MTFP
File Reference	None
Circulation of the Report:	Management Team

MDDC 2017/18 CAPITAL PROGRAMME

Code	Responsible Officer Job Title	Scheme	Approved Capital Programme 2017/18 £000's
		General Fund Projects	
CA630	Estates Manager	<u>Exe Valley Leisure Centre</u> Exe Valley Leisure Centre - Replenish sand filters	25
CA631	Estates Manager	<u>Culm Valley Leisure Centre</u> CVSC replace end of life AC for fitness Gym	30
CA509	Estates Manager	<u>Pannier Market</u> Pannier Market - Improvement Project back log maintenance	60
CA510	Estates Manager	<u>MDDC Shops/Industrial Units</u> Energy Assessment works - new legislation - Indust Units/Shops/Mkt Walk	50
CA632	Estates Manager	<u>Play Areas</u> Play area refurbishment District wide - Amory Park Tiverton	50
CA460	Estates Manager	<u>Other Projects</u> Crediton Office - Structural improvement work	30
CA461	Director of Finance, Assets & Resources	A361 junction to facilitate Eastern Urban Extension (funded by s106)	1,750
CA462	Estates Manager	<u>General Fund Development Schemes</u> Rear of Town Hall development site (6 Houses, 24 Apartments)	5,114
	Community Development & Regeneration Manag	<u>Economic Development Schemes</u> * Tiverton Pannier Market awnings & canopy (Note 1)	0
	Community Development & Regeneration Manag	* Harlequin Valley Project (Note 1)	0
	Community Development & Regeneration Manag	* Tiverton Town Centre improvements (Note 1)	0
CA433	Infrastructure & Support Manager	<u>ICT Projects</u> Unified Comms/telephony	107
CA456	Business Development /Project Manager	Digital Transformation replacement of CRM	50
CA463	Infrastructure & Support Manager	Secure Wifi replacement	50
CA464	Business Development /Project Manager	Parking System Replacement	40
CA465	Business Development /Project Manager	Replacement Queue System	30
CA466	Business Development /Project Manager	Core System Refreshes - Revs/Bens	20
CA467	Business Development /Project Manager	Replacement Estates/Property Systems	50
CA714	Waste and Transport Manager	<u>Replacement Vehicles</u> Medium Sweeper (Street Cleansing)	70
CA715	Waste and Transport Manager	Van Tipper (Grounds Maintenance)	26
CA716	Waste and Transport Manager	Ransomes Mower (Grounds Maintenance)	35
			7,587
CG217	Lead Officer (Private Sector Housing)	<u>Private Sector Housing Grants</u> Empty homes and enforcement	104
CG201	Lead Officer (Private Sector Housing)	Disabled Facilities Grants-P/Sector	490
			594
CA200	Housing Options Manager	<u>Affordable Housing Projects</u> Grants to Housing Associations to provide units (funded by commuted sums)	115
			115
		Total General Fund Projects	8,296

* Note 1 - Economic Development Schemes removed until satisfactory business Case produced.

Code	Responsible Officer Job Title	Scheme	Approved Capital Programme 2017/18 £000's
CA100	Housing Building Manager	<u>HRA Projects</u>	
CA111	Housing Building Manager	Major repairs to Housing Stock	2,278
CG200	Housing Building Manager	Renewable Energy Fund Spend	100
CA135	Head of Housing & Property Services	Disabled Facilities Grants - Council Houses	299
		Land acquisition for Affordable Housing	2,100
CA132	Business Development /Project Manager	<u>HRA ICT Projects</u>	
CA133	Business Development /Project Manager	Repairs - mobile replacement	30
		Tenancy Mobile	40
CA134	Waste and Transport Manager	<u>HRA Replacement Vehicles</u>	
		Van Tipper 4.5T (Responsive Repairs)	32
		Total HRA Projects	4,879
		CAPITAL PROGRAMME GRAND TOTAL	13,175

0

Code	Funding Stream	Approved Capital Programme Funding 2017/18 £000
	<u>General Fund Projects</u>	
9801	S106 & Affordable Housing Contributions	1,865
9990	General Capital Reserve	71
9701	Govt Grant (DCLG)	490
9727	New Homes Bonus (GF)	450
9957	Private Sector Housing Grants EMR	104
9990	Contribution from Sinking Funds	95
9990	Contribution from ICT EMR	107
9942	PWLB Borrowing	5,114
	Total General Fund Projects	8,296
	<u>HRA Projects</u>	
9980	* Useable Capital Receipts General to be generated in 2017/18	629
	* Contribution from existing Useable Capital Receipts £279k	
	* Balance to be generated in 2017/18 £350k	
9710	MRA Reserve	2,278
9727	New Homes Bonus (HRA)	21
9980	1-4-1 receipts reserve	0
9990	Renewable Energy Fund	100
9990	Housing Maintenance Fund	1,851
9990	Affordable Rents Surplus	0
	Total HRA Projects	4,879
	Grand Total (GF & HRA)	13,175

Medium Term Financial Plan 2017/18 - 2020/21 - Capital

Appendix 2

	Provisional Capital Programme 2017/18 £k	Estimated Capital Programme 2018/19 £k	Estimated Capital Programme 2019/20 £k	Estimated Capital Programme 2020/21 £k	Total £k
<u>Estates Management</u>					
<u>Leisure - Site Specific</u>					
<u>Lords Meadow Leisure Centre</u>					
Lords Meadow - Replace main pool filters		80			80
Lords Meadow - Tennis Courts surface and lining		25			25
LMLC pool tiling and balance tank repairs		25			25
Lords Meadow - Squash Court Climate Control				50	50
LMLC - Pool Cover			20		20
<u>Exe Valley Leisure Centre</u>					
Exe Valley Leisure Centre - Replenish sand filters	25				25
EVLC pool tiling and balance tank repairs		25			25
Evlc - Replace isolated CHP for Bio Mass Boiler (spend to save)		150			150
EVLC - Pool Cover				20	20
<u>Culm Valley sports centre</u>					
Culm Valley- Fitness Gym Extension			500		500
CVSC replace end of life AC for fitness Gym	30				30
Total	55	305	520	70	950
<u>Other MDDC Buildings</u>					
<u>Pannier Market</u>					
Pannier Market -Paving replacement		150			150
Pannier Market- Improvement Project back log maintenance	60				60
<u>Phoenix House</u>					
Phoenix House - Replacement BMS software				20	20
Phoenix House - AHU changes to allow cooling		100			100
<u>General Car parks</u>					
P&D resurfacing and lining - Becks Square Tiverton		50			50
<u>MSCP Improvements</u>					
MSCP refer to Matrix condition report			50		50
Note - MSCP and Phoenix Lane access road resurfacing to be negotiated with Premier Inn project					
<u>MDDC Depot sites</u>					
Lords Meadow Depot / repair asbestos panels			50		50
Old Road yard resurfacing		35			35
Old Road Depot - Asbestos panel replacement				50	50
Carlu Close - Potential Air Conditioning units		20			20
<u>MDDC Shops/Industrial Units</u>					
Energy Assessment works - new legislation - Indust Units/Shops/Mkt Walk	50				50
<u>Play Areas</u>					
Play area refurbishment District wide - Amory Park Tiverton	50				50
Play area refurbishment District wide		50	50	50	150
<u>Cemeteries</u>					
Tiverton and Crediton Cemetery Chapel maintenance		50			50
<u>Other Projects</u>					
Land drainage flood defence schemes		50	50	50	150
Crediton Office - Structural improvement work	30				30
Note - Town Centre Master Planning initial consultant costs will be revenue but affordable schemes identified will be highlighted in future Capital MTFP					
<u>General Fund Development Schemes</u>					
Rear of Town Hall development site (6 Houses, 24 Apartments)	5,114				5,114
Total	5,304	505	200	170	6,179
<u>Economic Development Schemes</u>					
Tiverton Pannier Market awnings & canopy - I assume now flag as new project?? £15k	150				150
*Cullompton Townscape Heritage Initiative (Subject to £1.152m HLF bid)		253	251	251	755
Harlequin Valley Project	200				200
Tiverton Town Centre improvements	40				40
Total	390	253	251	251	1,145
0					

* Project to be delivered over 5 years therefore likely to be complete in 2022/23. Depending on successful HLF bid. At this stage equal cost £1,257k assumed over 5 year period & therefore will straddle this MTFP until 2022/23

	Provisional Capital Programme 2017/18	Estimated Capital Programme 2018/19	Estimated Capital Programme 2019/20	Estimated Capital Programme 2020/21	Total
ICT Projects					
Replacement PC estate		40			40
Unified Comms/telephony	107				107
Continuous replacement of WAN/LAN			100		100
Digital Transformation replacement of CRM	50				50
SQL/Oracles refreshes			100		100
Data centre hardware refresh servers/storage		120			120
Application Virtualisation /deployment		50			50
Secure Wifi replacement	50				50
Website development			20		20
Mobile/agile business transformation - estimate only for change of kit, servers and comms links		300			300
Project Liberty (SQL database and Information Services - Tech Refresh)			50		50
Parking System Replacement	40				40
Replacement Queue System	30				30
Core System Refreshes - Revs/Bens	20				20
Core System Refreshes - Uniform, eFinancials, Revs/Bens, HR				180	180
Replacement Estates/Property Systems	50				50
Leisure Technical Refresh - Portal Solution			35		35
Partnership Working			60		60
Total	347	510	365	180	1,402
					0
Affordable Housing Projects					
Grants to housing associations to provide houses (covered by Commuted Sums)	115	115	115	115	460
Affordable Housing initiative		300			300
Total	115	415	115	115	760
					0
Private Sector Housing Grants					
Empty homes and enforcement	104	106	108	110	428
Disabled Facilities Grants-P/Sector	490	500	510	520	2,020
Total	594	606	618	630	2,448
					0
Replacement Vehicles					
Recycling Collection					
Telehandler			67		67
Waste Collection					
Refuse Collection Vehicles			640		640
Street Cleansing					
Large Sweeper			120	120	240
Van Tipper			26		26
Medium Sweeper (Street Cleansing)	70				70
Property Services					
SWB Van		0	0		0
Grounds Maintenance					
Van Tipper	26	78	0	52	156
Ransomes Mower	35				35
Total	131	78	853	172	1,234
					0
TOTAL GF PROJECTS	6,936	2,672	2,922	1,588	14,118
HRA Projects					
Existing Housing Stock					
Major repairs to Housing Stock	2,275	2,275	2,450	2,445	9,445
Renewable Energy Fund	100	100	100	100	400
Disabled Facilities Grants - Council Houses	299	307	315	322	1,243
Housing Development Schemes					
* Watery Lane Tiverton - Garage conversion (15 Units - Subject to design)			1,000		1,000
Waddeton Park Tiverton (70 Units)		3,000	3,000	3000	9,000
* Round Hill Tiverton (21 Units - Subject to design)			3,000		3,000
* Replace end of life units (8 units)		2,000			2,000
* Affordable Housing on Council owned land		1,226	1,226	1226	3,678
Land Banking for Affordable Housing	2,100				2,100
Commercial Development Schemes					
* Shapland Place Tiverton garage conversion (2-3 Units - Subject to design)		1,000			1,000
Note - consideration of land banking/demand for commercial developments					
HRA ICT Projects					
Repairs - mobile replacement (HRA)	30				30
Tenancy Mobile (HRA)	40				40
Total	4,844	9,908	11,091	7,093	32,936
					0
* Proposed Council House Building schemes subject to full appraisal					
HRA Replacement Vehicles					
Van Tipper 4.5T (Responsive Repairs)	32	32			64
Van Tipper 7T (Voids)		42			42
Total	32	74	0	0	106
					0
TOTAL HRA PROJECTS	4,876	9,982	11,091	7,093	33,042
GRAND TOTAL GF + HRA	11,812	12,654	14,013	8,681	47,160
	0	0	0	0	0

	Provisional Capital Programme 2017/18	Estimated Capital Programme 2018/19	Estimated Capital Programme 2019/20	Estimated Capital Programme 2020/21	Total
FUNDING					0
					0
GENERAL FUND					
	2017/18 £k	2018/19 £k	2019/20 £k	2020/21 £k	Total £k
EXISTING FUNDS					
CAPITAL GRANTS UNAPPLIED (CGU)					
Govt Funding – Housing DFG	490	500	510	520	2,020
S106 Affordable Housing	115	115	115	115	460
Other CGU					0
Sub Total CGU	605	615	625	635	2480
Capital Receipts Reserve					0
Sub Total Capital Receipts	0	0	0	0	0
EARMARKED RESERVES (EMR)					
New Homes Bonus (NHB)	840	1279	1148	391	3,658
S106	0	0	0	0	0
Other EMR - PSH	104	406	108	110	728
Other EMR - ICT	107				107
Vehicle Sinking Funds	95	64	736	147	1,042
Sinking Funds LW	63	0	736	115	914
Sinking Funds CG - Grounds Maintenance	32	64	0	32	128
Sub Total EMR	1146	1749	1992	648	5,535
NEW FUNDS					
BORROWING					
Borrowing from Finance Leases					0
Borrowing from Public Works Loan Board	5,114				5,114
Sub Total Borrowing	5,114	0	0	0	5,114
REVENUE CONTRIBUTION FROM G FUND	0	0	0	0	0
OTHER					
Heritage Lottery Fund bid		232	230	230	692
Cullompton Town Council (Cullompton Townscape Heritage Initiative)		5	5	5	15
MDDC (Cullompton Townscape Heritage Initiative)		16	16	16	48
Other contributions - Capital Reserve	71	55	54	54	234
Sub Total Other	71	308	305	305	989
TOTAL GENERAL FUND FUNDING	6,936	2,672	2,922	1,588	14,118
HOUSING REVENUE ACCOUNT					
	2017/18 £k	2018/19 £k	2019/20 £k	2020/21 £k	Total £k
EXISTING FUNDS					
CAPITAL GRANTS UNAPPLIED (CGU)					
Govt Funding – Housing DFG					0
Other CGU					0
Sub Total CGU	0	0	0	0	0
CAPITAL RECEIPTS RESERVE (Replacement Homes)	462	462	461	461	1,846
Capital Receipts Reserve	629	630	630	630	2,519
	1,091	1,092	1,091	1,091	4,365
EARMARKED RESERVES (EMR)					
New Homes Bonus (NHB)	21	21	21	21	84
30 year maintenance plan	1317	3422	4357	364	9,460
Other EMR					0
Sub Total EMR	1338	3443	4378	385	9544
OTHER					
Major Repairs Allowance	2,275	2,275	2,450	2,445	9,445
Renewable Energy Reserve	100	100	100	100	400
Affordable rents surplus	72	72	72	72	288
Sub Total Other	2,447	2,447	2,622	2,617	10,133
NEW FUNDS					
BORROWING					
Borrowing from Finance Leases					0
Borrowing from Public Works Loan Board		3,000	3,000	3,000	9,000
Sub Total Borrowing	0	3,000	3,000	3,000	9,000
REVENUE CONTRIBUTION FROM HRA	0	0	0	0	0
TOTAL HRA FUNDING	4,876	9,982	11,091	7,093	33,042
MDDC GRAND TOTAL FUNDING	11,812	12,654	14,013	8,681	47,160
GF Funding Gap	0	0	0	0	0
HRA Funding Gap	0	0	0	0	0
TOTAL FUNDING GAP	0	0	0	0	0

CABINET

2nd February 2017

NNDR 1 for 2017/18

Cabinet Member: Cllr Peter Hare-Scott
Responsible Officer: Revenues Manager, John Chumbley

Reason for Report: To provide Members with an update of the income generation and financial implications of the number of business Rate properties in Mid Devon and to approve the NNDR1 (estimated income to be generated in 2017/18 from business rates).

RECOMMENDATIONS:

1. That the calculation of the NNDR1 net yield of £ 15.033m from 2887 Business Rated properties is noted and approved for 2017/18;
2. That the proportions distributed to the respective authorities and central government be allocated as per the statutory regulations; and
3. That Members note and approve that central government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing reliefs.

Relationship to Corporate Plan:

1. This report sets out the estimated net business rates 2017/18; the estimate will then be used in the calculation of future Council budgets.
2. This report is in line with the Council's Corporate Plan objectives and is essential to delivering the necessary funding to balance the 2017/18 General Fund Revenue budget.

Financial Implications: Mid Devon District Council is a Statutory Billing Authority and now has a duty to carry out this task each year as part of the budgetary process.

Legal Implications: This is a statutory function and is a legal requirement. The Council must set its budget annually based on the tax base and the NNDR1 projected budgets.

Risk Assessment: If the Council fails to carry out this duty, then it will not be able to calculate its future budgets from 2017/18 onwards.

1.0 Introduction

- 1.1 Prior to 1 April 2013, all billing authorities collected the business rates in their area and passed this money onto a central government pool. The pool was then redistributed to local authorities throughout the country based on their needs, resources and services they provide to their community. For example, one billing authority may collect £15m and only require £10m to run its services,

whereas another billing authority may collect £10m and require £15m to run its services. The shortfall and excess is then redistributed by central government through a fixed sum as part of the Formula Grant Settlement.

2.0 Business rates retention scheme

- 2.1 From 1 April 2013, central government changed the way this financing is distributed. Each billing authority now has to forecast the amount of revenue it will generate from business rates and then redistribute that income between central government, the county council, the fire authority and itself, based on a centrally prescribed formula (see below). The Business Rates Retention Scheme as it is now known, also allows the billing authority to keep a share of the increase in revenue it generates, therefore encouraging billing authorities to encourage business growth in its area. However, the converse of this applies and if a billing authority's business rates decline, the District Council (i.e. MDDC) will see a proportionate drop in revenue.
- 2.2 This is the key difference between the old and new schemes. As under the old business rates scheme, the level of funding is determined at the beginning of the year and was fixed thereafter.
- 2.3 In order to assist local authorities in retaining revenue within the counties, central government allowed county councils and district councils to join together to pool their growth and offset the growth of one area against a decline in another area. Effectively, this creates a larger critical mass across the county to alleviate exposure to individual authority losses, thus enabling counties and districts to retain more of the rates collected instead of contributing this money to the central pool. Mid Devon District Council joined the Devon County-wide pool in 2014 and will remain in the pool for 2017/18.
- 2.4 This report details the calculations necessary to determine the estimated debit the Council is expected to collect in business rates for the 2017/18 year. The net collectable debit is then split proportionally, subject to tariffs or levies required to ensure all councils receive a government calculated baseline level as follows:
- 50% goes direct to Central Government
 - 40% is kept by Mid Devon District Council
 - 9% is distributed to Devon County Council
 - 1% is distributed to the Devon & Somerset Fire & Rescue Authority
- 2.5 The New 2017 Valuation list will take effect from 1st April 2017 and the overall effect of these changes is a 3% increase in Rateable Value across the whole district. As this is the beginning of a new Valuation list the NNDR1 government return estimate is based on a completely new set of criteria. In order to carry out accurate calculations, the new Valuation List together with the new Small Business Rate Relief and Rural Rate relief figures were loaded into the test environment to produce the necessary set of calculations to work with. The new multipliers were then entered on the system and the Annual billing process was run to obtain an up to date accurate set of figures to work with.

3.0 S31 grant and reduced business rates income

- 3.1 The Chancellor of the Exchequer announced changes to the business rates system in his Autumn Statement for 2016, and councils once again will be compensated for the loss by means of a “S31” government grant in recognition of the lower amount of business rates that would otherwise become due.
- 3.2 The main changes are as follows;
- 3.2.1 The doubling of Rural Rate relief from 1st April 2017 from £25k to £ 50k
- 3.2.2 The introduction of a new Transitional relief scheme from 1st April 2017 to ease in the changes from the old Valuation list to the new one.
- 3.2.3 The Small Business Rate Relief scheme has been doubled to 100% and will be made permanent. The Rateable Value threshold limits have also changed so that all qualifying Ratepayers whose Rateable value is below £ 12,000 will not have to pay anything for 2017/18. All ratepayers whose Rateable value is between £ 12000 and £ 15000 will receive tapered relief and all those ratepayers between RV 15,000 and RV 51,000 will pay their rates based on the lower multiplier.
- 3.2.4 Appendix 1 shows the estimated net yield from business rates for 2017/18 set out in the government NNDR1 return. The Council is notionally able to keep 40% of the total business rates it collects and this will generate an estimated £6.013m (i.e. £15.033 - 40%). In addition to this, we receive £125k from the DCLG as a grant towards collecting the years’ business rates and in addition retain income from renewable energy schemes of £125k.
- 3.2.5 As part of the DCLG’s financial settlement central government has determined Mid Devon’s business rates baseline (i.e. its financial need) as £2.070m for 2017/18, therefore, in reality the Council will be able to keep circa 13.77% of the business rates it collects.

4.0 Conclusion

- 4.1 Due to the associated volatility and significant sums of revenue involved, Members will receive regular updates on the level of business rates being collected during 2017/18.

Contact for more information: John F Chumbley 01884 234301
(jchumbley@middevon.gov.uk)

Background Papers: CTB1 and supporting documentation

File Reference: JFC/G/CTB1

Circulation of Report: Cllr Peter Hare-Scott, Management Team

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NATIONAL NON-DOMESTIC RATES RETURN
NNDR1 2017-18

Please e-mail to : nndr.statistics@communities.gsi.gov.uk

Please enter your details after checking that you have selected the correct authority name

Forms should be returned to the Department for Communities and Local Government by **Tuesday 31 January 2017**

All figures should be entered in whole £

Please remember that a copy of this form, signed by your Chief Financial Officer / Section 151 officer should also be sent to your relevant Precepting Authorities, and Pool Leads (if applicable).

These instructions highlight the special features of the form and should be read in conjunction with the Guidance Notes and Validation notes.

Completing the form

1. The form can be set up for each individual local authority by selecting the appropriate authority name from the list. The example shows the local authority ZZZZ. Once a local authority name is selected the spreadsheet will automatically complete the data for the white cells with a blue border.

2. There are three different type of input cells:

 * White, Black Border - these are blank for new data - Please ensure all white cells are filled before submitting the form including entering zeroes where appropriate.

 * White background, green border - These cells are information cells and have the appropriate formula in them.

 * White background, blue border - actual data entered by the Department for Communities and Local Government into these cells.

The Total column is greened out - there is no need to enter data in any of these cells.

In addition areas of the form are greyed out - especially for those authorities that do not have designated areas. Please do not enter data in these areas as this will cause delay as we will have to ask you to complete a revised form.

Entering data

3. All values in the form should be entered in whole £. Except for part 1 of the form, **receipts** (eg sums due to the billing authority from ratepayers, or central government) should always be entered as **positive numbers**. **Payments from the authority, or amounts foregone** (eg reliefs given to ratepayers) should always be entered as **negative numbers**.

4. Where possible, you will be prevented from entering data with the wrong sign (+ve when it should be -ve or vice versa).

Updates

We will use this area to list any updates to the form in the future if required

Checking the Validation Sheet

5. Once the form has been completed go to the validation sheet and check if any of the data require any further explanation. The data are compared with the NNDR1 for 2016-17 and if the change in number or percentage terms is higher or lower than we would normally expect you are asked to provide an explanation for the change in the box provided.

For further details on the types of checks we do see *Validation notes for NNDR1 2017-18*.

Signing the Form

6. When the data have been checked and verified please email the complete file to nndr.statistics@communities.gsi.gov.uk

7. Print a copy of the form for signing by your Chief Financial / Section 151 Officer. The form can be printed by using the defined print area.

The signed copy should be forwarded as a pdf document by email to Dennis Herbert at the Department for Communities and Local Government using the email address above. NB We require just one copy of a signed form.

8. A copy of the form should also be sent to your NNDR contact at all your major precepting authorities.

9. If you experience any problems using the form please email
nndr.statistics@communities.gsi.gov.uk

NATIONAL NON-DOMESTIC RATES RETURN - NNDR1

2017-18

Please e-mail to: nndr.statistics@communities.gsi.gov.uk by no later than **31 January 2017**.
In addition, a certified copy of the form should be returned by no later than **31 January 2017** to the same email address

All figures must be entered in whole £

Please check the validation tabs and supply answers to the validation queries that require a comment

Select your local authority's name from this list:

Mid Devon	-
Mid Suffolk	
Mid Sussex	
Middlesbrough UA	
Milton Keynes UA	
Mole Valley	

Authority Name
E-code
Local authority contact name
Local authority contact number
Local authority e-mail address

Mid Devon
E1133
John Chumbley
01884 234301
jchumbley@middevon.gov.uk

Ver 1

PART 1A: NON-DOMESTIC RATING INCOME

COLLECTIBLE RATES

£

1. Net amount receivable from rate payers after taking account of transitional adjustments, empty property rate, mandatory and discretionary reliefs and accounting adjustments

15,033,267

TRANSITIONAL PROTECTION PAYMENTS

2. Sums due to the authority

18,145

3. Sums due from the authority

0

COST OF COLLECTION (See Note A)

4. Cost of collection formula

107,103

5. Legal costs

0

6. Allowance for cost of collection

107,103

SPECIAL AUTHORITY DEDUCTIONS

7. City of London Offset : Not applicable for your authority

0

DISREGARDED AMOUNTS

8. Amounts retained in respect of Designated Areas

0

9. Amounts retained in respect of Renewable Energy Schemes
(See Note B)

125,331

of which:

10. sums retained by billing authority

125,331

11. sums retained by major precepting authority

0

NON-DOMESTIC RATING INCOME

12. Line 1 plus line 2, minus lines 3 and 6 - 9

14,818,978

NATIONAL NON-DOMESTIC RATES RETURN - NNDR1

2017-18

Please e-mail to: nndr.statistics@communities.gsi.gov.uk by no later than **31 January 2017**.
In addition, a certified copy of the form should be returned by no later than **31 January 2017** to the same email address

All figures must be entered in whole £

Please check the validation tabs and supply answers to the validation queries that require a comment

Local Authority : Mid Devon

Ver 1.00

PART 1B: PAYMENTS

This page is for information only; please do not amend any of the figures

The payments to be made, during the course of **2017-18** to:

- i) the Secretary of State in accordance with Regulation 4 of the Non-Domestic Rating (Rates Retention) Regulations 2013;
- ii) major precepting authorities in accordance with Regulations 5, 6 and 7; and to be
- iii) transferred by the billing authority from its Collection Fund to its General Fund,

are set out below

	Column 1 Central Government	Column 2 Mid Devon	Column 3 Devon County Council	Column 4 Devon and Somerset Fire Authority	Column 5 Total
Retained NNDR shares	£	£	£	£	£
13. % of non-domestic rating income to be allocated to each authority in 2017-18	50%	40%	9%	1%	100%
Non-Domestic Rating Income for 2017-18					
14. Non-domestic rating income from rates retention scheme	7,409,489	5,927,591	1,333,708	148,190	14,818,978
15.(less) deductions from central share	0	0	0	0	0
16 TOTAL:	7,409,489	5,927,591	1,333,708	148,190	14,818,978
Other Income for 2017-18					
17. add: cost of collection allowance		107,103			107,103
18. add: amounts retained in respect of Designated Areas		0			0
19. add: amounts retained in respect of renewable energy schemes		125,331	0		125,331
20. add: qualifying relief in Enterprise Zones		0	0	0	0
21. add: City of London Offset		0			0
22. add: additional retained Growth in Pilot Areas		0	0	0	0
23. add: in respect of Port of Bristol hereditament		0			0
Estimated Surplus/Deficit on Collection Fund	£	£	£	£	£
24. % of non-domestic rating income to be allocated to each authority in 2016-17 (for row 25)	50%	40%	9%	1%	100%
25. Estimated Surplus/Deficit at end of 2016-17	-147,830	-118,264	-26,609	-2,957	-295,660
TOTAL FOR THE YEAR	£	£	£	£	£
26. Total amount due to authorities	7,261,659	6,041,761	1,307,099	145,233	14,755,752

NATIONAL NON-DOMESTIC RATES RETURN - NNDR1
2017-18

Please e-mail to: nndr.statistics@communities.gsi.gov.uk by no later than **31 January 2017**.
In addition, a certified copy of the form should be returned by no later than **31 January 2017** to the same email address

All figures must be entered in whole £

Please check the validation tabs and supply answers to the validation queries that require a comment

Local Authority : Mid Devon

Ver 1.00

PART 1C: SECTION 31 GRANT (See Note C)

This page is for information only; please do not amend any of the figures

Estimated sums due from Government via Section 31 grant, to compensate authorities for the cost of changes to the business rates system announced in the 2013, 2014 & 2015 Autumn Statements

	Column 2 Mid Devon	Column 3 Devon County Council	Column 4 Devon and Somerset Fire Authority	Column 5 Total
	£	£	£	£
2015-16 Multiplier Cap				
27. Cost of 2% cap on 2015-16 small business rates multiplier	90,924	20,034	2,226	113,184
Small Business Rate Relief				
28. Cost of doubling SBRR & threshold changes for 2017-18	588,560	132,426	14,714	735,700
29. Cost to authorities of maintaining relief on "first" property	2,030	457	51	2,538
"New Empty" Property Relief				
30. Cost to authorities of giving relief to newly-built empty property	2,030	457	51	2,538
"Long Term Empty" Property Relief				
31. Relief on occupation of "long-term empty" property	0	0	0	0
Rural Rate Relief				
32. Cost to authorities of providing 100% rural rate relief	10,213	2,298	255	12,766
Local Newspaper Temporary Relief				
33. Cost to authorities of providing relief	0	0	0	0
Enterprise Zone qualifying relief in 100% pilot areas				
34. Amount of qualifying relief	0	0	0	0
TOTAL FOR THE YEAR				
35. Amount of Section 31 grant due to authorities to compensate for reliefs	693,757	155,672	17,297	866,726

NB To determine the amount of S31 grant due to it, the authority will have to add / deduct from the amount shown in line 35, a sum to reflect the adjustment to tariffs / top-ups in respect of the multiplier cap (See notes for Line 35)

Certificate of Chief Financial Officer / Section 151 Officer

There are a number of validation questions that require an answer. Please complete the main validation sheet

I confirm that the entries in this form are the best I can make on the information available to me and amounts are calculated in accordance with regulations made under Schedule 7B to the Local Government Act 1988. I also confirm that the authority has acted diligently in relation to the collection of non-domestic rates.

Name of Chief Financial Officer
or Section 151 Officer :

Signature :

Date :

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1

2017-18

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1

Local Authority : Mid Devon

PART 2: NET RATES PAYABLE

You should complete column 1 only

GROSS RATES PAYABLE

(All data should be entered as +ve unless specified otherwise)

	Column 1 BA Area (exc. Designated areas) Complete this column £	Column 2 Designated areas Do not complete this column £	Column 3 TOTAL (All BA Area) Do not complete this column £
1. Rateable Value at 14 December 2016	42,166,552	0	42,166,552
2. Small business rating multiplier for 2017-18 (pence) 46.6			
3. Gross rates 2017-18 (RV x multiplier)	19,649,613	0	
4. Estimated growth/decline in gross rates (+ = increase, - = decrease)	140,000	0	
5. Forecast gross rates payable in 2017-18	19,789,613	0	19,789,613

TRANSITIONAL ARRANGEMENTS (See Note E)

6. Revenue foregone because increases in rates have been deferred (Show as -ve)	-735,741	0	-735,741
7. Additional income received because reductions in rates have been deferred (Show as +ve)	717,596	0	717,596
8. Net cost of transitional arrangements	-18,145	0	
9. Changes as a result of estimated growth / decline in cost of transitional arrangements (+ = decline, - = increase)	0	0	
10. Forecast net cost of transitional arrangements	-18,145	0	-18,145

TRANSITIONAL PROTECTION PAYMENTS (See Note F)

11. Sum due to/(from) authority	18,145	0	18,145

MANDATORY RELIEFS (See Note G) (All data should be entered as -ve unless specified otherwise)

Small Business Rate Relief

12. Forecast of relief to be provided in 2017-18	-2,904,249	0	-2,904,249
13. of which: relief on existing properties where a 2nd property is occupied	-5,000	0	-5,000
14. Additional yield from the small business supplement (Show as +ve)	273,228	0	273,228
15. Net cost of small business rate relief (line 12 + line 14)	-2,631,021	0	-2,631,021

Charitable occupation

16. Forecast of relief to be provided in 2017-18	-1,358,533	0	-1,358,533

Community Amateur Sports Clubs (CASCs)

17. Forecast of relief to be provided in 2017-18	-32,534	0	-32,534

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1
2017-18

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1

Local Authority : Mid Devon

PART 2: NET RATES PAYABLE

You should complete column 1 only

	Column 1 BA Area (exc. Designated areas)	Column 2 Designated areas	Column 3 TOTAL (All BA Area)
Rural rate relief			
18. Forecast of relief to be provided in 2017-18	-25,155	0	-25,155

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1

2017-18

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1

Local Authority : Mid Devon

PART 2: NET RATES PAYABLE

You should complete column 1 only

	Column 1 BA Area (exc. Designated areas)	Column 2 Designated areas	Column 3 TOTAL (All BA Area)
19. Forecast of mandatory reliefs to be provided in 2017-18 (Sum of lines 15 to 18)	-4,047,243	0	
20. Changes as a result of estimated growth/decline in mandatory relief (+ = decline, - = increase)	-1,000	0	
21. Total forecast mandatory reliefs to be provided in 2017-18	-4,048,243	0	-4,048,243

UNOCCUPIED PROPERTY (See Note H) (All data should be entered as -ve unless specified otherwise)

Partially occupied hereditaments

22. Forecast of 'relief' to be provided in 2017-18

-8,000	0	-8,000

Empty premises

23. Forecast of 'relief' to be provided in 2017-18

-349,091	0	-349,091

24. Forecast of unoccupied property 'relief' to be provided in 2017-18 (Line 22 + line 23)

-357,091	0	

25. Changes as a result of estimated growth/decline in unoccupied property 'relief'
(+ = decline, - = increase)

-2,000	0	

26. Total forecast unoccupied property 'relief' to be provided in 2017-18

-359,091	0	-359,091

DISCRETIONARY RELIEFS (See Note J) (All data should be entered as -ve unless specified otherwise)

Charitable occupation

27. Forecast of relief to be provided in 2017-18

-55,771	0	-55,771

Non-profit making bodies

28. Forecast of relief to be provided in 2017-18

-2,558	0	-2,558

Community Amateur Sports Clubs (CASCs)

29. Forecast of relief to be provided in 2017-18

0	0	0

Rural shops etc

30. Forecast of relief to be provided in 2017-18

0	0	0

Small rural businesses

31. Forecast of relief to be provided in 2017-18

-2,383	0	-2,383

Other ratepayers

32. Forecast of relief to be provided in 2017-18

0	0	0

of which:

33. Relief given to Case A hereditaments

	0	

34. Relief given to Case B hereditaments

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1
2017-18

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1

Local Authority : Mid Devon

PART 2: NET RATES PAYABLE

You should complete column 1 only

Column 1
**BA Area (exc.
Designated areas)**

Column 2
**Designated
areas**

Column 3
**TOTAL
(All BA Area)**

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1

2017-18

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1

Local Authority : Mid Devon

PART 2: NET RATES PAYABLE

You should complete column 1 only

Column 1
**BA Area (exc.
Designated areas)**

Column 2
**Designated
areas**

Column 3
**TOTAL
(All BA Area)**

35. Forecast of discretionary relief to be provided in 2017-18 (Sum of lines 27 to 32)

-60,712

0

36. Changes as a result of estimated growth/decline in discretionary relief (+ = decline, - = increase)

0

0

37. Total forecast discretionary relief to be provided in 2017-18

-60,712

0

-60,712

DISCRETIONARY RELIEFS FUNDED THROUGH SECTION 31 GRANT
(See Note K) (All data should be entered as -ve unless specified otherwise)

"New Empty" properties

38. Forecast of relief to be provided in 2017-18

-5,000

0

-5,000

"Long term empty" properties

39. Forecast of relief to be provided in 2017-18

0

0

0

Rural Rate Relief

40. Forecast of relief to be provided in 2017-18

-25,155

0

-25,155

Local Newspaper Temporary Relief

41. Forecast of relief to be provided in 2017-18

0

0

0

42. Forecast of discretionary reliefs funded through S31 grant to be provided in 2017-18 (Sum of lines 38 to 41)

-30,155

0

43. Changes as a result of estimated growth/decline in Section 31 discretionary relief (+ = decline, - = increase)

0

0

44. Total forecast of discretionary reliefs funded through S31 grant to be provided in 2017-18

-30,155

0

-30,155

NET RATES PAYABLE

45. Forecast of net rates payable by rate payers after taking account of transitional adjustments, unoccupied property relief, mandatory and discretionary reliefs

**£
15,273,267**

**£
0**

**£
15,273,267**

Checked by Chief Financial / Section 151 Officer :

**PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1
2017-18**

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1

Local Authority : Mid Devon

PART 3: COLLECTABLE RATES AND DISREGARDED AMOUNTS

You should complete column 1 only

	Column 1	Column 2	Column 3
	BA Area (exc. Designated areas) Complete this column	Designated Areas	TOTAL (All BA Area) Do not complete this column
	£	£	£
NET RATES PAYABLE			
1. Sum payable by rate payers after taking account of transitional adjustments, empty property rate, mandatory and discretionary reliefs	15,273,267	0	15,273,267
(LESS) LOSSES			
2. Estimated bad debts in respect of 2017-18 rates payable	-40,000	0	-40,000
3. Estimated repayments in respect of 2017-18 rates payable	-200,000	0	-200,000
COLLECTABLE RATES			
4. Net Rates payable less losses	15,033,267	0	15,033,267
DISREGARDED AMOUNTS			
5. Renewable Energy	125,331	0	125,331
6. Transitional Protection Payment		0	
7. Baseline		0	
DISREGARDED AMOUNTS			
8. Total Disregarded Amounts		0	0
ENTERPRISE ZONES IN 100% PILOT AREAS			
9. Enterprise Zone Qualifying Relief	0	0	0
DEDUCTIONS FROM CENTRAL SHARE			
10. Enterprise Zone Qualifying Relief	0	0	0
Growth Pilot Areas			
11. Net Rates payable for Growth Baseline comparison: Not applicable	0		0
12. Growth Baseline : Not applicable	0		0
13. Additional Growth in 'Growth Pilot' Areas: Not Applicable	0		0
Port of Bristol			
14. In respect of Port of Bristol: Not applicable	0		0
DEDUCTIONS FROM CENTRAL SHARE			
15. Total Deductions	0	0	0

Checked by Chief Financial / Section 151 Officer :

[illegible]

PROVISIONAL NATIONAL NON-DOMESTIC RATES RETURN - NNDR1
2017-18

All figures must be entered in whole £

Please check the Validation tab and answer the validation queries that need to be answered

Ver 1

Local Authority : Mid Devon

PART 4: ESTIMATED COLLECTION FUND BALANCE

OPENING BALANCE

1. Opening Balance (From Collection Fund Statement)

£

£

-1,852,229

BUSINESS RATES CREDITS AND CHARGES

2. Business rates credited and charged to the Collection Fund in 2016-17

14,330,853

3. Sums written off in excess of the allowance for non-collection

-30,000

4. Changes to the allowance for non-collection

-30,000

5. Amounts charged against the provision for appeals following RV list changes

0

6. Changes to the provision for appeals

1,500,000

7. Total business rates credits and charges (Total lines 2 to 6)

15,770,853

OTHER RATES RETENTION SCHEME CREDITS

8. Transitional protection payments received, or to be received in 2016-17

8,792

9. Transfers/payments to the Collection Fund for end-year reconciliations

0

10. Transfers/payments into the Collection Fund in 2016-17 in respect of a previous year's deficit

1,341,004

11. Total Other Credits (Total lines 8 to 10)

1,349,796

OTHER RATES RETENTION SCHEME CHARGES

12. Transitional protection payments made, or to be made, in 2016-17

-59,032

13. Payments made, or to be made, to the Secretary of State in respect of the central share in 2016-17

-7,633,140

14. Payments made, or to be made to, major precepting authorities in respect of business rates income in 2016-17

-1,526,628

15. Transfers made, or to be made, to the billing authority's General Fund in respect of business rates income in 2016-17

-6,106,512

16. Transfers made, or to be made, to the billing authority's General Fund; and payments made, or to be made, to a precepting authority in respect of disregarded amounts in 2016-17

-236,050

17. Transfers/payments from the Collection Fund for end-year reconciliations

-2,718

18. Transfers/payments made from the Collection Fund in 2016-17 in respect of a previous year's surplus

0

19. Total Other Charges (Total lines 12 to 18)

-15,564,080

ESTIMATED SURPLUS/(DEFICIT) ON COLLECTION FUND IN RESPECT OF FINANCIAL YEAR 2016-17

20. Opening balance plus total credits, less total charges (Total lines 1, 7, 11 & 19)

£

-295,660

Checked by Chief Financial / Section 151 Officer :

**SUPPLEMENTARY INFORMATION ON HEREDITAMENTS BEING GRANTED RELIEF FROM
NATIONAL NON-DOMESTIC RATES AND THE AMOUNT OF RELIEF GRANTED**

Please complete the following questions on hereditaments that were being granted relief from
national non-domestic rates and the amount of relief granted

If you have any queries on completing the form please contact
Dennis Herbert by email to nndr.statistics@communities.gsi.gov.uk

The completed form must be returned to nndr.statistics@communities.gsi.gov.uk
no later than 31 JANUARY 2017

Authority Name	Mid Devon
E-code	E1133
Contact name	John Chumbley
Contact number	01884 234301
Contact e-mail	jchumbley@middevon.gov.uk

Ver 1

**PART 1 : NUMBERS OF HEREDITAMENTS THAT WERE BEING GRANTED RELIEF
AS AT 31 DECEMBER 2016**

MANDATORY RELIEF

- a. Number of hereditaments that were being granted charitable relief as at 31 December 2016*
- b. Number of hereditaments that were being granted Community Amateur Sports Clubs relief as at 31 December 2016*
- c. Number of hereditaments that were being granted rural general stores, post offices, public houses, petrol filling stations and food shops relief as at 31 December 2016*
- d. Number of hereditaments that were being granted partly occupied premises relief as at 31 December 2016*
- e. Number of hereditaments that were being granted empty property relief as at 31 December 2016*
of which:
- i. those that are classed as "industrial property" above the exemption threshold*
- ii. those that have "listed building status"*
- iii. those that are "Community Amateur Sports Clubs"*
- iv. those that are "charities"*
- v. those where the hereditament is empty and not included in categories i to iv*
- vi. those that are classed as "non-industrial" above the exemption threshold*

DISCRETIONARY RELIEF

- f. Number of hereditaments that were being granted charitable relief as at 31 December 2016*
- g. Number of hereditaments that were being granted non-profit making bodies' relief as at 31 December 2016*
- h. Number of hereditaments that were being granted Community Amateur Sports Clubs relief as at 31 December 2016*
- i. Number of hereditaments that were being granted rural shops, post offices, public houses, petrol filling stations and food shops relief as at 31 December 2016*
- j. Number of hereditaments that were being granted other small rural businesses relief as at 31 December 2016*
- k. Number of hereditaments within Enterprise Zones being granted discounts as at 31 December 2016*
- l. Number of hereditaments subject to a S47 local discount as at 31 December 2016*

DISCRETIONARY RELIEF FUNDED THROUGH SECTION 31 GRANT

- m. Number of hereditaments receiving "New Empty" relief as at 31 December 2016*
- n. Number of hereditaments receiving "Long-term Empty" relief as at 31 December 2016*

SMALL BUSINESS RATE RELIEF

- o. Number of hereditaments contributing to the small business rate relief scheme by paying the additional supplement as at 31 December 2016*
- p. Number of hereditaments that receive a discount from the small business rate relief scheme as at 31 December 2016*
of which:
- i. Hereditaments with a rateable value between £0 and £12,000 receiving the maximum discount*
- ii. Hereditaments with a rateable value between £12,001 and £15,000 receiving the discount on a sliding scale*
- q. Number of hereditaments that pay only the small business rate multiplier and are not granted a discount as at 31 December 2016*

* The data should be as at 31 December 2016 or as soon as possible after that date.

Number of
hereditaments that were
being granted relief as
at
31 December 2016*

0

How many hereditaments contributing?

0

How many hereditaments are
receiving a discount?

How many hereditaments are paying just
the small business rate multiplier?

NATIONAL NON-DOMESTIC RATES (SUPPLEMENTARY) RETURN 2017-18

Mid Devon

Ver 1

PART 2 : ESTIMATED VALUE OF RELIEF TO BE GRANTED IN 2017-18

EMPTY PROPERTY RELIEF

a. Estimated value of empty property relief to be granted in 2017-18

Amount of relief to be
granted in 2017-18
(£)

-349,091

Rows i to iv must add up to line a above

of which:

i. Relief to be given - industrial property above the exemption threshold

ii. Relief to be given - listed building status

iii. Relief to be given - Community Amateur Sports Clubs

iv. Relief to be given - charities

v. Relief to be given where the hereditament is empty and is not included in categories i to iv

vi. Relief to be given - "non-industrial" above the exemption threshold

SMALL BUSINESS RATE RELIEF

b. The cost of small business rate relief for properties within the billing authority area

-2,904,249

Sum of bi and bii should be
same as the figure above

of which:

i. Hereditaments with a rateable value between £0 and £12,000 that will receive the full discount

ii. Hereditaments with a rateable value between £12,001 and £15,000 that will receive the discount on a sliding scale

Bi & Bii do not sum to B total

DATE OF LATEST INFORMATION

Date of latest information taken into account when calculating the figures on the supplementary form

Notes :

NATIONAL NON-DOMESTIC RATES RETURN - NNDR1

2017-18

Validation Checks

1

Local authority : Mid Devon E1133

Local authority contact name : John Chumbley

Local authority contact number : 01884 234301

Local authority contact email address : jchumbley@middevon.gov.uk

This sheet automatically highlights any validation queries and provides space for your explanations

The note NNDR1 Validation Checks 2017-18 provides further details on the validations we carry out. Please consult this when completing this validation sheet

Page 227

		Data		Change		Parameters				Please comment below where required
Test		VOA data	2017-18	Actual	%	Actual	%			
1	Check total RV	42,139,000	42,166,552	27,552	0%	0	10%	OK		
	Mandatory Reliefs	2016-17	2017-18	Actual	%	Actual	%			
2	Cost SBR relief	-2,268,185	-2,904,249	636,064	28%	0	20%	Comment made		Due to change in SBRR process
3	Additional yield to finance SBRR	450,437	273,228	177,209	39%	0	20%	Comment made		correct confirmed as per test module
4	Net cost of SBRR	-1,817,748	-2,631,021	813,273	45%	0	20%	Comment made		see above
5	Cost of Charity relief	-1,294,139	-1,358,533	64,394	5%	0	20%	OK		
6	Cost of CASC relief	-33,783	-32,534	1,249	4%	20,000	20%	OK		
7	Cost of Rural relief	-26,730	-25,155	1,575	6%	5,000	15%	OK		
8	Cost of Partly Occupied relief	-57,305	-8,000	49,305	86%	250,000	20%	OK		
9	Cost of Empty property relief	-399,821	-349,091	50,730	13%	500,000	25%	OK		
	Discretionary Reliefs	2016-17	2017-18	Actual	%	Actual	%			
10	Cost of Charity relief	-56,271	-55,771	500	1%	0	25%	OK		
11	Cost of non-profit bodies' relief	-2,640	-2,558	82	3%	50,000	25%	OK		
12	Cost of CASC Relief	0	0	0	0%	5,000	25%	OK		
13	Cost of rural shop relief	0	0	0	0%	5,000	25%	Comment made		govt proposed S31 grant to give 100%
14	Cost of other rural relief	-2,256	-2,383	127	6%	5,000	25%	OK		
15	Cost of other discretionary relief	0	0	0	0%	50,000	25%	OK		
16	Class A hereditaments	0	0	0	0%	0	25%	OK		
17	Class B hereditaments	0	0	0	0%	0	25%	OK		
18	New empty properties	-30,749	-5,000	25,749	84%	50,000	25%	OK		
19	Long term empties	-9,500	0	9,500	100%	50,000	25%	OK		
20	Net rates payable	15,752,330	15,273,267	479,063	3%	0	10%	OK		
	Other checks	2016-17	2017-18	Actual	%	Actual	%			
21	Appeals provision (Part 3 Line 3)	-150,000	-200,000	50,000	33%	0	10%	Please comment		
22	Zero in surplus / deficit		-295,660	n/a	n/a	0	n/a	OK		

Number where comments are outstanding

1

Please provide any further comments below

NATIONAL NON-DOMESTIC RATES RETURN - NNDR1

2017-18

Supplementary data - validation checks

Ver 1.0

Local authority : Mid Devon E1133
 Local authority contact name : John Chumbley
 Local authority contact number : 01884 234301
 Local authority contact email address : jchumbley@middevon.gov.uk

This sheet automatically highlights any validation queries and provides space for your explanations

The note NNDR1 Validation Checks 2016-17 provides further details on the validations we carry out. Please consult this when completing this validation sheet

Test	Data		Change		Parameters				
	2016-17	2017-18	Actual	%	Actual	%			
Mandatory Reliefs									Please comment below where required
1	Charity relief	204	0	-204	-100%	50	10%	Please comment	
2	CASC relief	9	0	-9	-100%	10	0%	OK	
3	Rural shop relief	3	0	-3	-100%	10	0%	OK	
4	Partly Occupied relief	5	0	-5	-100%	10	0%	OK	
5	Empty relief	244	0	-244	-100%	100	30%	Please comment	

Discretionary Reliefs									
6	Charity relief	108	0	-108 -100%	40	30%	Please comment		
7	Non-profit bodies' relief	3	0	-3 -100%	20	0%	OK		
8	CASC Relief	9	0	-9 -100%	10	0%	OK		
9	Rural shop relief	17	0	-17 -100%	10	0%	Please comment		
10	Other rural relief	2	0	-2 -100%	10	0%	OK		
11	Enterprise granted relief	0	0	0 0%	10	0%	OK		
12	Local discount relief	0	0	0 0%	10	0%	OK		
13	SBBR - contributing	1,500	0	-1,500 -100%	100	10%	Please comment		
14	SBBR - getting a discount	1,308	0	-1,308 -100%	100	10%	Please comment		
15	SBBR - RV between £0 & £12k	1,308	0	-1,308 -100%	100	10%	Please comment		
16	SBBR - RV between £12k & £15k		0		100	10%	Comment made	No comparable data to test against	
17	SBBR - just lower multiplier		0		100	10%	Comment made	No comparable data to test against	

Number of hereditaments		Total Hereds	Hereds included in lines 13, 14 & 17 above					
18	Number hereditaments in tests 13, 14 & 17 above compared to total number of hereditaments	2,870	0	-2,870 -100%	25	5%	Please comment	

Number where comments are outstanding

8

Please provide any further comments below

CABINET 2 FEBRUARY 2017

POLICY FRAMEWORK

Cabinet Member Cllr C J Eginton - Leader
Responsible Officer Stephen Walford - Chief Executive

Reason for Report: To endorse the Policy Framework for the year.

RECOMMENDATION(S): To recommend to Council that the Policy Framework be adopted.

Relationship to Corporate Plan: An efficient and effective policy framework helps provide the infrastructure to deliver the corporate plan

Financial Implications: None arising from this report

Legal Implications: The report is required by the constitution

Risk Assessment: Not updating the strategic policies of the Council would result in policies not being aligned to corporate objectives and an inefficient use of resources.

1.0 Introduction

- 1.1 The Policy Framework consists of both statutory documents that have to be adopted or approved by the Council as well as locally determined policies and strategies that form an integral part of the decision making process and their subsequent implementation.
- 1.2 A list of Strategies and Policies covered by the Framework is attached at Annex 1.
- 1.3 It is recommended that these Strategies and Policies be formally approved as the Council's Policy Framework in accordance with the Constitution so far as they still apply and are relevant.
- 1.4 As new policies are approved by Council they will automatically be added to the Policy Framework.

2.0 Way Forward

- 2.1 Under the Budget and Policy Framework Procedure Rules, the Cabinet will be responsible for the implementation of the Budget and Policy Framework.
- 2.2 The purpose of this report therefore is to inform the Cabinet of their role in the implementation of the budget and policy framework highlighting to the Scrutiny Committee, Audit Committee and Policy Development Groups its work for the coming year.

- 2.3 The table therefore covers all strategic rather than operational policies and highlights those which are for Cabinet only approval and those which require full Council approval.

Contact for more Information:

Stephen Walford – Chief Executive

Sally Gabriel - Member Services Manager

Circulation of the Report: Councillor C J Eginton and Management Team

Community Policy Development Group							
Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Notes
Community Engagement <u>Action Plan</u>	Head of Customer Services	Mar-15	Community PDG	Mar-17	Cabinet	2 yearly	
Community Engagement <u>Strategy</u> 2016/17	Head of Customer Services	Mar-15	Community PDG	Mar-17	Cabinet	2 yearly	
Community Safety Partnership Plan 2015 2017	Head of Housing and Property Services	Jun-15	Community PDG	Jun-17	Council	2 yearly	
Corporate Anti Social Behaviour Policy	Head of Housing and Property Services	Jul-13	Community PDG	Jul-17	Cabinet	4 Yearly	
Customer Care Policy	Head of Customer Services	Sep-14	Community PDG	Sep-17	Cabinet	3 yearly	
Devon District Council's Joint Safeguarding Policy and MDG Guidance and Procedures	Director of Corporate Affairs and Business Transformation	Jun-16	Community PDG	May-17	Cabinet	Annually or whenever there is a change in the legislation.	
Grant payments to external organisations (the strategic grants review process)	Economic Development & Regeneration Manager	Oct-16	Community PDG	Mar-20	Cabinet	4 yearly	Cabinet decision on 27 Oct 2016 - grants be paid on an annual basis for the duration of the 2015-2020 Corporate Plan.
Health and Safety Policy	Director of Corporate Affairs and Business Transformation	May-13	Community PDG	Mar-17	Cabinet	3 yearly	Slight delay due to management restructure
Public Health Enforcment Policy	Director of Corporate Affairs and Business Transformation	Aug-16	CWB and DAH (joint meeting)	Aug-18	Cabinet	2 yearly	
Regulation of Investigatory Powers	Director of Corporate Affairs and Business Transformation	Jan-17	Community PDG	Jan-18	Cabinet	Annually	
Single Equalities Policy and Equality Objective	Economic Development & Regeneration Manager	Mar-16	Community PDG	Mar-17	Cabinet	Annually	
Town and Parish Charter	Director of Corporate Affairs and Business Transformation	Jun-12	Community PDG	May-17	Cabinet	4 yearly	Slight delay due to management restructure

Environment Policy Development Group								
Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Summary notes	Detailed notes
Climate Strategy and Action Plan	Head of Housing and Property Services	Mar-16	Environment PDG	Mar-20	Cabinet	4 yearly		
Contaminated Land Cost Recovery Policy	Director of Corporate Affairs and Business Transformation	Mar-15	Environment PDG	Mar-20	Cabinet	5 yearly		
High Hedges Policy	Head of Housing and Property Services	Aug-16	Environment PDG	Aug-23	Cabinet	7 yearly		
National Assistance Burial Procedure	Head of Housing and Property Services	Jun-16	Environment PDG	Jun-19	Cabinet	3 yearly		
Open Space and Play Area Strategy (2013 - 2038)	Head of Housing and Property Services	Jan-15	Environment PDG	Jan-33	Cabinet	18 yearly	Now aligned with the Local Plan review	
Play Area Safety Inspection Policy	Head of Housing and Property Services	Mar-16	Environment PDG	Mar-19	Cabinet	3 yearly		
Tree Policy	Head of Housing and Property Services	May-16	Environment PDG	May-21	Cabinet	5 yearly		
Waste Education and Enforcement Policy	Director of Finance, Assets and Resources	Sep-15	Environment PDG	Sep-18	Cabinet - Council	3 yearly	New policy Sept 2015	

Economy - Policy Development Group

Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed
Joint Exeter and the Heart of Devon (EHOD) Economic Development Strategy (review progress against action plan only, Strategy to be reviewed by the Cabinet)	Chief Executive and Director of Growth	Jan-17	Economy PDG	Jan-18	Economy PDG - Cabinet	Annually
Tiverton Town Centre Action Plan and Market Strategy	Chief Executive and Director of Growth	Jan-17	Economy PDG	Jan-18	Economy PDG - Cabinet	Annually

Homes Policy Development Group

Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Summary Notes
Aids and Adaptations Policy	Head of Housing and Property Services	Sep-16	Homes PDG	Sep-20	Cabinet	4 yearly	
Allocations Policy and Procedures	Head of Housing and Property Services	March 2016	Homes PDG	Mar-19	Cabinet	3 yearly	
Asbestos Policy, Corporate	Head of Housing and Property Services	Oct-15	Homes PDG	Aug-18	Cabinet	3 yearly	
Asbestos Management Plan	Head of Housing and Property Services	October 2015	Homes PDG	Aug-18	Cabinet	3 yearly	
ASB Policy and Procedures	Head of Housing and Property Services	Jul-15	Homes PDG	Jul-18	Cabinet	3 yearly	
Car Parking Management Policy (housing amenity, residential and permit holder car parks).	Head of Housing and Property Services	Jan-16	Homes PDG	Jan-20	Cabinet	4 yearly	
Compensation Policy	Head of Housing and Property Services	Jul-15	Homes PDG	Jun-17	Cabinet	2 yearly	
Decant Policy	Head of Housing and Property Services	Feb-17	Homes PDG	Jan-21	Cabinet	4 yearly	
Domestic Abuse Policy	Head of Housing and Property Services	Jul-15	Homes PDG	Jun-19	Cabinet	4 yearly	
Fire Risk in Communal Areas Policy	Head of Housing and Property Services	Jul-16	Homes PDG	Jul-20	Cabinet	4 yearly	
Garage Management Policy	Head of Housing and Property Services	Jan-16	Homes PDG	Jan-20	Cabinet	4 yearly	
Gas Safety Policy	Head of Housing and Property Services	Sep-13	Homes PDG	Sep-17	Cabinet	4 yearly	

Homes Policy Development Group

Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Summary Notes
Harrassment Policy	Head of Housing and Property Services	Jul-15	Homes PDG	Jun-19	Cabinet	4 yearly	
Hoarding Policy	Head of Housing and Property Services	Jul-15	Homes PDG	Jun-19	Cabinet	4 yearly	
Homelessness Strategy	Head of Housing and Property Services	Mar-14	Homes PDG	Mar-19	Cabinet	5 yearly	
Housing Revenue Account Asset Management Strategy	Head of Housing and Property Services	May-14	Homes PDG	May-19	Cabinet	5 Yearly	
Housing Strategy	Head of Housing and Property Services	Jan-16	Homes PDG	Jan-21	Cabinet	5 yearly	
Improvements to Council Property Policy	Head of Housing and Property Services	Dec-15	Homes PDG	Dec-19	Cabinet	4 yearly	
Income Management Policy	Head of Housing and Property Services	Aug-15	Homes PDG	Aug-19	Cabinet	4 yearly	
Introductory Tenancies Policy	Head of Housing and Property Services	Sep-16	Homes PDG	Sep-20	Cabinet	4 yearly	
Landlord Tenancy Policy	Head of Housing and Property Services	Jan-13	Homes PDG	Jan-17	Cabinet	4 yearly	
Leasehold Management policy	Head of Housing and Property Services	Dec-15	Homes PDG	Dec-19	Cabinet	4 yearly	
Neighbourhood Management Policy	Head of Housing and Property Services	Sep-14	Homes PDG	Sep-18	Cabinet	4 yearly	
Older Persons' Housing and Services Strategy 2011 - 2016	Head of Housing and Property Services	Apr-12	Homes PDG	Mar-17	Cabinet	5 yearly	
Pets and Animals policy	Head of Housing and Property Services	Jul-15	Homes PDG	Jun-19	Cabinet	4 yearly	

Homes Policy Development Group

Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Summary Notes
Recharge Policy	Head of Housing and Property Services	Jan-16	Homes PDG	Jan-20	Cabinet	4 yearly	
Service Standards Review	Head of Housing and Property Services	Sep-16	Homes PDG	Sep-20	Cabinet	4 yearly	
Severe Weather Emergency Protocol and Extended Winter Provision Protocol	Head of Housing and Property Services	Dec-15	Homes PDG	Sep-17	Cabinet	2 yearly	
Supply and Demand Policy	Head of Housing and Property Services	Dec-15	Homes PDG	Dec-18	Cabinet	3 yearly	
Tenancy Policy	Head of Housing and Property Services	Aug-15	Homes PDG	Aug-19	Cabinet	4 yearly	
Tenancy Changes Policy (formerly known as the 'Succession and Assignment Policy')	Head of Housing and Property Services	Jun-16	Homes PDG	May-20	Cabinet	4 yearly	
Tenancy Agreement	Head of Housing and Property Services	Jul-16	Homes PDG	Jul-21	Cabinet	5 yearly	
Tenancy Inspection Policy	Head of Housing and Property Services	Jul-16	Homes PDG	Jul-20	Cabinet	4 yearly	
Tenant Involvement Policy	Head of Housing and Property Services	Jun-15	Homes PDG	Feb-18	Cabinet	3 yearly	
Tenant Involvement Strategy	Head of Housing and Property Services	Jun-15	Homes PDG	Feb-18	Cabinet	3 yearly	
Tenancy Strategy (Formerly known as the Strategic Tenancy Policy)	Head of Housing and Property Services	Nov-12	Homes PDG	Sep-17	Cabinet	4 yearly	Delay due to having to wait for the Regulations to the Housing & Planning Act 2016
Void Management Policy	Head of Housing and Property Services	Jul-16	Homes PDG	Jul-18	Cabinet	2 yearly	

Licensing Committee							
Policy	Responsible Officer	Last Approved	Group/Committee to review/development	Expected date for next approval	Approval required from	Frequency to be reviewed	Notes
Hackney Carriage and Private Hire Policy and Conditions	Director of Corporate Affairs and Business Transformation	Mar-16	Regulatory Committee	Mar-19	Regulatory Committee	3 Yearly	
Licensing Policy	Director of Corporate Affairs and Business Transformation	Dec-13	Licensing Committee	Dec-18	Council	5 yearly	
Sex Establishment Policy	Director of Corporate Affairs and Business Transformation	New Policy January 2011	Licensing Committee	Dec-17	Council	5 yearly	There is no statutory obligation upon the Council to have this policy
Statement of Principles for Gambling Act 2005	Director of Corporate Affairs and Business Transformation	Oct-15	Licensing Committee	Oct-18	Council	3 Yearly	

Audit Committee

Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed
Annual Governance Statement	Director of Corporate Affairs and Business Transformation	Jun-16	Audit Committee	Jun-17	Audit Committee	Annually
Anti-fraud and Corruption, Whistle-Blowing and Anti-Money Laundering Policies	Director of Corporate Affairs and Business Transformation	Dec-14	Audit Committee	Dec-18	Audit Committee	4 yearly
Code of Corporate Governance	Director of Corporate Affairs and Business Transformation	Mar-16	Audit Committee	Mar-17	Audit Committee	Annually
Corporate Debt Recovery Policy	Director of Finance, Assets and Resources	Sep-14	Audit Committee	Sep-17	Cabinet	3 yearly
Data Quality Policy	Director of Corporate Affairs and Business Transformation	Dec-14	Audit Committee	Dec-18	Audit Committee	4 yearly
Financial and Contract Procedure Rules	Director of Finance, Assets and Resources	Oct-16	Audit Committee	Sep-19	Audit Committee - Full Council	3 yearly
Four year Strategic Audit Plan and Work Programme	Director of Corporate Affairs and Business Transformation	Mar-16	Audit Committee	Mar-17	Audit Committee	Annually
Internal Audit Charter	Director of Corporate Affairs and Business Transformation	Jan-17	Audit Committee	Jan-20	Audit Committee	3 yearly
Internal Audit Strategy	Director of Corporate Affairs and Business Transformation	Mar-15	Audit Committee	Mar-17	Audit Committee	When legislation changes
Risk and Opportunity Management Strategy	Director of Corporate Affairs and Business Transformation	Mar-16	Audit Committee	Mar-17	Audit Committee	Annually

Cabinet

Annexe 1

Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Summary notes
Adopted Local Development Framework Statement of Community Involvement	Head of Planning and Regeneration	Aug-12	PPAG	Aug-17	Cabinet - Council	5+ years	
Area of Special Control for advertisements	Head of Planning and Regeneration	Dec-11	PPAG	01/12/2017 (Delayed agreed)	Cabinet - Council	5 years	
Asset Management and Capital Strategy Plan 2016-2020	Head of Housing and Property Services	Jul-16	Cabinet	Jul-20	Cabinet	4 years	
Capital Strategy & Asset management Plan 2016 - 2020	Head of Housing and Property Services	Jul-16	Cabinet	Jul-20	Cabinet	4 yearly	
Channel Access Strategy 2014-2017	Head of Customer Services	Jan-15	Cabinet	Jan-18	Cabinet	3 years	
Communication Strategy	Head of Customer Services	Feb-16	Cabinet	Feb-20	Cabinet	4 years	
Communication Strategy Action Plan	Head of Customer Services	Feb-16	Cabinet	Mar-17	Cabinet	Annually	
Community Infrastructure Levy	Head of Planning and Regeneration	Dec-16	PPAG	As and when required as part of the Local Plan	Cabinet - Council	As and when required as part of the Local Plan	
Complaints and Feedback policy	Head of Customer Services	Sep-15	Cabinet	Sep-18	Cabinet	3 years	
Corporate Debt Recovery Policy	Director of Finance, Assets and Resources	Oct-14	Audit Committee - Cabinet	Oct-17	Cabinet	3 years	
Corporate Plan (2016 - 2020)	Director of Corporate Affairs and Business Transformation	Mar-16	Cabinet	Mar-20	Cabinet - Council	4 yearly	
Council Tax Reduction Scheme	Director of Finance, Assets and Resources	Dec-16	Cabinet	Dec-17	Council	Annually	
Data Protection Policy	Head of Customer Services	Mar-16	Cabinet	Jan-19	Cabinet	3 yearly	

Cabinet

Annexe 1

Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Summary notes
Email Policy	Head of Customer Services	Dec-15	Cabinet Member for the Working Environment and Head of ICT	Dec-18	Cabinet Member for the Working Environment	3 Yearly	
The Establishment	Director of Corporate Affairs and Business Transformation	Feb-16	Cabinet	Feb-17	Cabinet	Annually	
Freedom of Information Policy	Head of Customer Services	Dec-16	Cabinet or Cabinet Member	Dec-19	Cabinet	3 Yearly	
ICT Strategy	Head of Customer Services	Oct-11	Cabinet	Mar-17	Cabinet	5 yearly	Slight delay due to restructure
Internet Policy	Head of Customer Services	Dec-15	Cabinet Member for the Working Environment and Head of ICT	Dec-18	Cabinet Member for the Working Environment	3 Yearly	
Joint Executive and Heart of Devon (EHOD) Economic Development Strategy	Chief Executive and Director of Growth	Jan-17	Cabinet	Jan-20	Cabinet	3 Yearly	
Leisure Pricing Policy	Director of Corporate Affairs and Business Transformation	Mar-16	Individual Decision by the Cabinet Member for Community Well Being	Mar-17	Cabinet	Annually	
Local Development Scheme	Head of Planning and Regeneration	Dec-16	PPAG	Dec-18	Cabinet	2 yearly	
Local Enforcement Plan (replaces Development Control Enforcement Policy)	Head of Planning and Regeneration	April 2017 - approved for consultation	PPAG	Jun-20	Cabinet - Council	3 yearly	
Media and Social Media Policy	Head of Customer Services	Jun-15	Cabinet	May-19	Cabinet	4 yearly	
Medium Term Financial Strategy	Director of Finance, Assets and Resources	Oct-16	Cabinet	Oct-17	Cabinet	Annually	
Meeting Housing Needs Supplementary Planning Document	Head of Planning and Regeneration	Jun-12	PPAG	2017	Cabinet - Council	5 yearly	
Pay Policy	Director of Corporate Affairs and Business Transformation	Mar-16	Cabinet	Mar-17	Cabinet - Council	Annually	
Treasury Management Strategy and Annual Investment Strategy	Director of Finance, Assets and Resources	Oct-16	Cabinet	Mar-17	Cabinet	Annually	

CABINET

2 February 2017

The Establishment

Cabinet Member: Cllr. Margaret Squires

Responsible Officer(s): Jane Cottrell, Group Human Resources Manager

Reason for Report: To inform Members of the overall structure of the Council showing the management and deployment of officers. This report should be read in conjunction with the functions of individual officers highlighted in the Constitution.

RECOMMENDATION: The Cabinet is asked to recommend to Council the Establishment.

Relationship to Corporate Plan: This report highlights the Establishment figures and, as such, supports our aim to reduce costs without affecting service quality and continuity.

Financial Implications: Financial risk will only occur where the structure of a service changes without adherence to allocated budgets.

Legal Implications: In accordance with Article 14 of the Constitution.

Risk Assessment: If changes to the method of providing service delivery are not implemented the Council will find it more difficult to achieve the required budget cuts and quality and continuity may be affected.

1.0 Introduction

- 1.1 Under Article 14 of the Mid Devon District Council Constitution, the Chief Executive is required to report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required and the organisation of officers. [Structure Charts](#)

2.0 Structure of the Council

- 2.1 A significant amount of positive change has been undertaken over the past 12 months and this is continues to deliver a more effective and efficient service. It is clear, however, that more needs to be done and changes to the structure of the Council will be ongoing. This is being done in a way that minimises staff redundancies and provides additional challenge to allow them to grow in more demanding roles. As the structure continues to evolve we need to be more efficient and the consultation and engagement process with the Unions will need to be quicker.

3.0 Resources

- 3.1 The total number of Full Time Equivalents (FTE) varies throughout the year. It is the responsibility of the Council's management to ensure that we do not overspend on the allocated budget unless that revenue expenditure has been authorised. Some services have much more movement of staff than others.
- 3.2 The FTE as at 31 January 2017 was 421.36 (including 12 Apprentices) compared to 425.92 (including 13 Apprentices) as at 31 January 2016. This reduction of 4.56 FTE staff is just over 1% of the workforce and demonstrates that the Council has sought, wherever possible, to ensure that services are being maintained in the context of significant changes to our financial operating context.

Service	FTE 2017	FTE 2016
Business Information Services (ICT)	16.49	18.49
Chief Executive (inc Electoral Services)	6	5
Communities and Governance	16.71	19.71
Customer Services (inc Revenues)	36.79	43.08
Financial Services	24.14	25.06
Housing and Property Services	119.90	123.12
HR and Development (inc Leisure)	71.96	61.32
Planning & Regeneration	34.26	36.16
Public Health Services	17.6	17.47
Street Scene	77.51	76.51
Total	421.36	425.92

- 3.4 Whilst the pressures of work are rising, the Council has implemented support for staff suffering from stress by offering stress awareness sessions for both managers and individuals. Free confidential counselling is also offered. Any member of staff who shows signs of stress is given support via Occupational Health, review of workload and if necessary a different working pattern.
- 3.5 Sickness absence continues to be managed and support is provided to assist employees on long term sickness back to work. The current data indicates a decrease in days lost during the monitoring period compared to last year.

Monitoring Period	Days Lost	Long Term Absence (15+ days)	Short Term Absence (less than 15 days)
1 Feb 2016-31 Jan 2017	3312 (average 7.8 per employee)	1756 (average 4.1 per employee)	1556 (average 3.7 per employee)
1 Feb 2015 – 31 Jan 2016	3536 (average 8.2 per employee)	2069 (average 5.0 per employee)	1467 (average 3.5 per employee)

4.0 Turnover

- 4.1 The information provided at Appendix A is based on a 12 month period from 1 February 2016 to 31 January 2017. It provides details, by individual divisions, of the percentage turnover for those areas.
- 4.2 As a result of service restructures, 11 posts were removed from the establishment and subsequently the post holders are included in the leavers at Appendix A. In addition, 6 employees were dismissed, 4 completed their fixed term contracts, 1 was a non-starter and the remaining 56 were voluntary resignations/retirements.

5.0 Looking Forward

- 5.1 The Chief Executive will scrutinise all vacancies that arise and attempt to meet the work requirements by alternatives to normal recruitment, such as flexible working, joint appointments with other councils, or use of part time or fixed term posts. Once this process has been exhausted consideration will be given to external recruitment.
- 5.2 The Chief Executive, in conjunction with the Leadership Team, will continue to reorganise the workforce to best reflect the needs and priorities of the Council as and when the opportunity arises.
- 5.3 Support will be provided to staff as we continue to train and develop staff and encourage a more flexible approach to working, enabling employees to develop and take on more challenging roles in the future.
- 5.4 The Council's workforce will continue to become more complex in terms of full time/part time/job sharing/flexible working etc., as well as in terms of increased use of working from home and use of more flexible job descriptions.

6.0 Training

- 6.1 In order to encourage staff to work more flexibly and take on different roles and responsibilities we need to provide or enable them with the necessary

skills to achieve this. It is important that everyone is aware that change, innovation or adaptation is needed to deliver the Council's objectives. In 2016 there was explicit recognition of the need to support managers by rolling out management development training in order to upskill the management cohort and provide more consistent quality support for staff.

7.0 Use of Consultants

- 7.1 Consultants are only used where there is a need to deliver a specific project or piece of work for which expertise is required which is not available within the Council's existing resource. These areas include pure professional advice, for example barristers' advice, engineering calculations and landscaping advice.

Contact for more information: Jane Cottrell, Group Human Resources Manager, 01884 234919 / jcottrell@middevon.gov.uk)

Circulation of the Report: Cllr M Squires; Leadership/Management Team

Turnover from 1 February 2016 - 31 January 2017

Divison	Service	Average Headcount	Leavers	Turnover %
BIS (ICT)		16	2	12.50 %
Land Charges		2	0	
	Business Information Services			

Divison	Service	Average Headcount	Leavers	Turnover %
Chief Executive's		5	0	
	Chief Executive Support Service			

Divison	Service	Average Headcount	Leavers	Turnover %
Audit Services		3	0	
Community & Corporate Governance		2.5	2	80.00 %
Community Development		5	2	40.00 %
Legal Services		5	1	20.00 %
Markets		4	1	25.00 %
Member Services		3	0	
	Communities and Governance			

Divison	Service	Average Headcount	Leavers	Turnover %
Customer First		36.5	5	13.70 %
Revenues		14	2	14.29 %
	Customer Services			

Divison	Service	Average Headcount	Leavers	Turnover %
Accounts and Procurement		14	1	7.14 %
Housing Benefits		14	0	
	Financial Services			

Divison	Service	Average Headcount	Leavers	Turnover %
Community Safety		3	1	33.33 %
Grounds Maintenance		17	5	29.41 %
Housing Building Maintenance		53.5	5	9.35 %
Housing Finance and Performance		6	0	
Housing Neighbourhoods		16.5	4	24.24 %
Housing Options		10.5	0	
Housing Planned Maintenance		4	0	
Housing Property Services		22.5	3	13.33 %
Housing Services		5.5	1	18.18 %
	Housing and Property Servs			

Divison	Service	Average Headcount	Leavers	Turnover %
Human Resources		8	0	
Learning & Development		2	1	50.00 %
Leisure Services		157	16	10.19 %
Payroll		2	0	
	HR and Development			

Divison	Service	Average Headcount	Leavers	Turnover %
Building Control		4	2	50.00 %
Development Management		34	5	14.71 %
Forward Planning Conservation		6.5	1	15.38 %
	Planning & Regeneration			

Divison	Service	Average Headcount	Leavers	Turnover %
Licensing & Community Servs		3	0	
Private Sector Housing - EH		5	1	20.00 %
Public Services - Environmental Servs		12	0	
	Public Health Services			

Divison	Service	Average Headcount	Leavers	Turnover %
Street Scene (Environ/Enforce Servs)		7.5	1	13.33 %
Street Scene (Recycling Services)		30.5	2	6.56 %
Street Scene (Waste Services)		40	5	12.50 %
	Street Scene			

Totals		574	69	12.02 %

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COUNCIL
22 FEBRUARY 2017

AGENDA ITEM

COUNCIL TAX RESOLUTION 2017/18

Responsible Officer	Director of Finance Assets & Resources
Reason for Report:	The Council as a billing authority is required to set the Council Tax for 2017/18
RECOMMENDATION:	To approve the formal Council Tax Resolution
Relationship to: Corporate Plan	The 2017/18 budget shows the costs of delivering the key priorities of the Council's Corporate Plan
Financial Implications:	This report sets out the Council's Council Tax Requirement for 2017/18 which is derived from its aggregate budget requirement which was finally recommended by Cabinet on the 2 February 2017.
Legal Implications:	The Council has a statutory duty to approve a Council Tax Requirement
Risk Assessment:	The Council is required under the Local Government Finance Act 1992 to set a Council Tax.

1.0 Introduction

- 1.1 The introduction of the Localism Act has seen some minor amendments to the legislative process of approving a Council Tax Requirement and has also removed the formal capping rules. These capping rules have now been replaced by a range of maximum percentage increases based upon the relevant precepting body, which if exceeded, could result in a local referendum (this limit was provisionally confirmed as part of the overall grant settlement announcement made in late December 2016) it remained at 2% but with the addition of a £5 cash increase limit for District Councils.
- 1.2 In addition to the Council Tax levels permissible for a District Council, Central Government has also increased the referendum limit for Councils with Adult Social Care responsibilities to allow a further increase of 3% so as long as it ring-fences the income specifically for expenditure in that area.
- 1.3 Within this Resolution the billing authority has to indicate whether any of the major precepting bodies have exceeded their specified limit (see Appendix A paragraph 6.0).

2.0 2017/18 Council Tax Resolution

- 2.1 Since the meeting of the Cabinet on the 2 February 2017 the precept levels of other precepting bodies have been received. These are detailed below:

Town and Parish Councils

The Town and Parish Councils precepts for 2017/18 are detailed in Appendix A, paragraph 3.1, and total £1,407,521. The increase in the average Band D Council Tax for Town and Parish Councils is 6.59% and results in an average Band D Council Tax figure of £50.49 for 2017/18 (£47.37 for 2016/17). These figures are all based on the net precepts received from the Town and Parish Councils. (i.e. after deducting the Council Tax Reduction (CTR) grant that is passed on from the District Council even though this specific grant is no longer separately identified in the MDDC formula grant settlement)

Devon County Council

Devon County Council met on the 16 February 2017 and set their precept at £35,344,690, adjusted by a Collection Fund surplus of £272,179. This results in a Band D Council Tax of £1,267.92, a 4.99% increase on the previous year. This precept includes the additional 3% Adult Social Care premium introduced by Central Government for 2017/18.

Devon & Cornwall Police & Crime Commissioner

Devon & Cornwall Police & Crime Commissioner met on the 3 February 2017 and set their precept at £4,914,002, adjusted by a Collection Fund surplus of £38,956. This results in a Band D Council Tax of £176.28, being a 1.99% increase on the previous year.

Devon and Somerset Fire & Rescue Authority

Devon and Somerset Fire & Rescue Authority met on the 17 February 2017 and set their precept at £2,273,855 adjusted by a Collection Fund surplus of £18,026. This results in a Band D Council Tax of £81.57, being a 1.99% increase on the previous year.

- 2.2 The recommendations of the Cabinet are set out in the formal Council Tax Resolution in Appendix A. If the formal Council Tax Resolution at Appendix A is approved, the total Band D Council Tax will be as follows:

Table 1 – Council Tax Levies in Mid Devon

Council Tax Levies	2016/17 £	2017/18 £	Variation % (1)
Mid Devon District Council	187.15	192.15	2.67
Parish & Town Councils (Average)	47.37	50.49	6.59
Sub Total	234.52	242.64	
Devon County Council	1,207.62	1,267.92	4.99 (includes 3% for ASC)
Devon & Cornwall Police & Crime Commissioner	172.84	176.28	1.99
Devon & Somerset Fire & Rescue Authority	79.98	81.57	1.99
TOTAL	1,694.96	1,768.41	

(1) Note - rounded to 2 decimal places.

3.0 2017/18 General Fund Budget

- 3.1 On the 2 February 2017 the Cabinet considered the budget for the financial year 2017/18 which included our final settlement for Formula Grant as confirmed by the Secretary of State. This meeting recommended a balanced General Fund budget and a 2.67% in Council Tax (as detailed in table 1 in para 2.2 above).
- 3.2 Precepts from the Town and Parish Councils within Mid Devon have now all been received and their gross total is confirmed as £1,454,290 (£1,358,043 for 2016/17). Please note the Parish Precepts have been reduced by a share of the CTR grant passed on by MDDC of £46,768 (£55,067 for 2016/17); therefore leaving £1,407,521 (£1,454,290 - £46,768) net precept to be generated through Council Tax.
- 3.3 In making decisions in relation to the setting of Council Tax, the Local Government Act 2003 requires the Chief Financial Officer of the Council to report to it on the robustness of the estimates and the adequacy of the financial reserves. This statement is presented in the following sections of this report.

4.0 Section 151 Officer's Report

- 4.1 The Local Government Act 2003 imposes a duty on the Council's Section 151 Officer to comment, as part of the budget setting process, on:
- The robustness of the estimates, and
 - The adequacy of reserves

5.0 Robustness of the estimates

- 5.1 The estimate process adopted by the Council for 2017/18 is concerned with the mitigation of risk when approving the budget.

- 5.2 Construction of the estimates for 2017/18 has taken full account of the following:
- a. Previous years outturn
 - b. Current year revised estimates
 - c. Regular budget monitoring up to and including December 2016
 - d. Inflation levels
 - e. Current income levels
 - f. Changes in legislation
 - g. Service prioritisation linked to the current Corporate Plan
 - h. Feedback from Budget Consultation
- 5.3 Budget monitoring throughout 2016/17 has informed the forward year budget process. In particular regular reviews of income streams and expenditure patterns at variance with profiles of expected activity are identified at the earliest opportunity to Members and officers so that corrective action can be initiated.
- 5.4 The Council has sought to involve all Members throughout the budget setting process. An initial budget gap of circa £1m was estimated for 2017/18; mainly as a consequence of a further Government grant reduction of £609k. Other contributing factors include normal pay and price inflation, increases to pension contribution rates, the introduction of an apprentice levy and further reductions to specific grants received from central government. This estimated budget gap was reduced by a number of operational service savings totalling circa £450k and increased income from Council Tax and Business Rates of £562k. The first round of PDG and Cabinet meetings in October/November discussed an overall budget gap of £419k. This process gave all Members the opportunity to challenge and review all draft budget proposals and also recommend where further savings could be made.
- 5.5 All budgets were compiled on a prudent basis, bearing in mind the level of risk associated with certain income sources (e.g. car parking, planning, leisure and interest receipts). We also have increased volatility and risk in the Council's overall budget (i.e. the Council Tax Reduction scheme (CTR), the localisation of Business Rates and our commercial rental portfolio). These budgets have been carefully monitored during 2016/17 and this process will continue during 2017/18.
- 5.6 The Finance Team have liaised with all Service Managers, Senior Management and Members during this process and have ensured a robust challenge process of all proposed budgets. Two additional all member budget briefings were arranged and a meeting with the Business Rates Consultative Committee was also held in January.
- 5.7 In all respects the estimates are prepared on the best information available. We review current experience, for example, the estimates of income have been rebased, especially where the income stream is demand led. In a similar way all salary estimates have been constructed on an individual officer basis because this element of the budget is such a significant expenditure heading.
- 5.8 Finally, in preparing the detailed estimates the Council takes advice from third party organisations concerning a number of discrete areas. In particular Treasury Management decisions are informed with reference to interest rate movements forecast by Capita and similarly external guidance on insurance and pension contributions is also used.

5.9 Once the draft budget has been reviewed by the four PDGs and the Cabinet it is then taken to the Scrutiny Committee for further review and challenge, prior to a final Cabinet meeting which has recommended the budget for approval by Full Council on 22 February.

5.10 The key component for ensuring the estimates are reviewed and deliver the priorities of the Council is the budget monitoring process. The ability to manage and control spending within the approved budgets during the course of the forward year mitigates the Council's level of financial risk.

6.0 Adequacy of Reserves

6.1 Reserves are held for three main purposes:

- a. A contingency to cushion the impact of unexpected events
- b. As a cushion against uneven cash flows
- c. As a means of building up funds to meet known or predicted liabilities (earmarked reserves)

6.2 CIPFA makes it clear that the level of reserves for each Council cannot be decided by the application of a formula. Each Council must assess their own reserve levels based on the specific risks and pressures they face.

6.3 The General Fund balance brought forward into 2016/17 amounted to £2.21m. The 2016/17 budget monitoring reports are predicting a year end deficit of approximately £64k, giving a forecast General Fund balance of £2.15m.

6.4 We received our provisional Grant Settlement in late December and it is likely to be confirmed in the week of the Full Council meeting. Now we have been given a fixed 4 year settlement this will be helpful in setting medium term financial plans and gives some clarity that the Council will need to reduce operational costs by circa £1.5m by 2020/21, after factoring in the recent changes to New Homes Bonus.

6.5 Therefore, it is my strong recommendation that the Council maintain its level of reserves at 25% of our operational spend moving into 2017/18 (e.g. £8,531m * 25% = £2.133m).

7.0 Conclusion

7.1 As noted above a great deal of work has been carried out to ensure the robustness of the estimates. Because of this work, combined with the increased awareness by Members and officers of the Council's financial position, and the availability of reserves, it is my considered opinion as Section 151 Officer that the budget for 2017/18 has been set within a robust framework and the impact of this resolution will maintain an adequate level of the financial reserves held by the Council.

Contact for more information: Andrew Jarrett, Director of Finance Assets & Resources

Background Papers: Cabinet Report – 02 February 2017

File Reference:

Circulation of Report:

The Council is recommended to resolve as follows:

1.0 It be noted that on 1 December 2016 the Cabinet calculated the Council Tax Base 2017/18

(a) for the whole Council area as 28,445.02 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and

(b) for dwellings in those parts of its area to which a Parish Precept relates as detailed in 1.1 below.

1.1 Taxbase for Councils area adjusted from overall Council Tax Base of 28,445.02 reduced to 98% (27,876.12), to allow for less than full collection. (subject to rounding)

Bampton	745.65
Bickleigh	108.88
Bow	439.13
Bradninch	725.25
Brushford	23.65
Burlescombe	318.49
Butterleigh	54.41
Cadbury	66.30
Cadeleigh	88.47
Chawleigh	246.61
Cheriton Bishop	278.11
Cheriton Fitzpaine	333.83
Clannaborough	26.45
Clayhanger (B Gate)	57.82
Clayhidon	219.11
Coldridge	157.06
Colebrooke	173.24
Copplestone	434.93
Crediton	2,604.47
Crediton Hamlets	519.66
Cruwys Morchard	203.49
Cullompton	3,088.61
Culmstock	350.27
Down St Mary	153.38
Eggesford	31.20
Halberton	603.20
Hemyock	839.74
Hittisleigh	59.36
Hockworthy (B Gate)	83.65
Holcombe Rogus	215.07
Huntsam (B Gate)	63.81
Kennerleigh	38.61
Kentisbeare	374.95
Lapford	374.98
Loxbeare	75.53
Morchard Bishop	409.55
Morebath	144.81
Newton St Cyres	353.64
Nymet Rowland	49.44
Oakford	173.50
Poughill	79.03
Puddington	86.98
Sampford Peverell	489.87
Sandford	493.54
Shobrooke	196.11
Silverton	767.02
Stockleigh English	29.12
Stockleigh Pomeroy	57.84
Stoodleigh	144.22
Templeton	64.57
Thelbridge	133.18
Thorverton	369.80
Tiverton	6,750.94
Uffculme	1,038.85
Uplowman	150.25
Upton Hellions	31.46
Washfield	160.32
Washford Pyne	41.21
Wembworthy	105.03
Willand	1,148.97
Woolfardisworthy	68.09
Zeal Monachorum	161.38

Total Tax Base **27,876.12**

- 2.0 As a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Parish precepts) is £5,356,390. (subject to rounding to nearest £10)
- 3.0 That the following amounts be calculated for the year 2017/18 in accordance with Sections 30 and 31A to 36 of the Act:

(a) £ 52,666,480	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
(b) £ 45,902,569	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c) £ 6,763,911	being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
(d) £ 242.64	being the amount at 3(c) above (item R), all divided by Item T (1.0 (a) above), calculated by the council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
(e) £ 1,407,521	being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act as detailed in column 4 of table in 3.1 below. This figure is the gross Parish Precept less the reduced government grant of £46,768.37 detailed in columns 2 & 3 of table 3.1 below.
(f) £ 192.15	being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1.0(a) above), calculated by the Council, in accordance with section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
(g) See text across	The amounts stated in valuation Band D in table at 3(h) below given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the council area specified in column 5 of table in 3.1 divided in each case by the amount in 1(a) above (result in column 5 of table in 3.1 below), calculated by the Council, in accordance with section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its are set out in column 1 of table in 1.1 to which one or more special items relate.

e.g. Silverton - table 3h column 5 = £226.07 this is made up of 3f = £192.15 + £33.92 in table 3.1 column 5. The £33.92 is calculated by taking the Parish Precept in Column 4 of table 3.1 and dividing by the relevant taxbase figure detailed in column 2 of the table in 1.1 above (in this example £26,016.90/767.02 = £33.92).

- 3.1 This table shows the full precept for each parish and the band D equivalent charge which is determined by dividing the revised total precept in column 4 by the relevant parishes taxbase detailed in column 2 table 1.1 above.

	Total Precept £	Share of DCLG Grant	Revised Total Precept £	Band D Equivalent £
Bampton	49,781.84	1,261.84	48,520.00	65.07
Bickleigh	3,500.00	144.71	3,355.29	30.82
Bow	9,500.00	826.91	8,673.09	19.75
Bradninch	33,000.00	1,483.76	31,516.24	43.46
Brushford	0.00	0.00	0.00	0.00
Burlescombe	10,000.00	399.89	9,600.11	30.14
Butterleigh	150.00	22.17	127.83	2.35
Cadbury	510.00	9.11	500.89	7.56
Cadeleigh	1,800.00	7.72	1,792.28	20.26
Chawleigh	11,950.00	348.02	11,601.98	47.05
Cheriton Bishop	10,773.00	276.95	10,496.05	37.74
Cheriton Fitzpaine	10,500.00	300.12	10,199.88	30.55
Clannaborough	0.00	0.00	0.00	0.00
Clayhanger (B Gate)	885.00	0.00	885.00	15.31
Clayhidon	8,100.00	177.58	7,922.42	36.16
Coldridge	4,500.00	120.17	4,379.83	27.89
Colebrooke	9,000.00	115.61	8,884.39	51.28
Copplestone	11,000.00	728.71	10,271.29	23.62
Crediton	221,981.06	5,407.06	216,574.00	83.15
Crediton Hamlets	7,250.00	541.44	6,708.56	12.91
Cruwys Morchard	3,850.00	100.57	3,749.43	18.43
Cullompton	319,100.00	5,342.72	313,757.28	101.59
Culmstock	23,696.00	387.02	23,308.98	66.55
Down St Mary	3,750.00	105.32	3,644.68	23.76
Eggesford	0.00	0.00	0.00	0.00
Halberton	12,780.60	787.91	11,992.69	19.88
Hemyock	77,000.00	846.50	76,153.50	90.69
Hittisleigh	1,850.00	53.65	1,796.35	30.26
Hockworthy (B Gate)	1,099.00	25.93	1,073.07	12.83
Holcombe Rogus	6,685.00	145.90	6,539.10	30.40
Huntsham (B Gate)	1,016.00	53.85	962.15	15.08
Kennerleigh	100.00	29.50	70.50	1.83
Kentisbeare	24,363.00	284.48	24,078.52	64.22
Lapford	11,500.00	969.05	10,530.95	28.08
Loxbear	0.00	0.00	0.00	0.00
Morchard Bishop	7,364.00	486.21	6,877.79	16.79
Morebath	6,093.00	151.44	5,941.56	41.03
Newton St Cyres	12,768.00	575.88	12,192.12	34.48
Nymet Rowland	800.00	53.25	746.75	15.10
Oakford	4,250.00	197.77	4,052.23	23.36
Poughill	2,000.00	77.01	1,922.99	24.33
Puddington	1,000.00	78.99	921.01	10.59
Sampford Peverell	9,800.00	363.86	9,436.14	19.26
Sandford	12,872.00	594.49	12,277.51	24.88
Shobrooke	5,100.00	432.16	4,667.84	23.80
Silverton	27,000.00	983.10	26,016.90	33.92
Stockleigh English	0.00	0.00	0.00	0.00
Stockleigh Pomeroy	0.00	0.00	0.00	0.00
Stoodleigh	4,000.00	94.63	3,905.37	27.08
Templeton	4,000.00	13.86	3,986.14	61.74
Thelbridge	1,500.00	115.22	1,384.78	10.40
Thorverton	19,941.00	422.06	19,518.94	52.78
Tiverton	303,294.90	16,480.90	286,814.00	42.49
Uffculme	80,000.00	2,079.83	77,920.17	75.01
Upplowman	2,900.00	70.67	2,829.33	18.83
Upton Hellions	0.00	0.00	0.00	0.00
Washfield	1,560.18	109.28	1,450.90	9.05
Washford Pyne	500.00	23.16	476.84	11.57
Wembworthy	3,000.00	111.46	2,888.54	27.50
Willand	49,076.00	1,819.51	47,256.49	41.13
Woolfardisworthy	500.00	61.37	438.63	6.44
Zeal Monachorum	4,000.00	68.10	3,931.90	24.36
Total Parish Precepts	1,454,289.58	46,768.37	1,407,521.21	

- 3(h) The amounts set out in table below given by multiplying the amounts at 3g above by the number which, in the proportion set out in section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that particular proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

Valuation Bands £

	A	B	C	D	E	F	G	H
Bampton	171.48	200.06	228.64	257.22	314.38	371.54	428.70	514.44
Bickleigh	148.65	173.42	198.20	222.97	272.52	322.07	371.62	445.94
Bow	141.27	164.81	188.36	211.90	258.99	306.08	353.17	423.80
Bradninch	157.07	183.25	209.43	235.61	287.97	340.33	392.68	471.22
Brushford	128.10	149.45	170.80	192.15	234.85	277.55	320.25	384.30
Burlescombe	148.19	172.89	197.59	222.29	271.69	321.09	370.48	444.58
Butterleigh	129.67	151.28	172.89	194.50	237.72	280.94	324.17	389.00
Cadbury	133.14	155.33	177.52	199.71	244.09	288.47	332.85	399.42
Cadeleigh	141.61	165.21	188.81	212.41	259.61	306.81	354.02	424.82
Chawleigh	159.47	186.04	212.62	239.20	292.36	345.51	398.67	478.40
Cheriton Bishop	153.26	178.80	204.35	229.89	280.98	332.06	383.15	459.78
Cheriton Fitzpaine	148.47	173.21	197.96	222.70	272.19	321.68	371.17	445.40
Clannaborough	128.10	149.45	170.80	192.15	234.85	277.55	320.25	384.30
Clayhanger(B Gate)	138.31	161.36	184.41	207.46	253.56	299.66	345.77	414.92
Clayhidon	152.21	177.57	202.94	228.31	279.05	329.78	380.52	456.62
Coldridge	146.69	171.14	195.59	220.04	268.94	317.84	366.73	440.08
Colebrooke	162.29	189.33	216.38	243.43	297.53	351.62	405.72	486.86
Copplestone	143.85	167.82	191.80	215.77	263.72	311.67	359.62	431.54
Crediton	183.53	214.12	244.71	275.30	336.48	397.66	458.83	550.60
Crediton Hamlets	136.71	159.49	182.28	205.06	250.63	296.20	341.77	410.12
Cruwys Morchard	140.39	163.78	187.18	210.58	257.38	304.17	350.97	421.16
Cullompton	195.83	228.46	261.10	293.74	359.02	424.29	489.57	587.48
Culmstock	172.47	201.21	229.96	258.70	316.19	373.68	431.17	517.40
Down St Mary	143.94	167.93	191.92	215.91	263.89	311.87	359.85	431.82
Eggesford	128.10	149.45	170.80	192.15	234.85	277.55	320.25	384.30
Halberton	141.35	164.91	188.47	212.03	259.15	306.27	353.38	424.06
Hemyock	188.56	219.99	251.41	282.84	345.69	408.55	471.40	565.68
Hittesleigh	148.27	172.99	197.70	222.41	271.83	321.26	370.68	444.82
Hockworthy(B Gate)	136.65	159.43	182.20	204.98	250.53	296.08	341.63	409.96
Holcombe Rogus	148.37	173.09	197.82	222.55	272.01	321.46	370.92	445.10
Huntsham(B Gate)	138.15	161.18	184.20	207.23	253.28	299.33	345.38	414.46
Kennerleigh	129.32	150.87	172.43	193.98	237.09	280.19	323.30	387.96
Kentisbeare	170.91	199.40	227.88	256.37	313.34	370.31	427.28	512.74
Lapford	146.82	171.29	195.76	220.23	269.17	318.11	367.05	440.46
Loxbeare	128.10	149.45	170.80	192.15	234.85	277.55	320.25	384.30
Morchard Bishop	139.29	162.51	185.72	208.94	255.37	301.80	348.23	417.88
Morebath	155.45	181.36	207.27	233.18	285.00	336.82	388.63	466.36
Newton St Cyres	151.09	176.27	201.45	226.63	276.99	327.35	377.72	453.26
Nymet Rowland	138.17	161.19	184.22	207.25	253.31	299.36	345.42	414.50
Oakford	143.67	167.62	191.56	215.51	263.40	311.29	359.18	431.02
Poughill	144.32	168.37	192.43	216.48	264.59	312.69	360.80	432.96
Puddington	135.16	157.69	180.21	202.74	247.79	292.85	337.90	405.48
Sampford Peverell	140.94	164.43	187.92	211.41	258.39	305.37	352.35	422.82
Sandford	144.69	168.80	192.92	217.03	265.26	313.49	361.72	434.06
Shobrooke	143.97	167.96	191.96	215.95	263.94	311.93	359.92	431.90
Silverton	150.71	175.83	200.95	226.07	276.31	326.55	376.78	452.14
Stockleigh English	128.10	149.45	170.80	192.15	234.85	277.55	320.25	384.30
Stockleigh Pomeroy	128.10	149.45	170.80	192.15	234.85	277.55	320.25	384.30
Stoodleigh	146.15	170.51	194.87	219.23	267.95	316.67	365.38	438.46
Templeton	169.26	197.47	225.68	253.89	310.31	366.73	423.15	507.78
Thelbridge	135.03	157.54	180.04	202.55	247.56	292.57	337.58	405.10
Thorverton	163.29	190.50	217.72	244.93	299.36	353.79	408.22	489.86
Tiverton	156.43	182.50	208.57	234.64	286.78	338.92	391.07	469.28
Uffculme	178.11	207.79	237.48	267.16	326.53	385.90	445.27	534.32
Uplowman	140.65	164.10	187.54	210.98	257.86	304.75	351.63	421.96
Upton Hellions	128.10	149.45	170.80	192.15	234.85	277.55	320.25	384.30
Washfield	134.13	156.49	178.84	201.20	245.91	290.62	335.33	402.40
Washford Pyne	135.81	158.45	181.08	203.72	248.99	294.26	339.53	407.44
Wembworthy	146.43	170.84	195.24	219.65	268.46	317.27	366.08	439.30
Willand	155.52	181.44	207.36	233.28	285.12	336.96	388.80	466.56
Woolfardisworthy	132.39	154.46	176.52	198.59	242.72	286.85	330.98	397.18
Zeal Monachorum	144.34	168.40	192.45	216.51	264.62	312.74	360.85	433.02

- 3(i) This table shows the proportions payable for the MDDC element of Council Tax and would be the amount payable for those Parishes who's Precept has been set at zero.

Valuation Bands £

	A	B	C	D	E	F	G	H
All other parts of the Council's area	128.10	149.45	170.80	192.15	234.85	277.55	320.25	384.30

- 4.0 That it be noted that for the year 2017/18 the Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands £

Precepting Authority	A	B	C	D	E	F	G	H
Devon County Council	845.28	986.16	1,127.04	1,267.92	1,549.68	1,831.44	2,113.20	2,535.84
Devon & Cornwall Police and Crime Commissioner	117.52	137.11	156.69	176.28	215.45	254.63	293.80	352.56
Devon & Somerset Fire Authority	54.38	63.44	72.51	81.57	99.70	117.82	135.95	163.14

- 5.0 That, having calculated the aggregate in each case of the amounts at 3h and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2017/18 for each part of its area and for each of the categories of dwellings shown below:

Valuation Bands £

	A	B	C	D	E	F	G	H
Bampton	1,188.66	1,386.77	1,584.88	1,782.99	2,179.21	2,575.43	2,971.65	3,565.98
Bickleigh	1,165.83	1,360.13	1,554.44	1,748.74	2,137.35	2,525.96	2,914.57	3,497.48
Bow	1,158.45	1,351.52	1,544.60	1,737.67	2,123.82	2,509.97	2,896.12	3,475.34
Bradninch	1,174.25	1,369.96	1,565.67	1,761.38	2,152.80	2,544.22	2,935.63	3,522.76
Brushford	1,145.28	1,336.16	1,527.04	1,717.92	2,099.68	2,481.44	2,863.20	3,435.84
Burlescombe	1,165.37	1,359.60	1,553.83	1,748.06	2,136.52	2,524.98	2,913.43	3,496.12
Butterleigh	1,146.85	1,337.99	1,529.13	1,720.27	2,102.55	2,484.83	2,867.12	3,440.54
Cadbury	1,150.32	1,342.04	1,533.76	1,725.48	2,108.92	2,492.36	2,875.80	3,450.96
Cadeleigh	1,158.79	1,351.92	1,545.05	1,738.18	2,124.44	2,510.70	2,896.97	3,476.36
Chawleigh	1,176.65	1,372.75	1,568.86	1,764.97	2,157.19	2,549.40	2,941.62	3,529.94
Cheriton Bishop	1,170.44	1,365.51	1,560.59	1,755.66	2,145.81	2,535.95	2,926.10	3,511.32
Cheriton Fitzpaine	1,165.65	1,359.92	1,554.20	1,748.47	2,137.02	2,525.57	2,914.12	3,496.94
Clannaborough	1,145.28	1,336.16	1,527.04	1,717.92	2,099.68	2,481.44	2,863.20	3,435.84
Clayhanger(B Gate)	1,155.49	1,348.07	1,540.65	1,733.23	2,118.39	2,503.55	2,888.72	3,466.46
Clayhidon	1,169.39	1,364.28	1,559.18	1,754.08	2,143.88	2,533.67	2,923.47	3,508.16
Coldridge	1,163.87	1,357.85	1,551.83	1,745.81	2,133.77	2,521.73	2,909.68	3,491.62
Colebrooke	1,179.47	1,376.04	1,572.62	1,769.20	2,162.36	2,555.51	2,948.67	3,538.40
Copplestone	1,161.03	1,354.53	1,548.04	1,741.54	2,128.55	2,515.56	2,902.57	3,483.08
Crediton	1,200.71	1,400.83	1,600.95	1,801.07	2,201.31	2,601.55	3,001.78	3,602.14
Crediton Hamlets	1,153.89	1,346.20	1,538.52	1,730.83	2,115.46	2,500.09	2,884.72	3,461.66
Cruwys Morchard	1,157.57	1,350.49	1,543.42	1,736.35	2,122.21	2,508.06	2,893.92	3,472.70
Cullompton	1,213.01	1,415.17	1,617.34	1,819.51	2,223.85	2,628.18	3,032.52	3,639.02
Culmstock	1,189.65	1,387.92	1,586.20	1,784.47	2,181.02	2,577.57	2,974.12	3,568.94
Down St Mary	1,161.12	1,354.64	1,548.16	1,741.68	2,128.72	2,515.76	2,902.80	3,483.36
Eggesford	1,145.28	1,336.16	1,527.04	1,717.92	2,099.68	2,481.44	2,863.20	3,435.84
Halberton	1,158.53	1,351.62	1,544.71	1,737.80	2,123.98	2,510.16	2,896.33	3,475.60
Hemyock	1,205.74	1,406.70	1,607.65	1,808.61	2,210.52	2,612.44	3,014.35	3,617.22
Hittesleigh	1,165.45	1,359.70	1,553.94	1,748.18	2,136.66	2,525.15	2,913.63	3,496.36
Hockworthy(B Gate)	1,153.83	1,346.14	1,538.44	1,730.75	2,115.36	2,499.97	2,884.58	3,461.50
Holcombe Rogus	1,165.55	1,359.80	1,554.06	1,748.32	2,136.84	2,525.35	2,913.87	3,496.64
Huntsam(B Gate)	1,155.33	1,347.89	1,540.44	1,733.00	2,118.11	2,503.22	2,888.33	3,466.00
Kennerleigh	1,146.50	1,337.58	1,528.67	1,719.75	2,101.92	2,484.08	2,866.25	3,439.50
Kentisbeare	1,188.09	1,386.11	1,584.12	1,782.14	2,178.17	2,574.20	2,970.23	3,564.28
Lapford	1,164.00	1,358.00	1,552.00	1,746.00	2,134.00	2,522.00	2,910.00	3,492.00
Loxbeare	1,145.28	1,336.16	1,527.04	1,717.92	2,099.68	2,481.44	2,863.20	3,435.84
Morchard Bishop	1,156.47	1,349.22	1,541.96	1,734.71	2,120.20	2,505.69	2,891.18	3,469.42
Morebath	1,172.63	1,368.07	1,563.51	1,758.95	2,149.83	2,540.71	2,931.58	3,517.90
Newton St Cyres	1,168.27	1,362.98	1,557.69	1,752.40	2,141.82	2,531.24	2,920.67	3,504.80
Nymet Rowland	1,155.35	1,347.90	1,540.46	1,733.02	2,118.14	2,503.25	2,888.37	3,466.04
Oakford	1,160.85	1,354.33	1,547.80	1,741.28	2,128.23	2,515.18	2,902.13	3,482.56
Poughill	1,161.50	1,355.08	1,548.67	1,742.25	2,129.42	2,516.58	2,903.75	3,484.50
Puddington	1,152.34	1,344.40	1,536.45	1,728.51	2,112.62	2,496.74	2,880.85	3,457.02
Sampford Peverell	1,158.12	1,351.14	1,544.16	1,737.18	2,123.22	2,509.26	2,895.30	3,474.36
Sandford	1,161.87	1,355.51	1,549.16	1,742.80	2,130.09	2,517.38	2,904.67	3,485.60
Shobrooke	1,161.15	1,354.67	1,548.20	1,741.72	2,128.77	2,515.82	2,902.87	3,483.44
Silverton	1,167.89	1,362.54	1,557.19	1,751.84	2,141.14	2,530.44	2,919.73	3,503.68
Stockleigh English	1,145.28	1,336.16	1,527.04	1,717.92	2,099.68	2,481.44	2,863.20	3,435.84
Stockleigh Pomeroy	1,145.28	1,336.16	1,527.04	1,717.92	2,099.68	2,481.44	2,863.20	3,435.84
Stoodleigh	1,163.33	1,357.22	1,551.11	1,745.00	2,132.78	2,520.56	2,908.33	3,490.00
Templeton	1,186.44	1,384.18	1,581.92	1,779.66	2,175.14	2,570.62	2,966.10	3,559.32
Thelbridge	1,152.21	1,344.25	1,536.28	1,728.32	2,112.39	2,496.46	2,880.53	3,456.64
Thorverton	1,180.47	1,377.21	1,573.96	1,770.70	2,164.19	2,557.68	2,951.17	3,541.40
Tiverton	1,173.61	1,369.21	1,564.81	1,760.41	2,151.61	2,542.81	2,934.02	3,520.82
Uffculme	1,195.29	1,394.50	1,593.72	1,792.93	2,191.36	2,589.79	2,988.22	3,585.86
Upwman	1,157.83	1,350.81	1,543.78	1,736.75	2,122.69	2,508.64	2,894.58	3,473.50
Upton Hellions	1,145.28	1,336.16	1,527.04	1,717.92	2,099.68	2,481.44	2,863.20	3,435.84
Washfield	1,151.31	1,343.20	1,535.08	1,726.97	2,110.74	2,494.51	2,878.28	3,453.94
Washford Pyne	1,152.99	1,345.16	1,537.32	1,729.49	2,113.82	2,498.15	2,882.48	3,458.98
Wembworthy	1,163.61	1,357.55	1,551.48	1,745.42	2,133.29	2,521.16	2,909.03	3,490.84
Willand	1,172.70	1,368.15	1,563.60	1,759.05	2,149.95	2,540.85	2,931.75	3,518.10
Woolfardisworthy	1,149.57	1,341.17	1,532.76	1,724.36	2,107.55	2,490.74	2,873.93	3,448.72
Zeal Monachorum	1,161.52	1,355.11	1,548.69	1,742.28	2,129.45	2,516.63	2,903.80	3,484.56

- 6.0 The Council has determined that its relevant basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under section 52ZB Local Government Finance Act 1992.

As the billing authority has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2017/18 is excessive and therefore that the billing authority is not required to hold a referendum in accordance with section 52ZK Local Government Finance Act 1992.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 16 January 2017 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs C P Daw,
T G Hughes, Mrs J Roach, T W Snow,
Mrs B M Hull, Mrs G Doe, Mrs A R Berry,
J L Smith and S G Flaws

Apologies

Councillor(s)

N A Way

Also Present

Councillor(s)

R J Dolley, Mrs M E Squires and R Wright

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jill May (Director of Corporate Affairs and Business Transformation), Simon Johnson (Legal Services Manager), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

86 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr N A Way.

87 **PUBLIC QUESTION TIME**

There were no members of the public present.

88 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

89 **MEMBER FORUM**

Cllr Mrs J Roach informed the Committee that she was becoming increasingly worried that people asked to attend meetings were not coming. The Clinical Commissioning Group (CCG) did not attend the last meeting and she did not consider it good enough for them to simply say they couldn't come. Cllr Roach suggested that they could have supplied answers to the questions that had been put to them, even if they did not attend the meeting. Cllr Roach was concerned that there were a lot of delayed discharges and issues with social care.

The Chairman informed the Committee that he had made some changes to the questions to be put to the CCG and that following the meeting these would be circulated to Members for comment before being sent onto the CCG.

The Cabinet Member for the Working Environment and Support Services informed Members that the Police and Crime Commissioner had a forward plan which could be viewed, along with Scrutiny Panel Minutes online.

Discussion took place regarding policing matters and it was **AGREED** that the local Police Inspector be invited to a future meeting of the Committee.

90 DECISIONS OF THE CABINET

The Committee **NOTED** that none of the decisions made by the Cabinet at its last meeting had been called in.

91 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

92 POLICE AND CRIME COMMISSIONER

The Police and Crime Commissioner had been unable to attend the meeting and had given her apologies due to ill health that morning. This agenda item would be rescheduled for a future date.

93 DRAFT BUDGET REVIEW FOR 2017-18

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

The Director explained that Members had before them a compilation of reports that had been before the four Policy Development Groups and the Cabinet along with his most recent report to Cabinet. The Director explained that the budget was an evolving process, which involved a number of meetings, including one scheduled for the following week with the local business community, and that it was a statutory responsibility for Scrutiny to check and challenge the budget before it was set.

The Director outlined the contents of the report, in particular the following table which highlighted reconciliation of major budget variances.

Variances	Amount £k
<i>External items outside of our control</i>	
Reduced formula grant settlement	609
Decrease in Housing Benefit Grant	25
Pay award	100
Pension provision	35
Price inflation	50
New Apprenticeship Levy	40
<i>Subtotal</i>	859
<i>Other changes</i>	

New apprentices	20
DCC sharing of waste	(200)
Market Walk income	(20)
Increased income from CCLA investments	(38)
Increase in Collection Fund surplus	(45)
Contributions from town and parish councils	(8)
Increase Council tax income (£5 rise + new 200 properties)	(176)
Department of Work and Pensions rent	(45)
Additional election monies	(29)
Various additional fee income	(60)
Other net cost pressures (including reflection on 16/17 budget pressures)	161
Draft budget gap for 2017/18	419

The Director explained that there had been some unknowns at the time of the initial report, such as detail regarding the Revenue Support Grant.

Officers had worked hard to mitigate some of the costs identified, including waste savings sharing with Devon County Council, Market Walk at almost full occupancy, investments and calculations included an increase to Council Tax at £5 for a band D property.

The capital programme was balanced, but proposed changes to the New Homes Bonus could result in a rationalisation of plans moving forward.

The Housing Revenue Account was balanced, despite a 1% reduction in rents which was as a result of legislation.

The Director informed Members that since his initial report the Formula Grant Settlement amount had been confirmed and the New Homes Bonus had been reduced. Changes made 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. Lobbying was taking place against this and the authority had written to the Minister.

The budget gap had improved to being £231k from a balanced position and further savings were identified within the report. Since issuing the report the Director had held further meetings with service managers and the gap had subsequently been reduced to just under £100k. These savings had been generated by Devon-wide Business Rate revenues, better prices and increased tonnages for recycling, investment income, rental for Station Yard and some staffing reductions among others.

The Director explained to Members that in future years he would look to find an alternative method of delivery for the budget.

Discussion took place regarding:

- The benefit of having a four year grant settlement moving forward;

- Community Engagement and reviewed methods that would provide savings;
- Garden waste income;
- The training budget;
- The Pannier Market and the business case for a canopy roof;
- Amenity car parks;
- Electric car charging points.

The Chairman thanked the Director of Finance, Assets and Resources for his comprehensive report.

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

94 **WHISTLEBLOWING 6 MONTHLY UPDATE**

The Audit Team Leader provided a six monthly update regarding Whistleblowing and confirmed that there had been no reports since the previous update in August 2016. The officer informed the Committee that the Whistleblowing Policy was due for review and would be presented to the Audit Committee in March. It was intended that the policy would be extended to include contractors appointed by the authority and that contractors would be expected to have their own Whistleblowing Policy.

Discussion took place regarding:

- The statutory requirement to have a Whistleblowing Policy;
- The need to ensure that there was a culture within the authority that the policy was sufficient and was used;
- The need to raise awareness;
- The potential to appoint whistleblowing champions.

It was **AGREED** that the Whistleblowing Policy would be reviewed by Scrutiny prior to Cabinet.

95 **RIPA SIX MONTHLY UPDATE**

The Legal Services Manager provided a six monthly update to the Committee, informing them that RIPA had not been used since March 2014. The officer informed Members that the RIPA Policy had recently been reviewed by the Community Policy Development Group and approved by Cabinet. The reason that RIPA had not been used was mainly due to the Protection of Freedoms Act 2012 which stated that RIPA could not be used for offences with a sanction of less than 6 months in custody. This meant it could not be used in the case of benefit fraud and was therefore only likely to be used for fly-tipping offences.

Discussion took place regarding fly tipping and the difficulty in proving who had actually tipped waste.

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

Clinical Commissioning Group
Performance and Risk
Cabinet Member for Community Well Being
Update Pannier Market

Local Police Inspector
The website and difficulty in navigation
Draft Whistleblowing Policy
Garden Village Cullompton

(The meeting ended at 3.46 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 24 January 2017 at 5.30 pm

Present

Councillors

R Evans (Chairman)
Mrs J B Binks, Mrs C Collis, R M Deed and R F Radford

Apologies

Councillors

T G Hughes and L D Taylor

Also

Present

Steve Johnson (Grant Thornton)

Present

Officers

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Catherine Yandle (Internal Audit Team Leader), Nicky Chandler (Auditor), Suzanne Kingdom (Auditor) and Sarah Lees (Member Services Officer)

61. **ELECTION OF VICE CHAIRMAN**

RESOLVED that Councillor Mrs C A Collis be elected Vice Chairman of the Committee for the remainder of the municipal year 2016/17.

62. **APOLOGIES**

Apologies were received from Councillors T G Hughes and L Taylor.

63. **PUBLIC QUESTION TIME**

There were no members of the public present.

64. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 22 November 2016 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

65. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

66. **INTERNAL AUDIT OPTIONS FROM 2017/18 (00:03:50)**

The Committee had before it a report * from the Internal Audit Team Leader summarising the options the Council had for Internal Audit provision going forwards.

It was explained that as a result of changes made in other areas of the service the Leadership Team had decided that the present Internal Audit Team Leader was the best person to take on the responsibility for Governance reporting within the Council. As a result of this there was not only too much work for one person to do but there were potential impairments to the Internal Audit Team Leader's independence which was a fundamental requirement of the Public Sector Internal Auditing Standards

hence there had been a need to consider alternative approaches to service provision to determine the most efficient option and also the best value for money. The options available to the Council were outlined within the report. The two Internal Auditors within the team had been invited to attend the meeting to take part in the discussion.

Discussion took place regarding:

- The Internal Auditors' views on the different options.
- Whether or not going out to tender was a viable option and whether other providers not hitherto considered could provide similar terms and conditions to the Council.
- The need to consider what would deliver the best outcomes both for the Council and for the employees.
- Access to a wider pool of auditors could give access to a wider range of specialisms.

The Committee felt that it was difficult to make a decision without all of the information before them and that a deferral would allow for additional relevant information to be sought prior to being brought back for a decision. It was explained that a decision was not time critical and a delay in a decision was manageable.

RESOLVED that a decision on Internal Audit Options be deferred until the next meeting due to the need for additional information.

(Proposed by Cllr R M Deed and seconded by Cllr Mrs J B Binks)

Note: * Report previously circulated; copy attached to the signed minutes.

67. **PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN**

The Committee had before it, and **NOTED**, a report * from the Internal Audit Team Leader providing the Committee with an update on progress made against the 2015/16 Annual Governance Statement Action Plan.

The contents of the report were outlined and particular attention was drawn to the Action Plan. The Chief Executive was asked why actions relating to the staff survey and the Members complaints process had not been completed by the target date. It was explained that a new staff survey had recently been carried out with a closing date of 9 December 2016 therefore it would have been impossible to meet the October 2016 deadline. The results from the recent survey would be compared to the previous survey and there would be discussion both with staff and Unison before coming to any conclusions. As regards the complaints process, this was being discussed by the Standards Committee the following evening and would follow a timetable to allow due diligence and informed decision making. He considered that these revised target dates were completely realistic.

Note: * Report previously circulated; copy attached to the signed minutes.

68. **INTERNAL PROGRESS REPORT**

The Committee had before it, and **NOTED**, a report * from the Internal Audit Team Leader updating the Committee on the work performed by Internal Audit for the

2016/17 financial year. It was explained that the report covered the period up to the end of December 2016. System and core audits completed were below target and system audit completions were likely to remain so at the end of the year. Some audits had taken longer than expected and time lost due to additional responsibilities.

Three Internal Audit opinions had been issued since the last report in relation to the following service areas:

Car Parking

The Committee were reassured regarding a loss of data on car park vends during one month. Foul play had not been the causing factor and the sealed cash boxes inside had not been damaged. There was every confidence that the bankings recorded were accurate and correct.

Payroll

No comments were made regarding this audit.

Housing Benefit

A question was asked as to how many overpayments over £2,000 had occurred. The Internal Audit Team Leader explained that she did not have the information to hand but would get back to the Councillor after the meeting.

A general comment was made by the Chairman that there was now only one outstanding audit recommendation remaining with a high priority which had an acceptable explanation. However, 34 medium audit recommendations remained which he had brought to the attention of the Chief Executive. The Chief Executive had said that he would follow these up and actions would be monitored by the Leadership Team on a regular basis.

Note: * Report previously circulated; copy attached to the signed minutes.

69. **INTERNAL AUDIT REPORTS**

The discussion regarding internal audit reports had taken place under the previous item; there had been no need to move into Part II.

70. **PERFORMANCE AND RISK**

The Committee had before it, and **NOTED**, a report * from the Director of Corporate Affairs & Business Transformation 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 the key business risks.

The contents of the report were outlined and discussion took place regarding the following Corporate priorities:

- Environment – only missed collections that were reported through the Customer Management system were recorded. If picked up within 48 hours a collection was not classed as missed.

- Economy – figures regarding the number of empty shops were doing well when compared to the national statistics.
- Community – compliance with food safety law was routinely followed up by the Environmental Health officers. The outturn report for 2016/17 would show whether there had been an improvement in “scores on the doors” for premises previously ranked with a low score.
- Corporate – number of days lost through sickness was lower than the ‘target’. Responses to FOI’s remained on target and Performance Planning Guarantee figures for quarter 2 and quarter 3 were on target.

Note: * Report previously circulated; copy attached to the signed minutes.

71. **ARRANGEMENTS FOR THE APPOINTMENT OF EXTERNAL AUDITORS FROM 2017/18**

The Committee had before it a report * from the Director of Finance, Assets and Resources discussing whether to recommend to full Council to opt in to the Public Sector Led body to appoint external auditors for five years from 2018/19. The Director explained that he had now received a formal invitation from the Public Sector Audit Appointments (PSAA). To date circa 220 councils had decided to opt in to the PSAA offer to enter into a joint contractual arrangement and it was his recommendation that this was the cheapest and the easiest option. There were relevant economies of scale and ‘at the end of the day’ Audit providers offered a generic service.

RECOMMENDED to Council that Mid Devon District Council accepts the Public Sector Audit Appointments (PSAA) invitation to ‘opt in’ to the sector led option for the appointment of external auditors for up to five financial years commencing 1 April 2018.

(Proposed by Cllr R F Radford and seconded by Cllr Mrs J B Binks)

Note: * Report previously circulated; copy attached to the signed minutes.

72. **EXTERNAL AUDIT PROGRESS REPORT AND UPDATE**

The Committee had before it, and **NOTED**, a report * from the external auditors providing a progress report and update. They would be commencing their interim audit in two week’s time when they would be undertaking early testing work which would culminate in bringing the audit plan to the next meeting.

Items of interest within the report were brought to the attention of the Committee including the following:

- The comprehensive income and expenditure statement would now mirror the Council’s internal reporting.
- National Audit Office publications.
- The Joint Venture Seminar which had been run by Grant Thornton on 6 December 2016 and which the Director of Finance, Assets and Resources and the Audit Committee Chairman had attended. Both commented that the event had been well organised, they had valued the honesty from other local

council's which had been refreshing and the discussion on risk had been informative.

Note: * Report previously circulated; copy attached to the signed minutes.

73. GRANTS CERTIFICATION REPORT

The Committee had before it a report * from the external auditors regarding their certification work for the Council for the year ended 31 March 2016. It was explained that the audit had gone well. The area was very well managed given its complexities. Some areas had been identified as needing additional testing but there had been nothing to cause concern.

Note: * Report previously circulated; copy attached to the signed minutes.

74. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

In addition to the items already listed in the work programme, the following items were requested to be on the agenda for the next meeting:

Internal Audit Options
Grant Thornton – Audit Plan

(The meeting ended at 6.50 pm)

CHAIRMAN

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AUDIT COMMITTEE
24 JANUARY 2017

ARRANGEMENTS FOR THE APPOINTMENT OF EXTERNAL AUDITORS FROM 2017/18

Cabinet Member Cllr Peter Hare-Scott

Responsible Officer Director of Finance, Assets and Resources, Andrew Jarrett

Reason for Report: To decide whether to recommend to Full Council to opt in to the Public Sector Led body to appoint external auditors for five years from 2018/19.

RECOMMENDATION(S): To recommend to Full Council that MDDC accepts Public Sector Audit Appointments' (PSAA) invitation to "opt in" to the sector led option for the appointment of external auditors for up to five financial years commencing 1 April 2018.

Relationship to Corporate Plan: Effective External Audit plays a fundamental role in assisting the Council to deliver its corporate plan.

Financial Implications: The Council's external audit fees are £47,700 for 2016/17, there is a risk that fee levels could increase when the current contracts end in 2018.

Legal Implications: In July 2016, the Secretary of State for Communities and Local Government specified Public Sector Audit Appointments Ltd (PSAA) as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. This means that PSAA can make auditor appointments for audits of the accounts of principal authorities, which choose to opt into its arrangements, from 2018/19.

Risk Assessment: There is no immediate risk to the Council; however, early consideration by the Council of its preferred approach will enable detailed planning to take place so as to achieve successful transition to the new arrangement in a timely and efficient manner.

1.0 Introduction

- 1.1 This is a further update to the report which was presented to the Audit Committee on the 20 September 2016.
- 1.2 On 27 October 2016 the Chief Officer of Public Sector Audit appointments wrote to our Chief Executive making the formal Invitation to opt into the national scheme for auditor appointments. The letter includes useful information about the national scheme which is all included as Appendix A.
- 1.3 The deadline for formal acceptance of this invitation is 9 March 2017 which means that this meeting of the Audit Committee must make its recommendation in order that it can be considered by Full Council at its meeting on 20 February 2017.

- 1.4 For information purposes the Devon Audit Group were contacted on 1 December regarding this matter and as at that date all had decided to opt in except Torbay who hadn't decided then.

2.0 The Options Open to MDDC

Option 1: Undertake a Stand Alone Procurement

- 2.1 In order to make a stand-alone appointment, the Council would need to set up and maintain an Auditor Panel. The majority of the panel members must be independent appointees, which precludes current and former elected members (or officers) and their close families and friends. The Panel role cannot, therefore, be performed by the Audit Committee. The Auditor Panel selects the external auditor and awards the contract.

- 2.2 Although this option would allow the Council to take maximum advantage of the new local appointment regime, there are significant drawbacks:

Disadvantages / Risks

- 2.3 Recruitment and servicing of the Auditor Panel, running the bidding exercise and negotiating the contract is estimated by the LGA to cost in the order of £15,000 plus ongoing expenses and allowances.
- 2.4 The Council would not be able to take advantage of reduced fees that may be available through joint or national procurement contracts.
- 2.5 The assessment of bids and decision on awarding the contract would be made by independent appointees and not solely by elected members.

Option 2: Set up a Joint Auditor Panel / Local Joint Procurement Arrangement

- 2.6 The Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this would need to be constituted of a majority of independent appointees. The advantages of this approach would be shared costs of the panel and procurement exercise, as well as greater opportunity for negotiating economies of scale.

Disadvantages / Risks

- 2.7 The Council is further removed from local input as each participant may only have one elected member representing each Council on the panel.
- 2.8 The choice of auditor could be complicated if independence issues prevented the chosen auditor operating in a Council to which it provides consultancy or advisory services. Should this occur the Council may still need to make a separate procurement with all the associated costs and loss of economies possible through the joint approach.

Option 3: Opt in to the Sector Led Body – PSAA

- 2.9 PSAA has the ability to negotiate contracts with firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of the whole sector.

Other advantages include:

- The costs of setting up appointment arrangements and negotiating fees are shared across all opt in authorities.
- By offering large contract values it will bring economies of scale with firms able to offer better rates and lower fees than are likely to result from local negotiation.
- PSAA will ensure appointed auditors are suitably qualified and registered, and expect to be able to manage the appointments to allow for appropriate groupings and clusters where audited bodies work together. This could be relevant to MDDC due to our joint working with neighbouring authorities.
- Any conflicts at individual authorities will be managed by PSAA who will have a number of contracted firms to call upon.
- PSAA will monitor contract delivery and ensure compliance with contractual, audit quality, and independence requirements.
- PSAA is able to act in the collective interests of opted in authorities. Their prospectus pledges significant financial benefits to participants.

Disadvantages / Risks

- 2.10 Individual elected members have less opportunity for direct involvement other than through the LGA and/or stakeholder representatives. PSAA will, however, consult with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed.
- 2.11 Councils need to commit before final contract prices are known as the costs will depend on the proposals from the participating audit firms.

3.0 Conclusion and Next Steps

- 3.1 In considering the options, we must firstly rule out Option 2 (joint local appointment) as almost all Councils Devon-wide are opting into the PSAA approach, which leaves little or no scope for joint arrangements.
- 3.2 Currently there are only nine providers that are eligible to audit local authorities, all of these being firms with a national presence. This means that a local procurement exercise would most likely seek tenders from the same firms that the PSAA will be dealing with, plus it would incur the costs in time and resources for the requisite Auditor Panel.

- 3.3 The primary aim of the PSAA procurement strategy is to secure high quality audit services at the most competitive prices and to maximise the value for “opted-in” local government bodies. Best value for MDDC is therefore most likely to be achieved through joining the PSAA approach as opposed to going it alone.
- 3.4 Nationally, the LGA states that the present joint commissioning arrangements have achieved reductions in auditor fees in the region of 50%. This was certainly the case for MDDC. Opting in to the sector-led national approach would therefore seem a logical way of maintaining the collective purchasing power that a national framework would provide.
- 3.5 The PSAA approach aims minimise the scheme management costs returning any surpluses to scheme members.
- 3.6 The date by which principal authorities will need to opt into the appointing person arrangement is 9 March 2017. The aim is to award contracts to audit firms by the end of June 2017, giving six months to consult with authorities on appointments before the 31 December 2017 deadline.
- 3.7 This is a decision that requires a recommendation to be made to Full Council.

Contact for more Information: Catherine Yandle, Audit Team Leader, x4975

Circulation of the Report: Leadership Team and Cllr Peter Hare-Scott

List of Background Papers:

27 October 2016

Email: appointingperson@psaa.co.uk

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

Copied to: Andrew Jarrett, Head of Finance, Mid Devon District Council
Simon Johnson, Head of Legal & Democratic Services, Mid Devon District Council

Dear Mr Walford

Invitation to opt into the national scheme for auditor appointments

As you know the external auditor for the audit of the accounts for 2018/19 has to be appointed before the end of 2017. That may seem a long way away, but as there is now a choice about how to make that appointment, a decision on your authority's approach will be needed soon.

We are pleased that the Secretary of State has expressed his confidence in us by giving us the role of appointing local auditors under a national scheme. This is one choice open to your authority. We issued a prospectus about the scheme in July 2016, available to download on the [appointing person](#) page of our website, with other information you may find helpful.

The timetable we have outlined for appointing auditors under the scheme means we now need to issue a formal invitation to opt into these arrangements. The covering email provides the formal invitation, along with a form of acceptance of our invitation for you to use if your authority decides to join the national scheme. We believe the case for doing so is compelling. To help with your decision we have prepared the additional information attached to this letter.

I need to highlight two things:

- we need to receive your formal acceptance of this invitation by 9 March 2017; and
- the relevant regulations require that, except for a body that is a corporation sole (a police and crime commissioner), the decision to accept the invitation and to opt in needs to be made by the members of the authority meeting as a whole. We appreciate this will need to be built into your decision making timetable.

If you have any other questions not covered by our information, do not hesitate to contact us by email at appointingperson@psaa.co.uk.

Yours sincerely



Jon Hayes, Chief Officer

Appointing an external auditor

Information on the national scheme

Public Sector Audit Appointments Limited (PSAA)

We are a not-for-profit company established by the Local Government Association (LGA). We administer the current audit contracts, let by the Audit Commission before it closed.

We have the support of the LGA, which has worked to secure the option for principal local government and police bodies to appoint auditors through a dedicated sector-led national procurement body. We have established an advisory panel, drawn from representative groups of local government and police bodies, to give access to your views on the design and operation of the scheme.

The national scheme for appointing local auditors

We have been specified by the Secretary of State for Communities and Local Government as the appointing person for principal local government bodies. This means that we will make auditor appointments to principal local government bodies that choose to opt into the national appointment arrangements we will operate for audits of the accounts from 2018/19. These arrangements are sometimes described as the 'sector-led body' option, and our thinking for this scheme was set out in a prospectus circulated to you in July. The prospectus is available on the [appointing person](#) page of our website.

We will appoint an auditor for all opted-in authorities for each of the five financial years beginning from 1 April 2018, unless the Secretary of State chooses to terminate our role as the appointing person beforehand. He or she may only do so after first consulting opted-in authorities and the LGA.

What the appointing person scheme will offer

We are committed to making sure the national scheme will be an excellent option for auditor appointments for you.

We intend to run the scheme in a way that will save time and resources for local government bodies. We think that a collective procurement, which we will carry out on behalf of all opted-in authorities, will enable us to secure the best prices, keeping the cost of audit as low as possible for the bodies who choose to opt in, without compromising on audit quality.

Our current role means we have a unique experience and understanding of auditor procurement and the local public audit market.

Using the scheme will avoid the need for you to:

- establish an audit panel with independent members;
- manage your own auditor procurement and cover its costs;
- monitor the independence of your appointed auditor for the duration of the appointment;
- deal with the replacement of any auditor if required; and
- manage the contract with your auditor.

Our scheme will endeavour to appoint the same auditors to other opted-in bodies that are involved in formal collaboration or joint working initiatives, if you consider that a common auditor will enhance efficiency and value for money.

We will also try to be flexible about changing your auditor during the five-year appointing period if there is good reason, for example where new joint working arrangements are put in place.

Securing a high level of acceptances to the opt-in invitation will provide the best opportunity for us to achieve the most competitive prices from audit firms. The LGA has previously sought expressions of interest in the appointing person arrangements, and received positive responses from over 270 relevant authorities. We ultimately hope to achieve participation from the vast majority of eligible authorities.

High quality audits

The Local Audit and Accountability Act 2014 provides that firms must be registered as local public auditors with one of the chartered accountancy institutes acting in the capacity of a Recognised Supervisory Body (RSB). The quality of registered firms' work will be subject to scrutiny by both the RSB and the Financial Reporting Council (FRC), under arrangements set out in the Act.

We will:

- only contract with audit firms that have a proven track record in undertaking public audit work;
- include obligations in relation to maintaining and continuously improving quality in our contract terms and in the quality criteria in our tender evaluation;
- ensure that firms maintain the appropriate registration and will liaise closely with RSBs and the FRC to ensure that any quality concerns are detected at an early stage; and
- take a close interest in your feedback and in the rigour and effectiveness of firms' own quality assurance arrangements.

We will also liaise with the National Audit Office to help ensure that guidance to auditors is updated as necessary.

Procurement strategy

In developing our procurement strategy for the contracts with audit firms, we will have input from the advisory panel we have established. The panel will assist PSAA in developing arrangements for the national scheme, provide feedback to us on proposals as they develop, and helping us maintain effective channels of communication. We think it is particularly important to understand your preferences and priorities, to ensure we develop a strategy that reflects your needs within the constraints set out in legislation and in professional requirements.

In order to secure the best prices we are minded to let audit contracts:

- for 5 years;
- in 2 large contract areas nationally, with 3 or 4 contract lots per area, depending on the number of bodies that opt in; and
- to a number of firms in each contract area to help us manage independence issues.

The value of each contract will depend on the prices bid, with the firms offering the best value being awarded larger amounts of work. By having contracts with a number of firms, we will be able to manage issues of independence and avoid dominance of the market by one or two firms. Limiting the national volume of work available to any one firm will encourage competition and ensure the plurality of provision.

Auditor appointments and independence

Auditors must be independent of the bodies they audit, to enable them to carry out their work with objectivity and credibility, and in a way that commands public confidence.

We plan to take great care to ensure that every auditor appointment passes this test. We will also monitor significant proposals for auditors to carry out consultancy or other non-audit work, to protect the independence of auditor appointments.

We will consult you on the appointment of your auditor, most likely from September 2017. To make the most effective allocation of appointments, it will help us to know about:

- any potential constraints on the appointment of your auditor because of a lack of independence, for example as a result of consultancy work awarded to a particular firm;
- any joint working or collaboration arrangements that you think should influence the appointment; and
- other local factors you think are relevant to making the appointment.

We will ask you for this information after you have opted in.

Auditor appointments for the audit of the accounts of the 2018/19 financial year must be made by 31 December 2017.

Fee scales

We will ensure that fee levels are carefully managed by securing competitive prices from firms and by minimising our own costs. Any surplus funds will be returned to scheme members under our articles of association and our memorandum of understanding with the Department for Communities and Local Government and the LGA.

Our costs for setting up and managing the scheme will need to be covered by audit fees. We expect our annual operating costs will be lower than our current costs because we expect to employ a smaller team to manage the scheme. We are intending to fund an element of the costs of establishing the scheme, including the costs of procuring audit contracts, from local government's share of our current deferred income. We think this is appropriate because the new scheme will be available to all relevant principal local government bodies.

PSAA will pool scheme costs and charge fees to audited bodies in accordance with a fair scale of fees which has regard to size, complexity and audit risk, most likely as evidenced by audit fees for 2016/17. Pooling means that everyone in the scheme will benefit from the most competitive prices. Fees will reflect the number of scheme participants – the greater the level of participation, the better the value represented by our scale fees.

Scale fees will be determined by the prices achieved in the auditor procurement that PSAA will need to undertake during the early part of 2017. Contracts are likely to be awarded at the end of June 2017, and at this point the overall cost and therefore the level of fees required will be clear. We expect to consult on the proposed scale of fees in autumn 2017 and to publish the fees applicable for 2018/19 in March 2018.

Opting in

The closing date for opting in is 9 March 2017. We have allowed more than the minimum eight week notice period required, because the formal approval process for most eligible bodies, except police and crime commissioners, is a decision made by the members of an authority meeting as a whole.

We will confirm receipt of all opt-in notices. A full list of authorities who opt in will be published on our website. Once we have received an opt-in notice, we will write to you to request information on any joint working arrangements relevant to your auditor appointment, and any potential independence matters that would prevent us appointing a particular firm.

If you decide not to accept the invitation to opt in by the closing date, you may subsequently make a request to opt in, but only after 1 April 2018. The earliest an auditor appointment can be made for authorities that opt in after the closing date is therefore for the audit of the accounts for 2019/20. We are required to consider such requests, and agree to them unless there are reasonable grounds for their refusal.

Timetable

In summary, we expect the timetable for the new arrangements to be:

• Invitation to opt in issued	27 October 2016
• Closing date for receipt of notices to opt in	9 March 2017
• Contract notice published	20 February 2017
• Award audit contracts	By end of June 2017
• Consult on and make auditor appointments	By end of December 2017
• Consult on and publish scale fees	By end of March 2018

Enquiries

We publish frequently asked questions on our [website](#). We are keen to receive feedback from local bodies on our plans. Please email your feedback or questions to: appointingperson@psaa.co.uk.

If you would like to discuss a particular issue with us, please send an email to the above address, and we will make arrangements either to telephone or meet you.

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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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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 17 January 2017 at 2.15 pm

Present

Councillors

Mrs E M Andrews, Mrs H Bainbridge,
D R Coren, W J Daw, Mrs G Doe,
R J Dolley, P J Heal and F W Letch

Apologies

Councillor

J D Squire

Also Present

Councillors

C J Eginton and R L Stanley

Also Present

Officers

Nick Sanderson (Head of Housing and Property Services),
Claire Fry (Housing Services Manager), Simon Newcombe
(Public Health and Professional Services Manager),
Michael Parker (Housing Options Manager), Roderick
Hewson (Principal Accountant), Tanya Wenham (Lead
Officer Public Sector Housing), Nicky Chandler (Auditor)
and Sarah Lees (Member Services Officer)

54 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor J D Squire.

55 PUBLIC QUESTION TIME

Referring to item 6 on the agenda, Syrian Vulnerable Persons Scheme, Hazel Underwood stated that Devon County Council as a whole had agreed to take 74 families, why then had Mid Devon District Council discussed only taking 5?

Richard Bunning stated that he was a local farmer from Washfield and when he had first moved there he had been asked by an elderly gentleman whether he could walk around his farm. When Mr Bunning asked him why, the gentleman stated that he had been evacuated there during the war and had proceeded to tell him stories about how the women of Washfield had pulled together to operate a search light system to detect German war planes. He could remember very well the community spirit of the Washfield people and how they had pulled together to help those who were vulnerable and who needed assistance during times of trouble. Mr Bunning stated that there were many people in Washfield wanting to help refugee families and he asked what Mid Devon District Council was prepared to do to show similar humanitarian spirit?

The Chairman read out a statement from Honorary Alderman D J Nation who been unable to attend the meeting in person. This read as follows:

“Over the last year or two I have attended meetings of local people held to discuss the level of support our local community might provide to Syrians seeking refuge here from the terror they have experienced in their homeland. It has been clear that a significant number of us are willing and able to help these unfortunate folk settle locally so that they may enjoy a peaceful life and begin to contribute, as we are confident that they will, to our community.

I understand that the cost of the exercise will be reimbursed by central government. In the event there is a shortfall, I appreciate that this may have repercussions for other budgets. Whilst this would be regrettable, I think that we can all agree that the plight of these people is far worse than any other disadvantage being experienced by our native population, though I would hope that other vital social needs could continue to be addressed adequately.”

The Committee had also received an information sheet from a member of the public, shortly before the meeting, entitled ‘Washfield ready to welcome a Syrian Family’.

56 MINUTES

The minutes of the meeting held on 15 November 2016 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

57 CHAIRMAN'S ANNOUNCEMENTS (00:00:56)

The Chairman had the following announcements to make:

- a) TPAS, the Tenants Participation Advisory Service, had recognised the meaningful work Mid Devon’s housing services teams had been doing with regard to tenant engagement and they had been nominated to receive a national award. The results would be known on 3 February 2017.
- b) He reminded those present of the importance of estate ‘walk about’s’ and the fact that housing officers valued being accompanied by Ward Members. Some Members did not attend any of these. He felt they needed to be reminded how important they were.

58 MOTION 531 (COUNCILLOR T W SNOW - 17 NOVEMBER 2016) (00:02:50)

The following Motion had been referred by the Council to the Homes Policy Development Group for its consideration.

Motion 531 (Councillor T W Snow)

“That as MDDC owns the land at Station Yard that we investigate and develop this land for our own local Council housing needs. This would help the extreme housing needs of our local residents as the cost of any houses built would be reduced by having no land purchase cost involved.

That our MP be kept informed in order to support this motion.”

Cllr T W Snow had been invited to the meeting to speak to his Motion. He stated that the biggest cost of any housing development was the land. The Council could

potentially build here and house some of the Syrian families being discussed later in the agenda. The site was in a prime location being in the centre of town and in his opinion maintenance would cost next to nothing. He requested that the Council develop this land to help local people and to not just take profit into account.

The Head of Housing and Property Services stated that officers were not currently considering this land as a potential site for development due to the fact that it was contaminated land and classed as B8, meaning that it was for general industrial storage only. He stated that the amount of infrastructure works needed would be considerable and would also be subject to a planning decision. There were other sites that were more advantageous.

Discussed took place regarding:

- Whether any initial outlay might be able to be recouped through rental income in the long term. Rental income would go to the Housing Revenue Account if developed by the HRA.
- How difficult it would be to get a change of use from a brown field site to a housing development site and the potential costs involved in doing this.

Following discussion thereon Cllr T W Snow **AGREED** to amend the wording of his Motion to state the following:

“That as MDDC owns the land at Station Yard that we investigate and consider developing this land, taking all matters into consideration, for our own local Council housing needs. This would help the extreme housing needs of our local residents as the cost of any houses built would be reduced by having no land purchase cost involved.

That our MP be kept informed in order to support this motion.”

It was therefore **RECOMMENDED** to Council that the amended Motion, as agreed, be supported.

(Proposed by Cllr F W Letch and seconded by Cllr D R Coren)

59 SYRIAN VULNERABLE PERSONS SCHEME (00:29:30)

The Group had before it a report * from the Head of Housing and Property Services providing an overview of the Syrian Vulnerable Persons’ Resettlement Scheme (SVPRS) and the possible implications for the Council.

The following factors were brought to the attention of the Group:

- The report needed to be corrected slightly to state that families would not have leave to remain in this country after resettlement but would have humanitarian visas which would be reviewed after 5 years.
- There were now 4 not 5 years remaining for the resettlement programme in line with the current parliamentary term.
- The Working Group had met with a representative from Devon County Council who had fully briefed them on what was happening throughout the county. The

recommendation within the officer report had been made directly by the members of the Working Group.

- Other Devon local authorities who had initially signed up to the programme and who had originally put forward ambitious targets in terms of the numbers of families they had hoped to re-house were now having to revise those figures based upon experience relating to such issues as rural isolation, poor transport links, religion, language and educational complexities.
- The low number of private sector landlords coming forward with properties to let.
- The Council could not afford to employ a dedicated officer for this resettlement programme, it would need to be fitted into the day to day business of the Housing Options team, this might have a detrimental effect upon homelessness work.

Discussion took place regarding:

- The disturbing news images from Syria compared to living in the rural Mid Devon countryside.
- The lack of public transport in some rurally isolated villages together with potential language difficulties. However, it was recognised that some Syrian families may have previously lived within rural communities in their own country.
- The fact that the Group needed to make a recommendation based upon the **number** of families the Council would support not on **where** they would be located.
- The merits involved in taking one family initially and monitoring the situation before agreeing to take more.
- The fact that it took approximately 3-4 months after initial agreement before families actually arrived.

It was **RECOMMENDED** to the Cabinet that:

- i. Up to 5 refugee families are housed / supported, as and when properties come forward, for the duration of the scheme providing the costs are met by the Devon County Council led resettlement programme and that this be reviewed four months after the arrival of the first family (Note: the programme is currently of 4 years duration).
- ii. These refugee families be accommodated in Private Sector accommodation. However, further consideration must be given to the need for support (help) which would involve a minimum of weekly visits by one or more officers and also an exit strategy involving the landlord, the Council and DCC.

(Proposed by Cllr W J Daw and seconded by Cllr D R Coren)

Note: * Report previously circulated; copy attached to the signed minutes.

60 FINANCIAL MONITORING (01:03:40)

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.

Key highlights within the report included the following:

- The forecast General Fund deficit for the current year was £52k with the main movements relating to Non Domestic Rates 2015/16 Devon pooling gain, Developmental Control staff vacancies and the Discretionary Housing payment funding being greater than budgeted.
- There was a forecasted underspend in the Housing Revenue Account which could increase what could be spent on the housing maintenance fund as several projects were planned in the next few years.

Discussion took place regarding:

- 'Tenant Charges for Services' as listed in Appendix E related to the previous warden service including the learning disability warden service.
- Alarm expenditure was showing a saving of £61k as the Council was not planning to purchase as many alarms as budgeted for since many of the current ones continued to be fit for purpose.
- The need for boiler repairs at Tiverton Town Hall.
- There was now only one vacant unit at Market Walk.

Note: * Report previously circulated; copy attached to the signed minutes.

61 **FINAL 2017/18 HOUSING REVENUE ACCOUNT (HRA) BUDGET (01:14:05)**

The Group had before it, and **NOTED**, a report * from the Director of Finance, Assets & Resources considering the options available in order for the Council to set a balanced budget for 2017/18 and agree a future strategy for further budgetary planning for 2018/19 onwards.

Key highlights within the report included the following:

- The assumptions made within Appendix 1 of the report including all rents being decreased by 1%.
- The proposal to increase community alarm charges by £0.30 per week per property and garage rents by £0.10 per week

Discussion took place regarding:

- Costs in relation to asbestos work which was unavoidable and a reasonable amount to be spending year on year.
- Income of £230k in relation to solar panels.

Note: * Report previously circulated; copy attached to the signed minutes.

62 **GENERAL FUND BUDGET 2017/18 - UPDATE (01:18:25)**

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

Key highlights within the report included the following:

- A number of assumptions had been made which were listed at the bottom of Appendix 1 including a Council Tax increase of £5 on a Band D property.
- The budget gap had been £419k in November 2016 but following the receipt of the Formula Grant figure and a lot of work by Managers this had now reduced to £231k.
- New Homes Bonus would be £110k less in 2017/18 than in 2016/17.
- Income from the garden waste scheme had reduced by £50k based on the original assumption and similarly leisure income was not where it had been expected to be.
- A Cabinet report was being prepared at the moment for its meeting on 2 February and it was hoped that the budget gap would have been reduced further still. Any remaining gap would require Members to make a decision about where the shortfall came from.

Note: * Report previously circulated; copy attached to the signed minutes.

63 **DECANT POLICY (01:24:11)**

The Group had before it a report from the Housing Services Manager presenting the revised Decanting Policy. She explained the importance of having a detailed policy as it avoided confusion and allowed everybody to know where they stood. The Council tried to ensure a co-ordinated approach and were pragmatic wherever possible.

Discussion took place regarding:

- The need for Tenants to seek their own contents insurance which was emphasised at Tenant Sign Up meetings.
- The Decant Policy was averagely invoked between 3 to 4 times a year.

It was **RECOMMENDED** to the Cabinet that the revised Decant Policy be approved.

(Proposed by Cllr F W Letch and seconded by Cllr D R Coren)

Note: * Report previously circulated; copy attached to the signed minutes.

64 **PERFORMANCE AND RISK (01:35:50)**

The Group had before it, and **NOTED**, a report * from the Director of Corporate Affairs and Business Transformation 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 the key business risks.

Note: * Report previously circulated; copy attached to the signed minutes.

65 **UPDATE ON EMPTY HOMES (01:39:07)**

The Group had before it, and **NOTED**, a briefing paper * from the Lead Officer for Private Sector Housing. The Officer was new in post and was introduced to the Group by the Public Health and Professional Services Manager. The contents of the

report were summarised with an emphasis placed on how the work in this area related to the Corporate Plan. A lot of progress had been made in the last 6 months in terms of trying to identify those empty homes needing regeneration which were currently having an adverse effect on communities.

Discussion took place regarding:

- The dispersement of neglected empty properties across the district, they were not all concentrated in the larger towns.
- The importance of Ward Member involvement since they were best placed to know their own 'patch'.
- A range of enforcement options which were within 'the tool kit'.

It was **AGREED** that a list of known empty properties be sent to Ward Members on a quarterly basis providing that personal data had been removed.

Note: * Briefing paper previously circulated; copy attached to the signed minutes.

66 **BRIEFING ON HOME IMPROVEMENT LOANS (01:52:20)**

The Group had before it, and **NOTED**, a briefing paper * from the Lead Officer for Private Sector Housing. The contents of the report were summarised with the new pilot approach already proving to be a success. A final decision on the permanent approach going forwards would be made by the end of April and would be delegated to the Director of Corporate Affairs and Business Transformation and the Cabinet Member for Housing.

It was suggested that details of the new scheme be forwarded to Town and Parish Councils on a regular basis. It was noted that a leaflet would be included in the Council Tax bills being sent out in the Spring (subject to the above final decision).

The current interest rate was 4% although this was being reviewed. The length of time given to people to repay the loan was dependent on the individual's personal circumstances. Efforts would be made to find the most affordable repayment mechanism for each individual.

Note: * Briefing paper previously circulated; copy attached to the signed minutes.

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

In addition to the items already listed in the work programme the following was also requested to be on the agenda for the next meeting:

- A presentation regarding how the rechargeable service works
- Houses in Multiple Occupation (HMO)
- Briefing paper on the Homelessness Reduction Bill currently going through Parliament.

(The meeting ended at 4.46 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 19 January 2017 at 6.00 pm

Present

Councillors

Mrs B M Hull (Chairman)
Mrs A R Berry, Mrs J B Binks, J M Downes,
R Evans, S G Flaws, F J Rosamond and
Mrs N Woollatt

Apology

Councillor

T G Hughes

Also Present

Councillors

Mrs J Roach, N V Davey and Mrs S Griggs

Also Present

Officers

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), John Bodley-Scott (Economic Development & Regeneration Manager), Chris Shears (Economic Development Officer), Alan Ottey (Market Manager), Roderick Hewson (Principal Accountant) and Sarah Lees (Member Services Officer)

48 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

49 **PUBLIC QUESTION TIME**

There were no questions from the members of the public present.

50 **MINUTES**

The minutes of the previous meeting were confirmed as a true and accurate record and **SIGNED** by the Chairman.

51 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had the following announcements to make:

- She welcomed everybody to the first meeting of the new year.
- She informed the Group that three members of the Crediton Town Team were present to give a presentation on the projects they had undertaken within the town and their aspirations going forwards.

52 CREDITON TOWN TEAM

The Crediton Town Team had been invited to attend the meeting to provide a presentation to the Group on the projects and initiatives taking place in Crediton. The representatives who attended the meeting were Rod Brookes-Hocking, Rosemary Stephenson and Mike Summerton.

Key highlights within the presentation included the following:

- The team had come into being 4 years ago and was started by festival organisers with an arts background. Some had been previous project managers and were known as people who could pull groups together.
- There was a breadth of expertise amongst the team.
- They had undertaken a wide range of projects.
- One of the key projects in the calendar was the 'Cred Fest' which was held every two years and did much to aid social integration and cohesion within the town. Sport had been part of the festival and there were close links with the leisure centres.
- The Crediton Flag project had been simple in concept but had had a huge impact.
- The strong links with Germany and a shared reverence of St Boniface.
- The Community Hub Project was progressing well.
- A Town Square Weather Protection scheme was being prepared.

The Group were referred to the team's website which contained lots of information and images regarding the projects they had undertaken. The Group congratulated the team on what they had achieved so far and were particularly impressed with how they managed to bring sometimes conflicting groups together. The comment was made that the success of the team had come down to a few committed individuals as well as vital financial support.

53 PERFORMANCE AND RISK

The Group had before it, and **NOTED**, a report * from the Director of Growth and Chief Executive 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 the key business risks.

The Economic Development & Regeneration Manager stated that it was the intention for future reporting to alternate between the national picture and local performance indicators so that the Group got an all-round picture in relation to the economy.

With regards to empty shop figures he had revised these so that they were more challenging and in line with those set nationally. The targets were achievable however and the Council was currently performing well against them.

The Group were informed about an incident that had occurred in the Pannier Market just before Christmas where a glass door had shattered onto one of the traders. Fortunately it had been safety glass and there had been no resulting cuts or bruises. It was felt that the cause of the problem had been to do with dirt getting into the channels holding the door in place. The Market Manager was now ensuring that these were cleaned out every month.

Note: * Report previously circulated; copy attached to the signed minutes.

54 FINANCIAL MONITORING

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

The General Fund was currently forecast to be overspent by £52k. The main movements related to the Non Domestic rates 15/16 Devon pooling gain, Developmental Control staff vacancies and Discretionary Housing Payment funding being greater than budgeted.

Discussion took place regarding:

- Pay and Display car park income being down against budget.
- A tested and costed business case was needed before a Pannier Market roof could be included within the Capital Programme. The Chief Executive explained the importance of making investment decisions based on due diligence and risk-based assumptions.

Several questions were asked which the officer was unable to answer during the meeting since this was not his area but said that he would ensure the Group received an answer shortly after the meeting, these included the following:

- a) What was the actual figure for off street fines?
- b) Actual income figures in relation to the tolls at Tiverton Market.
- c) More information with regard to the vacant posts in Grounds Maintenance and where had these posts been advertised?
- d) More information with regard to renewable energy sources and business rates.

Note: * Report previously circulated; copy attached to the signed minutes.

55 BUDGET 2017/18 - UPDATE

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

The Principal Accountant informed the Group that in November 2016 the budget gap had been £419k and had now been reduced to £231k. The main reasons related to the business rate pool and increases in tonnages for recycling. However, income had been reduced for garden waste permits and there was more pressure regarding New Homes Bonus going forwards. An updated report would be brought to the Cabinet meeting on 2 February where it was hoped the gap would have been reduced further still with Members having to decide how any remaining gap could be bridged.

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

56 MID DEVON DESTINATION MANAGEMENT PLAN FOR TOURISM

The Group had before it a report * from the Economic Development & Regeneration Manager updating Members on the current impact tourism has on Mid Devon's economy and how the Council could develop the sector over the next 5 years.

The contents of the report were outlined with the following points being referred to:

- 5% of all employment within Mid Devon was related in some form or another to tourism.
- The majority of visitors already lived within the region and of those the majority were older adults without children.
- The Destination Management Plan by its nature needed to be a partnership strategy with a strong brand.
- The face to face surveys had asked standard questions which meant that they were comparable across districts. Only 40% of respondents had mentioned anything they were dissatisfied with. Overall there had been very good satisfaction results.

The Group made the following comments:

- The results were open to interpretation and the sample of people surveyed had been small.
- The SWOT analysis had considered an ageing visitor profile as a weakness, however, they could be considered as a strength and the 'grey pound' needed to be looked at more positively.
- Surveys, by their very nature were just a snap shot of opinion at a particular moment in time.
- The Council needed to be careful about the amount of weight subscribed to some of the conclusions within the report.
- Interviews had been conducted at a limited number of locations.
- Mid Devon had to work harder at promoting itself compared to other districts due to not having a coast to attract visitors to.
- The survey had cost £6k to undertake, it was suggested that this may not have been a big enough investment given the limitations of the data and the importance to Mid Devon of moving forward in the right direction on tourism.
- Poor signage within Tiverton was a problem and previous concerns had not been addressed. Similar signage problems existed elsewhere in the district and better liaison was needed with Devon County Council.
- The Tiverton Coach Park needed to be more widely promoted and advertised.

Discussion took place regarding the Tiverton Attractions Group which had suffered poor attendance in the recent past but was showing some signs of reinvigorated interest. It was important for this group to be on board with the Destination management Plan especially in relation to the branding issue.

Members had been keen for work to be undertaken in this area and this had proved to be a good start. There were many opportunities that could be developed such as promoting and developing heritage roots, linking the market towns together, promoting the unspoilt countryside and celebrating some of the finest food producers in the country.

RECOMMENDED to the Cabinet that the draft Destination Management Plan be approved for consultation bearing in mind the comments and concerns of the Policy Development Group with regard to the small sample of people interviewed, the number of locations where this had taken place and the need for caution when considering the conclusions in the survey.

(Proposed by the Chairman)

Note: * Report previously circulated, copy attached to the signed minutes

57 **STRATEGY FOR TIVERTON 2017/27**

The Group had before it a report * from the Tiverton Town Centre and Market Manager outlining the Tiverton Town Centre and Market Strategy and Action Plan for 2017 to 2027. The officer explained that the market was key to the regeneration of the town. The strategy was centred around the themes that towns nationally revolve around. Most of the actions within the Action Plan for November and December had already been achieved. The good trading atmosphere needed to continue as did evaluations after each promoted event. Performance indicators were being monitored and the Market Manager had introduced a trader's newsletter.

Discussion took place regarding:

- The removal of street clutter – it was explained that this referred to the duplication of posts and better placement of litter bins, not the removal of seats.
- Regular cleaning regimes were now in place.
- The market needed to be warmer and more welcoming.
- The Council needed to consider more arts and craft trading stands and dedicated farmers markets.
- There was a deficit in income from the market which was being carefully monitored.
- The need for the market's potential and its aspirations to be realised.

RECOMMENDED to the Cabinet that the Strategy for Tiverton 2017/27 be approved.

(Proposed by the Chairman)

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

58 **LGA BREXIT RESPONSE**

The Group had before it, and **NOTED**, a report * from the Economic Development & Regeneration Manager informing Members of the Council's response to the Local Government Association on the possible effects of Brexit.

The Economic Development Officer was congratulated for bringing together a report when there were so many unknowns.

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

59 ECONOMIC DEVELOPMENT UPDATE REPORT

The Group had before it, and **NOTED**, a report * from the Economic Development & Regeneration Manager updating Members on the progress of key Economic Development Projects. This included the following:

Discussion took place regarding:

- The possibility, should an extremely strong business case be produced, for an idea to be considered within the Capital Programme, however, it would always be difficult to guarantee positive outcomes. Rigorous cost / benefit analysis would always need to be undertaken.
- Regarding Broadband – the Economic Development Officer informed the Group that he had had a recent meeting with Connecting Devon and Somerset and they were currently working through signing off a contract. A update would be provided at the next meeting.

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

60 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

In addition to the items already listed in the work programme, the following was requested to be on the agenda for the next meeting:

- Tourism leaflets promoting Mid Devon villages
- Broadband update

(The meeting ended at 8.10 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 31 January 2017 at 2.15 pm

Present Councillors

Mrs E J Slade, Mrs J B Binks,
Mrs H Bainbridge, Mrs G Doe and
F W Letch

Apologies Councillor(s)

Mrs E M Andrews, Mrs A R Berry, B A Moore and
R J Dolley

Also Present Councillor(s)

C R Slade and Mrs M E Squires

Also Present Officer(s):

Andrew Jarrett (Director of Finance, Assets and Resources), Liz Reeves (Head of Customer Services), Lee Chester (Leisure Manager), Simon Newcombe (Public Health and Professional Services Manager), Nick Sanderson (Head of Housing and Property Services) and Julia Stuckey (Member Services Officer)

58 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs E M Andrews, Mrs A R Berry, B A Moore and R J Dolley. Cllr Moore was substituted by Cllr Mrs J Binks. (Cllr Mrs Slade took the Chair).

59 **PUBLIC QUESTION TIME**

There were no members of the public present.

60 **MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Meeting were approved as a correct record and **SIGNED** by the Chairman.

61 **CHAIRMANS ANNOUNCEMENTS**

The Chairman had no announcements to make.

62 **BUDGET**

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. The 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 budget gap had improved from the figure within the report to just under £90k from a balanced position. Since issuing the report the Director had held further meetings with service managers and the gap had subsequently been reduced. These savings had been generated by Devon-wide Business Rate revenues, better prices and increased tonnages for recycling, investment income, rental for Station Yard and some staffing reductions among others.

The Director highlighted areas for savings that had been identified by the Community PDG Budget Working Group such as an increase to the level of summons costs charged for non paying of Council Tax and Business Rates and changing the policy for single occupiers who failed to notify of a change in circumstance and who would in future receive a small penalty. The Head of Planning and Regeneration had identified some extra income from the levy of Section 106 monies and pre-application advice. The Director reported that the working group had proved a useful exercise in helping to move towards a balanced budget. It was **AGREED** that a working group be put in place to look at the budget for 2018-19, which would meet in the spring. The membership of the group would be agreed at the next meeting.

The Director informed the Group that a report to Cabinet was recommending that the budget gap be met by use of the New Homes Bonus for this year.

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

63 LEISURE PRICING

The Group had before it a report * from the Leisure Manager – Development & Performance advising Members of the proposed leisure pricing strategy for 2017/18.

The officer outlined the contents of the report, explaining that it identified the four income streams; front of house, wetside, health and fitness and dryside. The report proposed an indicative increase on current fees and prices per area, ranging from 3 to 5%, following a benchmarking comparison with local like-for-like providers.

It was proposed that concessionary memberships, which were currently restricted to using facilities before 5.00pm, be changed to allow unrestricted access, rewarding members for their loyalty and attracting new custom from people that may be disadvantaged by the existing time restrictions.

Auto-renewal of annual memberships would be available next year which would make it easier for customers to renew at the end of their subscription. They would receive correspondence to advise them that the payment would be taken.

Officers were engaging with local businesses to encourage corporate relationships and arrangements. Following a review of business size in Mid Devon, corporate deals would be offered to all organisations rather than only those with a minimum of 10 employees which was the current criteria. Local businesses would also be offered training in areas such as health and nutrition, business management and team development.

Discussion took place regarding employers being shown the importance of having a healthy workforce and that local accommodation providers could be asked to promote the centres, or incentivised to do so.

Due to the date of the meeting of the Group there would not be time for the report to go to Cabinet and then an appropriate amount of time for consultation with customers be put in place before the new financial year. Therefore it was **RECOMMENDED** that the Cabinet Member agree the strategy and price increases proposed as a delegated decision.

(Proposed by the Chairman)

Note: Report * previously circulated and attached to Minutes.

64 **PERFORMANCE AND RISK**

The Group had before it and **NOTED** a report * from the Audit Team Leader 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 the key business risks.

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

65 **COMMUNITY ENGAGEMENT**

The Group had before it a report * from the Head of Customer Services and ICT updating Members on progress made with the Community Engagement Action Plan (2015-17).

The officer explained that following reorganisation there was no longer a dedicated officer for community engagement and that the work had been embedded within services. The report contained an action plan for moving forward and it was the responsibility of service managers to ensure that when changes were being implemented, such as digital forms, customers were made aware and that feedback was received.

The Citizens Panel had reduced in effectiveness as it had become more difficult to get people to engage and responses from them had reduced. It was therefore necessary to look into different ways of engaging and it was proposed that Gov.Delivery would provide a simple means of customer engagement.

Discussion took place regarding:

- Not all members of the public had access or wanted to use digital services;
- Digital communications were the cheapest form of communication for customers;
- Gov.Delivery and the services it could provide.

It was **RECOMMENDED** to Cabinet:

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

(Proposed by the Chairman)

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

66 **ANTI SOCIAL BEHAVIOUR STATISTICS**

The Group had before it and **NOTED** information * regarding anti-social behaviour statistics for 2016-17.

The Head of Housing and Property Services explained that these figures only related to matters dealt with by the Community Safety Team and did not include any statutory nuisances dealt with by Environmental Health or anti social behaviour by housing tenants which was dealt with by Housing Services.

Note: - Information * previously circulated and attached to the Minutes.

67 **PUBLIC HEALTH SIX MONTHLY UPDATE**

The Group had before it and **NOTED** a report* from Public Health and Professional Services Manager providing an update on progress of the Public Health Plan.

The Officer explained that Public Health was working to a programme that did not have a budget associated with it and it had to work to encourage projects to become self sustaining. Walking football for example had achieved this with members paying a small subscription which covered the cost of renting facilities.

The officer also highlighted the GP Exercise Referral Programme which had started ahead of schedule and had already received 12 referrals. This scheme was developed to encourage people to get into the habit of physical activity with the longer term aim that they would become regular users of Mid Devon leisure.

Discussion took place regarding:

- Concessionary memberships and the changes to times of day that they could be used and the intention that this would increase usage;
- The availability of funding to encourage target groups to take up exercise;
- The success of the walking football programme;
- The benefits of exercise such as health and overcoming loneliness;

- Food safety the fact that almost 95% of food premises in Mid Devon achieved level 4 or above.
- Proposals to support the Dementia Alliance.

Note: Report previously circulated and attached to Minutes.

68 **AIR QUALITY**

The Public Health Manager explained that he had hoped to be able to update Members regarding the joint (Exeter, Teignbridge, East Devon, Mid Devon) Air Quality bids that had been submitted to DEFRA Air Quality Grants 2016/17. Unfortunately the outcome of the bids had been delayed and he did not expect to hear for another week.

The Officer confirmed that a review of the Air Quality Strategy was taking place and a project plan and time line had been put in place with a view to a report going to Cabinet in October. Updates would be provided to all meetings of the Group.

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

Gypsy and Traveller Policy
Air Quality
CCTV annual update
Financial Monitoring
Performance and Risk
Aging Well
Leisure update
Health and Safety Policy
Budget Working Group Membership

(The meeting ended at 3.30 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 4 January 2017 at 2.15 pm

Present Councillors

Mrs F J Colthorpe, Mrs H Bainbridge,
Mrs C Collis, P J Heal, D J Knowles,
F W Letch, B A Moore, R F Radford,
J D Squire and R Evans

Apologies Councillor(s)

R L Stanley

Also Present Councillor(s)

D R Coren, C J Eginton, Mrs M E Squires
and N A Way

Present Officers:

Jenny Clifford (Head of Planning and
Regeneration), Simon Trafford (Area
Planning Officer), Lucy Hodgson (Area
Planning Officer), Daniel Rance (Principal
Planning Officer) and Sally Gabriel (Member
Services Manager)

114 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R L Stanley who was substituted by Cllr R Evans.

115 PUBLIC QUESTION TIME

Mr Morgan, referring to Beare Mill said I am here to register my support and hope everything goes through to completion with the application for the barn which adjoins my property and everything that has happened so far has gone very well so there is no reason as far as I am concerned why it shouldn't go to completion and they are doing everything in their power to keep it looking like the original building.

Mrs Nichols, referring to Beare Mill said I live at Beare farm, adjacent to these premises and I want to say that I whole heartily support the dwelling and consider that it will improve the area a tremendous amount and I am very happy with the way that it is being developed. They have gone to great effort and care to use materials that will enhance the building and keep it in character. It was an eyesore and we think it will be improved when it is developed.

Mrs Vinton, regarding Red Linhay said that an email from the applicant to the Planning Officer dated 4/11/16 pointed out that objectors to the plant were making simplistic comments and failed to take into account how an AD works. This was he stated due to lack of professional experience of AD technology. I personally lack experience but I have taken advice from chartered engineers and manufacturers of

CPH units, none of whom would recommend the installation of two 500kw units to power a 500kw plant. As a regular maintenance takes less than 4 hours a fear of breakdown can be the only reason for a backup unit and I was advised that if this was concern developers should opt for 2 x 250 units. Having mentioned their experience at Menchine Farm being a factor in their decision to install two 500 units I researched dozens of planning applications for 500kw AD's in England and Wales and only Greener For Life have applied for a second unit for maintenance and breakdown and they have only done so on sites where they have built the infrastructure to a much larger size than needed for 500kw production. My question is just how rigorously will the conditions put on this development be monitored and how quickly and effectively will enforcement action be taken to ensure we don't wake up one day and find a megawatt AD in operation?

Clare Higgleston referring to Dulings said could the Planning Officer please qualify why he proposed to recommend this application when the views of the community, public comments on the portal, the concerns of parents regarding negative impacts on the school and the Parish Council all object to this proposed development and given that the developer chose not to conduct a community consultation as recommended in the Localism Bill. Will the Planning Officer please clarify what the area marked blue on the application planning status will change to and be used for?

Helen Olson referring to Dulings said what consideration has been given to the safety of the walk to school when the access to the school on Bewsley Hill has no footpaths at the top and bottom and this application will see an increase in school traffic both pedestrian and road traffic. There was information from 2012 that looked at these issues. Could the officer please confirm why the flood risk assessment and proposed ponds only consider the application site and do not allow for the additional surface water within the topographical catchment?

David Brassington referring to Dulings said in the planning committee agenda page 17 paragraph 5 and 6 the officer refers to the proposal on the old abattoir site which should not be considered in this application. However, could the officer confirm that if both applications are approved, totalling 100 houses, this will not have a cumulative and adverse impact on the village? Could the Planning Officer please confirm what separate consultation and consideration has taken place to allow the developer to move the current public footpath of scenic beauty under this proposal?

Alice Fraser Edwards, referring to Dulings and speaking on behalf of Ken Warren said that for years Mid Devon District Council have left Copplestone without any social amenities. How is Mid Devon going to deal with the problem? We have one of the highest concentrations of social and subsidised housing in a village environment in Mid Devon and we have already grown by 60% in the last 13 years. Another 100 houses are not sustainable and to do this please see the annotated ariel view of Copplestone, areas marked in green and yellow are all recent development. Could the Planning Officer please confirm who will be responsible to rectify the failure of the balance pools in the event of extreme weather conditions now expected when rainfall exceeds normal conditions?

Suzanne Lunn referring to Dulings said that the roads surrounding this development are extremely narrow with no pavement especially around Elston Lane and Bewsley Hill. How do you propose to ensure the safety of pedestrians and cyclists? The Mid Devon Local Plan which has been voted on and accepted by the Full Council does

not include the land in question for this planning application as it does not form part of the permitted development land on the Local Plan. Does this mean your Planning Officer is going against the Full Council?

Michael Scott referring to Red Linhay said Greener for Life had been required to supply figures regarding noise levels emitting from the AD plant at Red Linhay when it is operational. They have not done so and all they have done is to include a couple of photographs showing the inside of a warehouse with white boxes and two people with their heads cropped out which could relate to almost anything. How can a case officer recommend approval of this application without such assurances as approval at this meeting would effectively give GFL a free hand in noise level emissions? GFL were required to move the second CHP which was installed without planning permission and at the last planning meeting concerning this issue an enforcement order was going to be issued to them. Have they been issued with an enforcement notice to do so and have they actually removed the second CHP unit?

Tony White, referring to Red Linhay said at the Planning meeting on July 6th 2016 this Committee resolved that the second 500kw CHP unit would not be approved and should be removed from the site. Furthermore it was resolved that an enforcement notice be served if the unit was not removed. As nothing has changed why has the Planning Officer disregarded this decision and now recommends approval? The Planning Officer has on several occasions assured local residents that all conditions will be actively enforced but to date we have seen little or no evidence of this. How can we have confidence in this process? We do however have every confidence that should a second CHP unit remain on site, it will be run as a 1 MW site not a 500kw as claimed.

Mrs Higgleston asked a further set of questions with regard to Dulings Farm – how do you propose to deal with the rare species on the prime meadow grass land to enable the creation of the balance pools and how will you ensure that the impact of this development is not detrimental to the environment? How can a Planning officer propose a recommendation for approval when an application has now been submitted for the old abattoir site? An application that has been actively encouraged by DCC, MDDC and local residents, an application that will provide facilities to the community?

Helen Olsen referring to Dulings said there has been nothing done to improve safety to pedestrians through Copplestone following the DCC meeting on 12/12/12 or following previous increases in housing in the village. How can we be sure that Copplestone will not be neglected again and what guarantees can you give that the increased number of cars driving up Bewsley Hill on the school run will not further put our children at risk. Also how will you ensure that approval for the development will not open up additional development on land further up detailed in blue on the supporting plan document? What do the Planning authority believe is the expected increase in peak rainfall intensity over the lifetime of the proposed development and can they guarantee in writing that the proposed mitigations are adequate to decrease flooding in the village rather than increase it? The track that the development has proposed to be built on has been used by the public without dispute by generations, one resident for 80 years, as an alternative right of way, what allowance has been made for the heritage of the village within the planning officers consideration of this application? If this committee sets a precedent for allowing development outside of the village boundary how far do you foresee the population growing by the 2021 census? As the developer is already attempting to purchase additional land in the

geographical location of the application from the landowner so is it not the case that we are likely to see 200/400 more houses before the development is complete? Having read the National Planning Policy Framework it is clear that paragraph 14, that developments only be approved where the local benefits outweigh the adverse impacts, does not apply to this application. How could you therefore justify approval?

116 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 30 November 2016 were approved as a correct record and signed by the Chairman.

117 CHAIRMAN'S ANNOUNCEMENTS

The Chairman wished those present a Happy New Year but had no further announcements to make.

118 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

119 THE PLANS LIST (PART 1) (00-22-00)

The Committee considered the applications in the plans list *.

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

(a) No 1 on the Plans List ***(16/00924/MOUT – Outline for the erection of up to 60 dwellings and means of access – land and buildings at NGR 277744 102582 (East of Dulings Farm, Copplestone).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the outline application, the road network, the means of access to the site, the proposed pedestrian link leading to the school and stated that although the public footpath route would be affected by the application those issues would be covered by a Reserved Matters application. Members viewed the scope of the application site and the route of the Salix stream which was overgrown and had been the cause of concern with regard to possible flooding issues. The school site and the playing field were identified as was a pending scheme at the Old Abattoir, the proposed footpath at Bewsley Hill, the landscaped areas within the site, an indicative plan of the proposed housing, the design of the proposed junction and photographs from various aspects of the site and the A377.

The Area Planning Officer continued outlining the principles for development and highlighting the need for a 5 year land supply, the fact that the proposal was outside the settlement limit and the wording within the National Planning Policy which identified the reasoning for the officer recommendation of approval. He informed the meeting of the formula used by the County Council to calculate the education requirement within the proposed Section 106 agreement and the contribution towards enhancement of the sports field instead of an air quality contribution. He highlighted the issues raised regarding possible flooding issues raised by residents and the proposed conditions which referred to the salix stream.

He then responded to the questions posed in public question time: a pre app meeting was not specifically required (although helpful) and these issues had been addressed through the presentation and within the report; the red line on the application plan showed the application site and the blue line identified the land in the same ownership. With regard to access to the school, there would be access links from within the site as part of the Section 106 agreement, the details of which would be addressed through a Reserved Matters application. The improvements to the junction on Bewsley Hill and the A377 had been identified in the presentation. With regard to a pending application at the Old Abattoir (Shambles 2), both applications had to be determined separately and it was not an either/or situation, if both schemes did come forward the education requirement would need to be updated. The benefits to the local community would be an improvement in the transport infrastructure and funding which would enable the community hall. The road layouts for Bewsley Hill had been addressed within the presentation; with regard to Full Council and the Local Plan, the officer had set out a recommendation for the committee to consider which was against current planning policy; with regard to grassland areas, the network of green infrastructure had been identified throughout the site and the protected species mentioned within the report. With regard to pedestrian safety, the scheme would deliver offsite movement. There was potential to improve the pedestrian network at the Reserved Matters application stage. With regard to paragraph 14 of the National Planning Policy Framework, there was a need to weigh up the planning balance. He felt that the other issues raised which included: road safety, the blue line within the application plan, the use of the public right of way and the peak rainfall predictors had been covered within the report or by condition.

Consideration was given to:

- The education formula which calculated school places required for development
- The lack of an air quality contribution within the Section 106 agreement as it was felt that the residents of the proposed housing would contribute to air quality issues in Crediton
- Flood risk and management
- The lack of a 5 year land supply, but that the Local Plan Review Document was well on its way towards submission
- Recent appeal decisions with regard to the lack of a 5 year land supply
- The sustainability of the proposal
- Possible increase in traffic
- Lack of consultation with the local people and contrary to the current Local Plan
- Access issues at Elston Lane

RESOLVED that the application be refused planning permission and that delegated authority be given to the Head of Planning and Regeneration to prepare a full set of reasons for refusal and issue the decision based on the following reasons:

1. The application site is outside the current settlement limit boundaries of the village of Copplestone and is in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site

proposed to be allocated for housing within the Councils Local Plan Review 2013 - 2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2. The Local Planning Authority consider that the proposed unplanned development individually, and cumulatively together with the proposed development within the Local Plan Review for the village, would be out of scale with the size of the settlement of Copplestone to the detriment of its character and the general amenities of the village. For this reason the development would fail to meet the sustainable development principles required to be met by the National Planning Policy Framework and Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

3. The Local Planning Authority consider that the application proposal has not satisfactorily demonstrated that surface water from the development can be satisfactorily controlled and discharged to the Salix Stream channel without resulting in unacceptable flood risk downstream of the application site to the detriment of the amenities of the locality where there are already records of flooding concerns. On this basis the application is considered to be contrary to Policies COR1 and COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

4. The Local Planning Authority considers that the application proposal has not satisfactorily demonstrated that the additional primary school pupil places required to serve the development could be satisfactorily provided at the Copplestone village primary school, and therefore the application scheme is considered to result in detriment to the existing amenities of the village school. On this basis the application scheme is considered to be contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/ 5 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

5. The Local Planning Authority consider that the application would result in an unacceptable impact upon the highway safety for users of the highway of Elston Lane and it's junction with the A377. Whilst the application scheme includes amendments to the highway and a new junction arrangement the alterations as proposed are not considered to satisfactorily address the detrimental impacts of the development upon highway safety contrary to Policies COR1, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr P J Heal and seconded by Cllr B A Moore)

Notes:

- (i) Cllrs: Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, R Evans, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had all received correspondence regarding the application;
- (ii) Cllrs P J Heal and D R Coren declared personal interests as they were Ward Members and knew objectors and the landowner;
- (iii) Cllr N A Way declared a personal interest as County Councillor and therefore he had had some involvement with the objectors to the application;
- (iv) Cllr D J Knowles declared a personal interest as he knew some of the objectors;
- (v) Cllr J D Squire declared a personal interest as he was an adjoining Ward Member and knew some of the objectors;
- (vi) Mr Bowdler spoke on behalf of the objectors;
- (vii) Cllr Penny spoke on behalf of the Parish Council;
- (viii) Cllr D R Coren and P J Heal spoke as Ward Members ;
- (ix) Cllr N A Way spoke as County Councillor for the area;
- (x) Cllrs Mrs H Bainbridge and Mrs F J Colthorpe requested that their vote against the decision be recorded;
- (xi) The following late information was reported: Page 24: Vehicle Tracking and Junctions plans (rev A) submitted for consideration on 21st December

Site Access Junction Plan rev G received on 13th December and superseding revision F.

Page 27: The Highway Authority have confirmed that the plans demonstrate that the design of the new junction arrangements incorporates a 10m radii to accommodate the HGV swept paths.

Since the report was issued a further 8 letters of objection have been received. The reasons for objecting reflect the matters as set out, and covered in the report. Two issues are highlighted for further detailed consideration by members:

1. The impact of the development on the adopted public footpath no.53 that passes over the site. At this stage members are not being asked to consider and/or approve a detailed layout as the application has been submitted as an outline application with all matters reserved except for access. It is however acknowledged that the indicative layout presents a

scheme that would interrupt the route, although the indicative layout does indicate a number of options as to how the path could be diverted.

If the planning application is approved at this stage then at the reserved matters stage a detailed layout would need to be submitted for consideration. If at this stage the layout results in an interruption to the route of the public footpath then at the same time as submitting application it would be necessary to submit an application to also divert the footpath.

Therefore at this stage the issue of how the application affects the route of footpath no.53 raises no further issues for consideration.

2. One of the letters of objection refers to the application submitted under 16/01888/MOUT, referred to as the Shambles 2 scheme, which is raised in the report on page 37. The report already refers to the fact that the current application is not being proposed as an alternative application to the Shambles 2 scheme, and it sets out the correct policy framework against which the application should be assessed. Notwithstanding, the report on page 38 sets out the maximum number of additional spaces (25) that would be required at the local primary school in the event the schemes at both Dulings Meadow and at the Shambles 2 were brought forward to the implementation stage.

Finally and for the avoidance of doubt, the terms of the representation make it clear that as a local community the Shambles 2 scheme is a much better option for the village.

The government has announced its intended reform of New Homes Bonus. The current 6 year term for the award is to be reduced to 5 years in 17/18 and 4 years from 18/19. The financial contributions given in the report reflect the 6 year position and should be adjusted in accordance with the most recent Government position.

(b) No 2 on the Plans List (16/01232/FULL – Conversion of a redundant rural building to a residential dwelling – Redgates Farm, Bickleigh).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the original agricultural building that had been converted to B1 and B8 use and subsequently to residential accommodation on the first floor (without permission); the current owners had not used the building which was now redundant. She highlighted the proposed design and layout of the proposed conversion and provided photographs from various aspects of the site.

Consideration was given to:

- Whether the application positively contributed to Policy DM11
- Leaving a building that did not positively contribute to the rural character in place rather than improve the situation
- A contribution to public open space through a Section 106 agreement could be set out with any approval

RESOLVED that planning permission be granted for the following reasons: The conversion of the building would provide a future use of the building which is currently redundant. The conversion would cause no harm to the local highway network, external appearance of the building or residential amenities of the nearest dwelling. The building could be converted without significant extension while maintaining nature conservation interest associated with it. The proposal is considered to be compliant with policies DM2 and DM11 Local Plan Part 3 (Development Management Policies), and that delegated authority be given to the Head of Planning and Regeneration to consider appropriate conditions and negotiate a Section 106 Agreement to secure a financial contribution of £1442 toward the off site provision of public open space.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Mr Archer (Agent) spoke;
- (ii) The following late information was reported: 30th December 2016
Page 45 – Highway Authority response should say:
'Highway Authority standing advice applies as per www.devon.gov.uk/highway-standingadvice.pdf'

The government has announced its intended reform of New Homes Bonus. The current 6 year term for the award is to be reduced to 5 years in 17/18 and 4 years from 18/19. The financial contributions given in the report reflect the 6 year position and should be adjusted in accordance with the most recent Government position.

120 MEETING MANAGEMENT

The Chairman indicated that she wished to take Item 9 on the agenda (Red Linhay) at this point, she would then return to the Plans List, this was **AGREED**.

121 APPLICATION 16/01180/FULL - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 15/01034/MFUL TO ALLOW SUBSTITUTE PLANS AT LAND AT NGR 299621 112764 (RED LINHAY), CROWN HILL, HALBERTON (2-47-38)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Principal Planning Officer outlined the contents of report providing an overview of the work on the site and highlighted that the flare, offices and weighbridge had not been part of the previous application and therefore the application sought to rectify the situation retrospectively, the conditions set out in the previous applications would apply. The officer provided an aerial view of the site which identified the existing structures and photographs from various aspects of the site. Information was provided with regard to the need for the second CHP unit in that it was in place to cover maintenance issues with the original CHP unit; there would be no additional transport movement and an acoustic bund would be built around the CHP units.

The officer provided answers to the questions posed in public question time: the enforcement notice had not been issued as it was on hold until the determination of the current application. The conditions of the previous application state that only 500kw average could be produced, the second CHP unit was an operational issue.

Consideration was given to:

- The previous report which had considered enforcement action against the second CHP unit
- Dealing with a retrospective application and the changes requested
- The reasoning for the second CHP unit
- The strict conditions that were in place and the Environment Agency Permit
- The need to regularise what was in place

RESOLVED that planning permission be granted, subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:-

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she had met members of the landowner's family;
- (ii) Cllrs D J Knowles, B A Moore and R F Radford declared personal interests as the landowner and some of the objectors were known to them;
- (iii) Mr Manley (Applicant) spoke;
- (iv) Cllr R F Radford spoke as Ward Member;
- (v) Cllrs R Evans and R F Radford requested that their vote against the decision be recorded;
- (vi) The following late information was reported:

21st December 2016 - Halberton Parish Council strongly opposes any variation to the existing plans.

No further information has been received to be able to make any comment.

15th December 2016 - DCC Archaeology has confirmed that the condition 6 of 15/01034/MFUL has been completed and no further mitigation is required.

With this in mind there is to be no further archaeology requirements on site with the resultant removal of any condition required with this variation.

15th December 2016 - Willand Parish Council considers that the noise concerns relating to operation and transport have not been fully considered with possible increase traffic with damage to roads cannot justify this location. With the most stringent conditions attached as to operating times and tonnage for the retention of the extra plant.

23rd December 2016 – Environmental Health -The Environmental Health Officer has been consulted throughout the proposal of this AD plant and including the latest variation of condition, the subject of this application. Their conclusion is set out in the E-mail received on the 23rd December 2016 and included within this documentation. The view is that there are sufficient safeguards with the proposed conditions set out in the committee report.

With regard to Transport there is to be no increase in traffic to that already approved under 15/01034/MFUL, all relevant conditions will be pulled through onto this application.

14th December 2016 - Burlescombe Parish council - No Comments

22nd December 2016 -Devon County Council Flood and Coastal Risk Management - No in-principle objection, at this stage.

The relevant condition relating to drainage will be placed on this proposal as set out in 15/01034/MFUL

22nd December 2016 -CPRE Devon - Concern over the lack of information submitted with regard to noise.

(vii) *Report previously circulated, copy attached to minutes.

122 PLANS LIST (PART 2) (3-30-13)

The Committee considered further applications within the plans list *.

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

(c) No 3 on the Plans List ***(16/01450/FULL – Outline for the erection of 2 dwellings with attached garages and formation of shared access (revised scheme) – Land at NGR 286952 106262 (Rear of Holes Cottage) Cheriton Fitzpaine).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location, development area and the other land under the same ownership. The access to the site was identified as was the proposed block plan, parking areas, new access, part of the building that would be demolished to enable the proposed access to be put in place and photographs from various aspects of the site. She informed the meeting that the Highways advice had been given in accordance with the Manual for Streets which had superseded the standing advice.

Consideration was given to:

- The shared access arrangements
- The detail of Policy COR 17 and the fact that there was a poor bus service and that the shop had shut
- Parking issues in the village
- The concerns of the Parish Council
- Possible increase in traffic in the area
- Refuse collection

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr R Evans)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she was Ward Member and knew a lot of people in the village;
- (ii) Mr Norton spoke as an objector as he lived near the site and as a Parish Councillor
- (iii) Cllr Mrs F J Colthorpe spoke as Ward Member;
- (iv) Cllr Mrs M E Squires spoke as County Councillor for the area;
- (v) The following late information was reported: Since the report was issued a further letter of objection has been received confirming that the village shop in Cheriton Fitzpaine has closed and on this basis it is considered that policy COR18 would be the appropriate policy to consider the planning application against and not policy COR17 as referenced in the officer report on page 53.

The government has announced its intended reform of New Homes Bonus. The current 6 year term for the award is to be reduced to 5 years in 17/18 and 4 years from 18/19. The financial contributions given in the report reflect the 6 year position and should be adjusted in accordance with the most recent Government position.

(d) No 4 on the Plans List ***(16/01566/FULL – Erection of a dwelling – land and buildings at NGR 282555 99153 (Beare Mill) Crediton).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location plan, a photograph of the original barn, the previously approved plans for a barn conversion and the proposed plans for the extension of floor space with the additional square meterage and part new build. Members viewed photographs from various aspects of the site and were informed that building had stopped in December when the applicants had been informed that they were in breach of the previous planning permission.

Consideration was given to:

- The original building had become unstable during building works but that the Local Planning Authority had not be advised
- The lack of protection for the original structure
- The support of the neighbouring residents for the proposal

RESOLVED that the application be refused as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs F J Colthorpe)

Notes:

- (i) Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters, as Ward Member he had been to the Parish Council meetings where the issue had been discussed;
 - (ii) Cllr D R Coren declared a personal interest as he knew the applicant and had been present at the Parish Council meeting;
 - (iii) Mr Taylor (Agent) spoke;
 - (iv) Cllrs D R Coren and P J Heal spoke as Ward Members
 - (v) Cllr F W Letch and J D Squire requested that their vote against the decision be recorded;
 - (vi) The following late information was reported: The government has announced its intended reform of New Homes Bonus. The current 6 year term for the award is to be reduced to 5 years in 17/18 and 4 years from 18/19. The financial contributions given in the report reflect the 6 year position and should be adjusted in accordance with the most recent Government position.
- (f) No 5 on the Plans List ***(16/01594/FULL – change of use of ground floor from Class A1 (Shop) to mixed use (Class A1 (Shop) and Class A3 (Café) and associated internal and external alterations – 28 High Street, Crediton).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the building, the existing and proposed layout, the floor plans and scope of external works that would be required for the signage. He outlined the additional signage that would form part of a separate application for advertisement consent.

Consideration was given to:

- The use of the building
- The possible increase in dwelling times in the town and the fact that it would be open on Sundays and bank holidays

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr F W Letch and seconded by Cllr J D Squire)

Notes:

- (i) Cllr F W Letch declared a personal interest as he had been present at the Town Council meeting when the application was discussed but he did not vote, he also knew objectors to the application;
- (ii) Miss Matthews (Agent) spoke;

(iii) Cllr F W Letch spoke as Ward Member.

(g) No 6 on the Plans List ***(16/01595/ADVERT – Advertisement Consent to display 1 externally illuminated fascia sign and 1 externally illuminated hanging sign – 28 High Street, Crediton).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the proposed signage.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr F W Letch and seconded by the Chairman)

Notes: Cllr F W Letch declared a personal interest as he had been present on the Town Council when the application was discussed but he did not vote, he also knew objectors to the application.

123 **THE DELEGATED LIST (4-43-13)**

The Committee **NOTED** the decisions contained in the Delegated List *.

Note: *List previously circulated; copy attached to Minutes.

124 **MAJOR APPLICATIONS WITH NO DECISION (4-43-44)**

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

It was **AGREED** that

Application 16/01899/MARM – Farleigh Meadows – remain delegated to officers.

Application 16/01898/MARM – Wellparks, Crediton be determined by the Committee but that no site visit take place.

Application 16/01888/MOUT – Old Abattoir site, Copplestone be determined by the Committee and that a site visit take place.

Application 16/01836/MARM – Station Road, Newton St Cyres be determined by the Committee but that no site visit take place.

Application 16/01788/MFUL - Industrial Unit, South View, Willand remained delegated to officers.

Application 16/01773/MARM – Mixed use facilities, Junction 27, be determined by the Committee but that no site visit take place.

Application 16/01811/MOUT – Silver Street Willand be determined by the Committee if the minded to approve.

125 **APPLICATION 16/00006/TPO - TREE PRESERVATION ORDER FOR TWO ASH TREES IN THE REAR GARDEN OF 126 SHUTE COTTAGE, SANDFORD (4-50-00)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. She outlined the contents of report highlighting the location of the 2 Ash trees, they were both quiet visible and in good health. Members viewed photographs and:

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs H Bainbridge)

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

126 **APPLICATION 16/00007/TPO - TREE PRESERVATION ORDER FOR FOUR OAK TREES IN A FIELD KNOWN AT LANGLANDS FARM, UFFCULME (4-56-42)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application which had received an objection. She outlined the contents of report highlighting the 4 trees to be protected and the views of the Tree Officer in that one of the trees was classed as being a veteran oak which could have a continued lifespan of another 40 years. Members viewed the location of the trees and it was:

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs C Collis)

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

(The meeting ended at 7.34 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 1 February 2017 at 2.15 pm

Present Councillors

Mrs F J Colthorpe, Mrs H Bainbridge,
Mrs C Collis, R J Dolley, P J Heal,
F W Letch, B A Moore, R F Radford,
J D Squire, R L Stanley and Mrs J Roach

**Apologies
Councillor(s)** D J Knowles

**Also Present
Councillor(s)** D R Coren and C J Eginton

**Present
Officers:** Jenny Clifford (Head of Planning and Regeneration), Thea Billeter (Area Planning Officer), Simon Trafford (Area Planning Officer), Christie McCombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

127 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr D J Knowles who was substituted by Cllr Mrs J Roach.

Cllr Dolley thought that he had given his apologies for the previous meeting and therefore apologised retrospectively for his absence for the meeting on 4 January 2017.

128 **PUBLIC QUESTION TIME (00-02-40)**

Mr Andrew Herniman spoke in relation to item 10 on the agenda, Howden Court, he asked, are the committee members aware of the recommendations on footpaths in the latest Official Police Security Initiative document Secured by Design 2016? The following is verbatim from that document and is highly pertinent to today's determinations:

'Routes for pedestrians, cyclists and vehicles should be integrated to provide a network of supervised areas to reduce crime and anti-social behaviour. Public footpaths should not run to the rear of and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Designers should consider making the footpath a focus of the development and ensure that they are:

- As straight as possible

- Well lit
- Devoid of potential hiding places
- That they should be overlooked by surrounding buildings and activities and be well maintained so as to enable natural surveillance along the path and its borders.

It is important that the user has good visibility along the route of the footpath. The footpath should be as much 'designed' as the buildings.

The need for lighting will be determined by local circumstances. In an inner city environment the lighting of a footpath is generally only effective in reducing crime levels (or preventing them from arising) if it is matched with a high degree of natural surveillance from surrounding buildings where reaction to an identified incident can be expected i.e. a witness calls the police, or the footpath is well used.'

In the light of that document, are the committee members aware that the proposed footpath:

- Runs to the rear of Howden Court and Groomes House
- Is not straight
- Will not be lit
- Is not visible by surrounding buildings so cannot enable natural surveillance along the path and its borders
- It does provide potential hiding places
- It is not effective in reducing or preventing crime levels and antisocial behaviour

It is hoped that due consideration will be given by the committee to the Police Security Initiative document, Secured by Design 2016, when a decision is made about this proposed footpath.

Mrs Herniman, also speaking in relation to item 10, Howden Court, asked, are the committee members aware that at the time the planning application was submitted for approval, it was pointed out by the developer to the Planning Officers that the pathway, because of the variance in elevations, would be impossible to be built to adoptable standard? I'm wondering if anyone from the planning committee came to see these difficult elevations prior to granting consent?

In recent weeks, councillors on the planning committee, who have made a site visit, have been appalled that this was part of the consent in the first place. It seems ridiculous that originally, when Heritage was granted planning permission, Heritage had to put in a road, which curved three times to get to the top. Now you are deliberating on a footpath, which was also going to include a cycle path originally, which is to have forty steps to ascend a near vertical hill.

I feel if a site visit had taken place at the very beginning, the committee would have seen that the proposed footpath was not fit for purpose. No one will use it. The security of various properties will be put at risk. My question, my plea is, please think seriously about this and make a pragmatic decision and not one that just fulfils policy.

Mr Cook spoke in relation to items 4 and 5 on the Plans List, acoustic fencing on Blundells Road, Tiverton. He stated that the application covered a condition change to the original planning application for acoustic fences which were put into the original design something like two years ago. It is an interesting fact that the sound or traffic noise consultant who designed the original planning application is not involved in the latest design and the condition for secondary fences has now been put in as the original fence was not in the right position or wouldn't have had any effect at all. The fact that it is now going to be put in a different position we consider to be a vast improvement on what we were faced with. However, at a meeting which Neil Parish MP attended on our behalf with Devon Highways, we asked that the fence, or so called 'baffle' for traffic noise, at the eastern end, on the westbound slip road, should be at least 3 metres high, if not more, to cut off the noise angle. What is more important is the visual angle for people living in houses close by.

As a point of interest, the World Health Organisation recommends that the maximum decibel level for residential properties should not be more than 55 decibels. Noise consultants have a wonderful way of producing noise level permissions on the basis that it is taken over twelve hours and the figures are spread over some other equation. The point is this, I live in Uplowman Road and so do many others and we suffer at the moment, as we have it recorded on our own machines, 68 – 71 decibels, although the argument will be that that is only a passing figure and why worry about it because it's only now and again. That is the rather laboured and if you like, the difficult way of presenting it to people living in houses. At the moment we are being faced with figures by the noise consultants that some of the houses will still be suffering with a 68 decibel level. In other words the planning department are designing the road levels that we will have to live with and people coming on behind us well above the maximum levels recommended by the World Health Organisations. This needs to be considered and we would like to make two requests:

1. That you ask the consultants, or you ask the planning department, that they provide a minimum 3 metre high fence at the eastern end and;
2. What methods will be used to reduce decibel levels at each house on the western side of Uplowman Road?

Mrs Westcott spoke in relation to item 1 on the Plans List, Cheriton Bishop. She stated that she wished to clarify her role in relation to the letters of objection. She was the Parish Councillor who was asked by the Parish Council to represent them on the Community Land Trust and she did not receive any benefit from doing this unless you count working with a number of committed individuals with public benefit at the heart.

129 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 4 January 2017 were approved as a correct record and signed by the Chairman.

130 **CHAIRMAN'S ANNOUNCEMENTS (00-15-45)**

The Chairman had no announcements to make.

131 **DEFERRALS FROM THE PLANS LIST (00-16-00)**

The Chairman informed the meeting that Item 2 (Land South of Lea Road, Tiverton) had been deferred to allow additional time for further consideration of the application.

132 **THE PLANS LIST (00-17-03)**

The Committee considered the applications in the plans list *.

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

(a) No 1 on the Plans List ***(16/01699/FULL – Erection of 8 affordable dwellings with associated access, parking, drainage and landscaping at land at NGR 271041 93178, Yeoford Road, Cheriton Bishop)***

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan and the scope of the application site. He outlined the planning history for the site and the already approved scheme that had not been progressed because of funding issues. A new funding stream had been identified and therefore a fresh application was before Members today. He explained the proposed layout of the affordable dwellings, the dimensions and design details which had a similar approach to existing dwellings in the area. Members were shown photographs from various aspects of the site which highlighted the distance from the village centre.

Consideration was given to:

- The history of the Community Land Trust, its work in progressing the project and the local housing need for affordable dwellings in the area.
- The need for the affordable housing to go to local people and the use of the local cascade system.
- The details of the proposed S106 Agreement.
- Issues relating to the lack of a footpath close to the site and the need for safe access.
- The possibility of the speed limit being managed.

RESOLVED that planning permission be granted subject to the prior signing of a S106 agreement to secure an education contribution (£13,652 and £2,603) and to ensure the retention of all the housing as affordable housing in perpetuity, the inclusion of a local allocations policy, that the Community Land Trust retains a legal interest and conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

Notes:

- (i) Cllrs D R Coren and P J Heal made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they were Ward Members and had been involved in discussions regarding the application;
- (ii) The Chairman read a letter on behalf of the Objectors to the application;
- (iii) Mr Gorringer spoke on behalf of the applicant;
- (iv) Mr Byron-Edmond read a representation from the Vice Chairman of the Parish Council;
- (v) Cllrs D R Coren and P J Heal spoke as Ward Members.

(b) No 2 on the Plans List **(16/01707/FULL – Outline for the erection of 41 dwellings and formation of vehicular aces – land at NGR 295527 113644 (South of Lea Road) Tiverton).**

This item had been deferred as outlined in Minute 131.

(c) No 3 on the Plans List **(16/01773/MARM – Reserved Matters for the erection of mixed use facilities building with associated parking and highway works following outline approval 13/00947/MOUT – land at NGR 305036 113872 (Junction 27) Sampford Peverell)**

The Area Planning Officer outlined the contents of the report by way of presentation stating that outline approval had been granted in 2014 and that reserved matters were now before Members. She highlighted the site layout, block plan and proposed landscaping, the internal layout of the proposed buildings and elevations. The petrol station plans were viewed and photographs were shown from various aspects of the site. Members were also directed to the decision notice for the outline approval which highlighted the conditions already agreed.

Consideration was given to:

- The need to consider the application before the committee
- The locations of the petrol stations
- The design and massing of the main structure and the need for a 2 storey building

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs J Roach)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore, R F Radford, Mrs J Roach, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in

dealing with Planning matters as they had all received correspondence regarding the application;

- (ii) Cllr Mrs F J Colthorpe declared a personal interest as one of the applicants was known to her;
- (iii) Cllrs Mrs H Bainbridge and Mrs C Collis spoke as Ward Members;
- (iv) Cllrs Mrs C Collis and R J Dolley requested that their vote against the decision be recorded.

(d) No 4 on the Plans List ***(16/01757/FULL – Variation of condition 15 of planning permission 14/01168/FULL for the relocation of acoustic fence - land at NGR 298079 113306 (off the A361) Blundells Road, Tiverton)***.

The Area Planning Officer outlined the contents of the report by way of presentation highlighting applications that had been approved in 2014 which had included a bund and a primary acoustic barrier along with the southern side of the application site.

Condition 15 had highlighted the requirement for a secondary acoustic fence and noise modelling had taken place with regard to the best location for the bund and the fence. She outlined the different option positions modelled, highlighting each on a plan and explained that noise and visual impact had been measured; Position 1 measured little mitigation against noise or visual impact, Position 2 which was on top of the embankment adjacent to the A361 provided a reduction in noise over a greater area but that there was no mitigation for near neighbours; Position 3 extended the primary acoustic barrier by 180 metres further east and noise modelling had shown a reduction in noise to properties close to the site. She also explained the legislation where any reduction in noise of 1 db was seen to be an audible improvement perceivable to the human ear. She also stated that the new road surface proposed would reduce the noise to some extent.

Referring to the questions posed in public question time she stated that the ground levels across the site varied with the properties at the eastern end being at a higher level; even if a 3 metre high fence was erected there would be little mitigation to residents because the properties were already at a higher level. The Head of Planning and Regeneration explained the detail of the World Health Organisation guidance with regard to acceptable noise levels and that the planning system approach sought to ensure that the pre-existing noise situation was not made any worse but there was no requirement for betterment.

Consideration was given to:

- The location of the acoustic fence and road surface changes
- The impact of the development on local properties
- The fact that a 0.5db advantage was not perceivable to the human ear and therefore mitigation was measured on a 1db level improvement
- The changes to ground levels on the eastern side of the site

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs J Roach)

Notes:

- (i) Cllrs Mrs F J Colthorpe and R F Radford declared personal interests as Devon County Councillors;
- (ii) Cllr R L Stanley declared a personal interest as he knew some of the objectors;
- (iii) The Chairman read an email from Dr Bell on behalf of the objectors.

(e) No 5 on the Plans List **(16/01759/FULL – Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence - land at NGR 298039 113326 (off the A361) Blundells Road, Tiverton).**

The Area Planning Officer outlined the contents of the report by way of presentation highlighting applications that had been approved in 2014 which had included a bund and a primary acoustic barrier along with the southern side of the application site.

Condition 15 had highlighted the requirement for a secondary acoustic fence and noise modelling had taken place with regard to the best location for the bund and the fence. She outlined the different option positions modelled, highlighting each on a plan and explained that noise and visual impact had been measured; Position 1 measured little mitigation against noise or visual impact, Position 2 which was on top of the embankment adjacent to the A361 provided a reduction in noise over a greater area but that there was no mitigation for near neighbours; Position 3 extended the primary acoustic barrier by 180 metres further east and noise modelling had shown a reduction in noise to properties close to the site. She also explained the legislation where any reduction in noise of 1 db was seen to be an audible improvement perceivable to the human ear. She also stated that the new road surface proposed would reduce the noise to some extent.

Referring to the questions posed in public question time she stated that the ground levels across the site varied with the properties at the eastern end being at a higher level; even if a 3 metre high fence was erected there would be little mitigation to residents because the properties were already at a higher level. The Head of Planning and Regeneration explained the detail of the World Health Organisation guidance with regard to acceptable noise levels and that the planning system approach sought to ensure that the pre-existing noise situation was not made any worse but there was no requirement for betterment.

Consideration was given to:

- The location of the acoustic fence and road surface changes
- The impact of the development on local properties
- The fact that a 0.5db advantage was not perceivable to the human ear and therefore mitigation was measured on a 1db level improvement
- The changes to ground levels on the eastern side of the site

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs J Roach)

Notes:

- (i) Cllr R L Stanley declared a personal interest as he knew some of the objectors;.
- (ii) The Chairman read a letter from Dr Bell on behalf of the objectors.

133 THE DELEGATED LIST (1-47-09)

The Committee **NOTED** the decisions contained in the Delegated List *.

Note: *List previously circulated; copy attached to Minutes.

134 MAJOR APPLICATIONS WITH NO DECISION (1-50-00)

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

It was **AGREED** that:

Application 17/00001/MOUT – land adjacent to Highfield, Bickleigh be brought before the committee for determination and that a site visit take place.

Application 16/01988/MOUT – Knowle Lane, Cullompton be brought before committee for determination if minded to approve.

Application 16/01932/MFUL – land at Higher Barn, Bampton be brought before committee for determination but that no site visit take place.

Members were also asked to consider whether a new application at Dulings Farm, Copplestone (which had only recently been validated) should be brought before the committee for determination – this was agreed.

Note: *List previously circulated; copy attached to the Minutes

135 APPEAL DECISIONS (1-54-55)

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

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

136 APPLICATION 11/01927/MFUL - ERECTION OF 36 DWELLINGS WITH ASSOCIATED ACCESS ROAD, CAR PARKING, LANDSCAPING AND DEMOLITION OF EXISTING OUTBUILDINGS ADJACENT TO HOWDEN COURT, - LAND AND BUILDINGS AT NGR 294646 111535 HOWDEN COURT, TIVERTON (1-55-17)

The Committee had before it a *report of the Head of Planning and Regeneration providing updated information following consideration of the proposed footpath link between the new housing estate and Palmerston Park at a previous meeting.

The Area Planning Officer outlined the contents of the report highlighting discussions at a previous meeting when Members had deferred the decision to allow further discussion to take place with the developer with regard to the formation of a footpath between Howden Court and Palmerston Park. He outlined the revised route shown in appendix 2 of the report and the officer's recommendation that policy AL/TIV/10 should be followed.

He explained by way of presentation the site layout and the route of the footpath as stated in the approved application, Members viewed photographs from various aspects of the site which included the existing footpath to Exeter Road.

Consideration was given to:

- Who would use the proposed footpath
- The fact that the Highway Authority did not propose to adopt the footpath
- Whether the footpath would improve the connectivity of the site to Palmerston Park
- Whether the area would be lit
- The area was not in the ownership of the developer and whether access would be restricted
- An offsite financial contribution towards the Palmerston Park play area that that had been paid as part of the original S106 agreement
- The Crime Support Officer's original representation to the application
- Whether a financial contribution could be sought in place of a footpath in this instance
- The fact that the proposed footpath would be difficult for pushchair users or cyclists
- The fact that 95% of the residents did not want the path
- There were other footpaths/steps in Tiverton which were as steep
- The policy requirement

RESOLVED that: the requirement for the footpath link between the Howden Court development and Palmerston Park be waived and instead an offsite financial contribution be made towards enhanced pedestrian facilities in Tiverton town centre and that delegated authority be given to the Head of Planning and Regeneration to negotiate this in consultation with the Ward Members.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore, R F Radford, Mrs J Roach, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received correspondence regarding the application;

- (ii) Cllr R J Dolley declared a personal interest as Ward Member as he had been involved in discussions regarding the application;
- (iii) Cllr R L Stanley declared a personal interest as he knew some of the objectors;
- (iv) Mr Reetz spoke on behalf of the objectors;
- (v) Cllr Mrs Harrower spoke on behalf of Tiverton Town Council;
- (vi) Cllr R J Dolley spoke as Ward Member and voiced the concerns of local people;
- (vii) Cllr P J Heal requested that his vote against the decision be recorded;
- (ix) Cllr R J Dolley requested that his abstention from voting be recorded;
- (x) The following late information was reported: 30.11.2016 Members deferred making their final decision on whether the proposed link between the site and Palmerston Park as approved under LPA ref: 11/01927/MFUL, to allow officers to have further discussions with Heritage Homes and any other relevant land owning interests as to what could be achieved in terms of an off-site financial contribution in lieu of providing the link and on a quid pro quo basis.

1st February 2017

Five letters from the general public have been received since the report was published. One letter confirms support for the delivery of the footpath, and the other four letters raises concern about it being delivered given that there is considered to be very little support to use it as a route into Tiverton given the steepness of the route, and also concerns about as to who will liable for it given that Devon County Council have confirmed that they will not adopt or maintain it. The acceptability of the route through the estate and along Exeter Road into Tiverton is also highlighted.

One of the letters considers that the officer report does not articulate the views of local stakeholders. However, the report prepared for the meeting on the meeting on 30th November clearly set out the views of local residents and is attached as an appendix in the report pack. On this basis it is considered that views of local residents are clearly set out for Committee members.

- (xi) *Report previously circulated, copy attached to minutes.

137 **PLANNING PERFORMANCE (3-00-35)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing the Committee with information on the performance of Planning Services for quarter 3 of the 2016/17 financial year. She outlined the contents of the report highlighting the performance to date and stating that the Government had set a range of additional performance targets in order to drive performance, speed and quality were now being measured and non-majors were

now a requirement in that 65% needed to be determined within 8 weeks (over a 2 year period).

Consideration was given to the number of enforcement cases outstanding and the measure of quality being addressed by the number of appeals overturned.

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

(The meeting ended at 5.37 pm)

CHAIRMAN

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Public Document Pack

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 25 January 2017 at 6.00 pm

Present

Councillors

Mrs J B Binks (Chairman)
F J Rosamond, C R Slade,
Mrs M E Squires, Mrs N Woollatt,
C J Eginton and Mrs E J Slade

Also Present

Councillor(s)

R M Deed, N V Davey, Mrs S Griggs and Mrs J Roach

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Maria De Leburne (Solicitor), Sally Gabriel (Member Services Manager) and Julia Stuckey (Member Services Officer)

25 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies given.

26 **PUBLIC QUESTION TIME**

There were no members of the public in attendance.

27 **MINUTES**

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

28 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed the newly appointed Independent Persons Mr John Smith and Mr David Williamson to the meeting.

The Chairman also welcomed Donna Nolan, Deputy Chief Executive and Monitoring Officer from Mendip District Council and Maria De Leburne, Solicitor.

29 **STANDARDS REGIME - PEER REVIEW**

The Committee had before it a report * from Donna Nolan, the Deputy Chief Executive and Monitoring Officer, Mendip District Council.

Following the recent resignation of the Council's Monitoring Officer the Chief Executive had sought a peer review of the Council's current standards regime.

The review had been undertaken mindful of the fact that the Council had appointed a new Legal Services Group Manager and Monitoring Officer and the report had been

prepared with the intention of assisting the Council and the new post holder improve its current standards regime.

Ms Nolan explained that the Localism Act 2011 (the Act) made fundamental changes to the system of regulation of standards of conduct for Councillors and Co-opted Members. The report reviewed the Council's system and revisited the changes brought into force by the Act and recommended points for debate and proposed actions to assist the Council to further improve its system. To enable consideration of the recommendations a number of model documents and examples were appended to the report.

Ms Nolan informed the Committee that it was important to note that the report did not highlight any fundamental issues in respect of the Council's current ethical standards regime.

Ms Nolan thanked officers for their support in undertaking this review. She reported that officers had been very cooperative and helpful and that she had found it to be an interesting piece of work.

1 The Code of Conduct

In accordance with the Act, the Council had adopted a new Code of Conduct governing elected and Co-opted Members' conduct, when acting in that capacity. The Council had discretion as to what it included in its Code of Conduct provided it was consistent with the following seven Nolan principles.

Discussion took place regarding:

- The website address within the document required changing;
- This authority did not have prejudicial interests within its Code of Conduct;
- The number of authorities that had adopted the code.

It was **RECOMMENDED** that Council, subject to an amendment to paragraph 5.1 of appendix 1 to remove text so that the paragraph started at 'The Monitoring Officer must...'

- a) The current Code of Conduct be reviewed and consideration be given to;
 - the introductory comments in the code;
 - the descriptors of the seven Nolan principles;
 - legal definition of Disclosable Pecuniary Interests;
 - inter-relationship of the Code and criminal sanctions;
 - dispensations:
 - sensitive Interests;
 - pre-determination;
 - gifts and hospitality
- b) Review guidance and training provided to Members and Co-opted Members of this Council and Parish Councillors and Co-opted Members of relevant Parish Councils in relation to the Code of Conduct.

(Proposed by the Chairman)

2 Disclosable Pecuniary Interests

Ms Nolan explained what a Disclosable Pecuniary Interest (DPI) was and that Councillors must declare interests of their spouse or civil partner.

Discussion took place regarding:

- Training could be undertaken when the new Monitoring Officer was in post;
- Member Services sent reminders that Register of Interest forms must be updated via the weekly information sheet;
- The use of the Annual Council meeting to remind Members of the need to update paperwork;
- The Monitoring Officer should check forms for accuracy;
- A protocol between the authority and police to ensure that the police were aware of their obligation to investigate;
- The need to liaise with parish clerks to ensure that they understood the requirements.

It was **RECOMMENDED** that Council:

- a) Guidance be reviewed and training provided to Members and Co-opted Members of this Council and Parish Councillors and Co-opted Members of relevant Parish Councils regarding the status of DPI's.
- b) The process be reviewed for pro-actively ensuring the Council's Register of Interests is reviewed on a regular basis; and that changes in circumstances are notified.
- c) A protocol be agreed with the Police in relation to allegations of a failure to declare a DPI.

(Proposed by the Chairman)

3 Arrangements for Dealing with Misconduct Complaints

Ms Nolan explained that the Act required the Council to adopt arrangements for dealing with complaints of misconduct both by Councillors and Co-opted Members of the Council and by Parish Councillors and Co-opted Members of Parish Councils within its district. Such complaints could only be dealt with in accordance with these arrangements which must set out in some detail the process for dealing with them and the actions that could be taken against a Councillor who was found to have failed to comply with the Code of Conduct.

Discussion took place regarding the matter of 'perception'. Ms Nolan explained that legislation was clear that the code engaged when a Member was acting in an official capacity. She referred to a case involving Ken Livingston (Mayor of London) who had been found guilty following a complaint by a journalist when he had left an official event and was waiting for a taxi. The Standards Board upheld the complaint but the High Court overturned the decision. The judge made a distinction between the 'man' and the 'office'. This was a case that was often referred to by Monitoring Officers. She agreed that it was not always clear when a Councillor was acting in an official capacity and gave an example of a Member having a pint in a pub with friends and being approached by a constituent as opposed to a Member agreeing to meet a constituent in the pub.

Discussion took place regarding:

- The Scheme of Delegation allowed for the Monitoring Officer to hear complaints, involving Standards at a hearing, with regular updates to meetings;
- The local resolution process would allow for delegation to the Monitoring Officer in consultation with the Independent Persons;
- The role of Independent Person was to check and challenge as to whether local resolution was appropriate;
- The importance of training clerks;
- Monitoring Officer delegations within the model included allowing the Monitoring Officer the right to depart from the arrangements where considered expedient to do so in order to secure the effective and fair consideration of any matter;
- Fraudulent claims could be dealt with by the Monitoring Officer, Audit team or the police;
- The difficulty of seeking to embed an appeals process. If an appeals process was put in place there would be no one to hear the appeal as the Monitoring Officer would not be in a position to do so, having dealt with the original case and the Standards Committee Members could not hear any appeal (Ms Nolan was not aware of any other Councils that did include an appeals process);
- The need for the Councillor involved in a complaint to receive full details regarding the complaint, within a reasonable time.

It was **RECOMMENDED** that Council:

- a) Ensure the scheme of delegation was up to date regarding the procedure for dealing with complaints.
- b) That a legal jurisdiction criteria test be introduced as a preliminary test to the process for determining complaints.**
- c) That the “local assessment criteria” test be reviewed.
- d) That consideration be given to enabling the Monitoring Officer to seek additional information from the Complainant and the Subject Member (or, if applicable, the Parish Clerk) before deciding how to deal with the complaint.
- e) That consideration be given to including in the arrangements for dealing with complaints process a delegation to the Monitoring Officer to seek to resolve the complaint locally/informally.
- f) With the addition of the word ‘full’ between provide and details at (a) and that ‘or other close associates’ be added after family members that consideration be given to adopting a procedure for Investigation of a Complaint.
- g) With the addition of the wording ‘or a legal representative’ at the end of 2.2.1 that consideration be given to updating the Hearing Panel Procedure.

(Proposed by the Chairman)

4 Sanctions

Ms Nolan explained that the Act did not give the Council or its Standards Committee any powers to impose sanctions such as suspension on errant Councillors. So, where a failure to comply with the Code of Conduct was found, the range of actions which the Council could take in respect of the councillor was limited. She further

explained the importance of having clear sanctions to help with public expectation.

It was **RECOMMENDED** to Council that:

- a) The range of sanctions available should be made clear in the complaints process and procedures.
- b) **That the sanction referred to in Article 10 of the Constitution 10.4(10) be removed.**

(Proposed by the Chairman)

5 Appeals Against Decision

Ms Nolan explained that there was no requirement by the Act to put in place any appeals mechanism against decisions taken by the Monitoring Officer or the Standards Committee. Any decision would be open to judicial review by the High Court if it was unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the authority had no power to impose. Complaints of maladministration in dealing with a complaint fell within the jurisdiction of the Local Government Ombudsman.

Discussion took place regarding:

- The lack of help available from the Ombudsman for Councillors and the expense of Judicial Review.

It was **RECOMMENDED** that Council:

That the current appeal process be reviewed.

(Proposed by the chairman)

6 Independent Person(s)

The arrangements adopted by the Council must include provision for the appointment by the Council of at least one Independent Person.

The Independent Person must be appointed through a process of public advertisement, application and appointment by a majority of the Members of the Council.

Ms Nolan highlighted the importance of discussion with the Independent Persons to agree protocols to suit local circumstances.

It was **RECOMMENDED** that Council:

- a) Review the process and procedures for consulting of the Independent Person(s) in the complaints process, including local resolution (if adopted).
- b) Determine the process for consulting with the Independent Person(s) and how the issue of potential conflict of interest would be addressed.
- c) Consider the adoption of an Independent Person Protocol.
- d) Consider the adoption of an arrangement to share the use of Independent

- Persons with another principal Council, in the event of a conflict of interest.
- e) Ensure that (i) the provision of the Local Authorities (Standing Orders) (England) (Amendment Regulations) have been adopted; and that the Independent Persons are aware of their formal statutory role in advising the Council prior to any vote on whether to dismiss the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer. (ii) that the Constitution and relevant HR Policies and Procedures reflect the Regulations.

(Proposed by the Chairman)

7 The Register of Councillors Interests

The Monitoring Officer was required to maintain a register of interests, which must be available for public inspection and available on the Council's website. The Monitoring Officer was also responsible for maintaining the register for Parish Councils within the district, which also had to be open for public inspection at the Council offices and on the Council's website.

Ms Nolan explained a recent incident whereby the Information Commissioner had declared that Register of Interest forms should clearly identify which interest related to the Member and which interest related to their spouse/civil partner. Most authorities had adopted a standard form but Ms Nolan advised that this form be adapted for the next election. She did not consider it necessary to undertake the huge amount of work that would be involved to issue this form prior to that.

Discussion took place regarding:

- Some Councillors, particularly in parish councils preferring to resign rather than declare their interests;
- 'Sensitive Interests' and the fact that the Monitoring Officer could agree that an Interest was sensitive and therefore did not have to be made public;
- The challenge of getting forms completed.

It was **RECOMMENDED** that Council:

With the addition of the wording 'and from the 23 February 2017 to introduce new guidance and forms for new and re-elected Members' at the end of the sentence for a)

- a) Review the Declaration of Interest Form in terms of potential data protection issues.
- b) Update the current guidance on the administration and declaration of Sensitive Interests.
- c) Introduce guidance to aid interpretation of the Declaration of Interests Form.
- d) Update the execution clause on the Declaration of Interests form.
- e) Determine a proportionate approach to introducing a revised Declaration of Interest Form and accompanying guidance.

(Proposed by the Chairman)

8 Procedure when Disclosable Pecuniary Interests Arise

The duty to disclose and withdraw would arise whenever a Councillor attended any meeting of the Council, a Committee or Sub-committee, or of the Executive, and was aware that he/she had a DPI in any matter being considered at the meeting. It applied even if the Councillor would be absent from that part of the meeting where the matter in question was under consideration.

It was **RECOMMENDED** that Council:

Determine whether appropriate guidance and procedures were in place to address the process for withdrawal where DPI's arise.

(Proposed by Chairman)

9 Dispensations

Ms Nolan explained the circumstances when it may be appropriate for a Monitoring Officer or Committee to grant dispensation. Parish Councils were responsible for determining requests for dispensation by a Parish Councillor and not the Council.

It was **RECOMMENDED** that Council:

- a) Review the current procedure relating to the grant of dispensations.
- b) Review the guidance provided to Parish Councils relating to the grant of dispensations.

(Proposed by the Chairman)

10 Bias and Predetermination

Ms Nolan outlined information within the report, explaining that the Act addressed the common law position regarding predetermination. The fact that a Councillor may have campaigned for or against a proposal was not in itself to be taken as proof that they were not open-minded. However, a Councillor on a decision making Committee must still have an open mind when coming to the meeting, so that all the relevant considerations presented to the meeting could be taken into account. This would allow for Councillors to feel less constrained about voting at a Town or Parish Council Meeting before the matter came to a District Council but Councillors should, nevertheless, avoid doing or saying something before the decision making meeting took place that showed that they had already – and finally – made up their minds on the issue.

It was **RECOMMENDED** to Council that:

- a) Guidance and training provided to Members regarding bias and predetermination be reviewed.
- b) *Subject to the removal of the words 'Consider the' at the start of the sentence and replacing 'in' with 'of' following inclusion so that the sentence reads - The inclusion in the Code of Conduct of an advisory note regarding pre-determination be considered.*

(Proposed by the Chairman)

11 Other Matters Arising as a result of the Review

Ms Nolan put forward a further set of recommendations following her review and it was **RECOMMENDED** that Council:

- a) **A flow chart and guide (as outlined in Appendix 16) to explain the complex procedure of making a complaint be adopted.**
- b) The Complaint Form be updated to make it clear that the complaint would be shared with the Independent Person, the Subject Councillor, Group Leader (if relevant) and the Parish or Town Clerk (if relevant).
- c) The Officers' Code of Conduct and specifically include the Principles of Public Life be updated;
- d) In the interests of consistency, if the Monitoring Officer Protocol was to be contained within the constitution then Protocols associated with the Head of Paid service and Chief Finance Officer should be included.
- e) The Member/Officer Protocol be reviewed:
- f) Including details regarding Member Gifts and Hospitality in the Code of Conduct be reviewed.
- g) The status of the Personal Interests Form be reviewed.
- h) Consistency between the Code of Conduct and Code of Good Practice for Planning be reviewed so as to ensure any amendments adopted following this review.
- i) The terms of reference of the Standards Committee be reviewed should the review outlined in the report be undertaken.

(Proposed by the Chairman)

The Chairman thanked Ms Nolan for the amount of work that she had put into the report and expressed the gratitude of the Council.

It was **RESOLVED** that a letter be sent to the Leader of Mendip District Council thanking him for 'lending' Ms Nolan and for the amount of work she had undertaken. The Chairman also thanked the Members in attendance for the amount of work they had undertaken prior to the meeting.

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

Standards Action Sheet from Minute 29

30 COMPLAINTS (1:51:51)

The Solicitor informed the Committee that she had provided advice to three Parish Councils and one Town Council since November 2016. All had been resolved apart from one where advice was being provided to the clerk.

The Solicitor had also handled four complaints in connection with two matters and had concluded that there had been no breach of the Code. Two of these complaints had been withdrawn and the others closed.

Four new complaints had been received that day.

31 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

(The meeting ended at 7.55 pm)

CHAIRMAN

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Minute Annex

Standards Committee 25 January 2017 RECOMMENDATIONS to Council

To be Approved

Recommendation	Action	Appendix
3) Arrangements for Dealing with Misconduct Complaints	That a legal jurisdiction criteria test be introduced as a preliminary test to the process for determining complaints.	Appendix 4
4) Sanctions	That the sanction referred to in Article 10 of the Constitution 10.4(10) be removed.	
11) Other Matters Arising as a result of the Review	A flow chart and guide to explain the complex procedure of making a complaint be adopted.	Appendix 16

Work to be Progressed

Recommendation	Action	Appendix
1) Code of Conduct	a) The current Code of Conduct be reviewed and consideration be given to; - the introductory comments in the code; - the descriptors of the seven Nolan principles; - legal definition of Disclosable Pecuniary Interests; - inter-relationship of the Code and criminal sanctions; - dispensations: - sensitive Interests; - pre-determination; - gifts and hospitality b) Review guidance and training provided to Members and Co-opted Members of this Council and Parish Councillors and Co-opted Members of relevant Parish Councils in relation to the Code of Conduct.	Appendix 1 Appendix 1
2) Disclosable Pecuniary	a) Guidance be reviewed and training provided to Members and Co-opted	Training issue

Interests	Members of this Council and Parish Councillors and Co-opted Members of relevant Parish Councils regarding the status of DPI's. b) The process be reviewed for pro-actively ensuring the Council's Register of Interests is reviewed on a regular basis; and that changes in circumstances are notified. c) A protocol be agreed with the Police in relation to allegations of a failure to declare a DPI.	Create process Appendix 2
3) Arrangements for Dealing with Misconduct Complaints	a) Ensure the scheme of delegation was up to date regarding the procedure for dealing with complaints. c) That the "local assessment criteria" test be reviewed. d) That consideration be given to enabling the Monitoring Officer to seek additional information from the Complainant and the Subject Member (or, if applicable, the Parish Clerk) before deciding how to deal with the complaint. e) That consideration be given to including in the arrangements for dealing with complaints process a delegation to the Monitoring Officer to seek to resolve the complaint locally/informally. With the addition of the word 'full' between provide and details at (a) and that 'or other close associates' be added after family members f) That consideration be given to adopting a procedure for Investigation of a Complaint. With the addition of the wording 'or a legal representative' at the end of 2.2.1 g) That consideration be given to	Appendix 3 Appendix 5 Procedure for Assessment Appendix 6 Appendix 7 Appendix 8

	updating the Hearing Panel Procedure.	
4) Sanctions	a) The range of sanctions available should be made clear in the complaints process and procedures.	Complaints process
5) Appeals against Decision	That the current appeal process be reviewed.	Review process
6) Independent persons	a) Review the process and procedures for consulting of the Independent Person(s) in the complaints process, including local resolution (if adopted). b) Determine the process for consulting with the Independent Person(s) and how the issue of potential conflict of interest would be addressed. c) Consider the adoption of an Independent Person Protocol. d) Consider the adoption of an arrangement to share the use of Independent Persons with another principal Council, in the event of a conflict of interest. e) Ensure that (i) the provision of the Local Authorities (Standing Orders) (England) (Amendment Regulations) have been adopted; and that the Independent Persons are aware of their formal statutory role in advising the Council prior to any vote on whether to dismiss the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer. (ii) that the Constitution and relevant HR Policies and Procedures reflect the Regulations.	Review process Develop processes for consulting Appendix 9 Find another authority to work with Add to constitution
7) Register of Councillors interests	a) Review the Declaration of Interest Form in terms of potential data protection issues.	Update form Appendix 1 Appendix 10

	b) Update the current guidance on the administration and declaration of Sensitive Interests. c) Introduce guidance to aid interpretation of the Declaration of Interests Form. d) Update the execution clause on the Declaration of Interests form. e) Determine a proportionate approach to introducing a revised Declaration of Interest Form and accompanying guidance	Appendix 11 Appendix 12
8) Procedure when Disclosable Pecuniary Interests Arise	Determine whether appropriate guidance and procedures were in place to address the process for withdrawal where DPI's arise.	Clarify in code of conduct Appendix 1
9) Dispensations	a) Review the current procedure relating to the grant of dispensations. b) Review the guidance provided to Parish Councils relating to the grant of dispensations.	Appendix 1 Appendix 13 Appendix 14
10) Bias and Predetermination	a) Guidance and training provided to Members regarding bias and predetermination be reviewed. b) Subject to the removal of the words 'Consider the' at the start of the sentence and replacing 'in' with 'of' following inclusion so that the sentence reads - The inclusion in the Code of Conduct of an advisory note regarding pre-determination be considered.	Appendix 15 Appendix 1
11) Other Matters Arising as a result of the Review	b) The Complaint Form be updated to make it clear that the complaint would be shared with the Independent Person, the Subject Councillor, Group Leader (if relevant) and the Parish or Town Clerk (if relevant).	Appendix 18 Update Constitution

	c) The Officers' Code of Conduct and specifically include the Principles of Public Life be updated; d) In the interests of consistency, if the Monitoring Officer Protocol was to be contained within the constitution then Protocols associated with the Head of Paid service and Chief Finance Officer should be included. e) The Member/Officer Protocol be reviewed: f) Including details regarding Member Gifts and Hospitality in the Code of Conduct be reviewed. g) The status of the Personal Interests Form be reviewed. h) Consistency between the Code of Conduct and Code of Good Practice for Planning be reviewed so as to ensure any amendments adopted following this review. i) The terms of reference of the Standards Committee be reviewed should the review outlined in the report be undertaken.	Create and include in Constitution review Appendix 1 Workshop following annual meeting

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Report of: Donna Nolan

Deputy Chief Executive and Monitoring Officer,
Mendip District Council, Cannards Grave Road, Shepton Mallet,
Somerset, BA4 5BT

Email: donna.nolan@mendip.gov.uk

Date: 25 January 2017

The Standards Regime – Peer Review

1. Purpose of Report

- 1.1 The Localism Act 2011 (the Act) made fundamental changes to the system of regulation of standards of conduct for Councillors and Co-opted Members. This report reviews the Council's system.
- 1.2 This report revisits the changes brought into force by the Act and recommends points for debate and proposed actions to assist the Council to further improve its system. To enable consideration of the recommendations a number of model documents and examples are appended to this report.
- 1.3 It is important to note that this report does not highlight any fundamental issues in respect of the Council's current ethical standards regime.

2. Introduction

- 2.1 Following the recent resignation of the Council's Monitoring Officer the Chief Executive has sought a peer review of the Council's current standards regime.
- 2.2 This review has been undertaken mindful of the fact that the Council has appointed a new Legal Services Group Manager and Monitoring Officer and thus this report has been prepared with the intention of assisting the Council and the new post holder ameliorate its current standards regime.
- 2.3 Sally Gabriel, Member Services Manager and Jill May, Director of Corporate Affairs and Business Transformation, have been very supportive in enabling this review.

3. The Code of Conduct

- 3.1 In accordance with the Act, the Council has adopted a new Code of Conduct governing elected and Co-opted Members' conduct, when acting in that capacity. The Council has discretion as to what it includes in its Code of Conduct provided it is consistent with the following seven Nolan principles :–

- **Selflessness**
Holders of public office should act solely in terms of the public interest.
- **Integrity**
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity**
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability**
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness**
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty**
Holders of public office should be truthful.
- **Leadership**
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 3.2.1 The Act requires the registration and disclosure of Disclosable Pecuniary Interests (DPIs) which are defined by Regulations.
- 3.2.2 A DPI covers the Members (and his/her spouse or civil partner) “employment, office, trade, profession or vocation”; any “sponsorship” of the Member including contributions towards their elections expenses, and trade union membership; “contracts” between the Member and Council; “land” in which the Councillor has an interest and lies within the authority’s area and “any corporate tenancies”; and certain “securities” the Member may hold.
- 3.2.3 The Act also requires an authority’s Code of Conduct to include such provision as it deems appropriate for the registration and disclosure of other non-disclosable pecuniary interests and non-pecuniary interests.

Recommendation

- (1) *Review the current Code of Conduct and consider in particular;*
 - a) *the introductory comments in the code;*
 - b) *the descriptors of the seven Nolan principles;*
 - c) *legal definition of Disclosable Pecuniary Interests;*
 - d) *inter-relationship of the Code and criminal sanctions (see also paragraph 4 below);*
 - e) *dispensations (see also Section 11 below);*
 - f) *sensitive interests (see also Section 9 below);*
 - g) *pre-determination (see also Section 12 below);*
 - h) *gifts and hospitality.*

At Appendix 1 is a comprehensive model Code of Conduct, which consolidates all the above key matters into one document.

- (2) *Review guidance and training provided to Members and Co-opted Members of this Council and Parish Councillors and Co-opted Members of relevant Parish Councils in relation to the Code of Conduct.*

4. Disclosable Pecuniary Interests

- 4.1 The Act prohibits Councillors with a DPI from participating in authority business. A DPI is defined under the Act and includes:

- a. an interest of the Member/Co-opted Member; or
- b. an interest of:
 - i. the Member's/Co-opted Member's spouse or civil partner;
 - ii. a person with whom the Member/Co-opted Member is living as husband and wife; or
 - iii. a person with whom the Member/Co-opted Member is living as if they were civil partners.

and the Member/Co-opted Member is aware that the other person has the interest.

- 4.2 A new (or re-elected) Member of the Council must notify the Monitoring Officer of any DPI (or any unregistered “disclosable pecuniary interest” if the case of a re-elected Member) before the end of 28 days beginning with the day on which the person becomes a Member/Co-opted Member of the Council.
- 4.3 Unless otherwise registered in the register of interests a Member/Co-opted Member attending a Council meeting (i.e. meeting of the Council, or any committee, sub-committee, joint committee or sub-joint committee of the Council), must disclose that “disclosable pecuniary interest(s)” to the meeting.
- 4.4 A Member/Co-opted Member does not have to disclose the nature of the disclosable pecuniary interest if it is sensitive. A sensitive disclosable pecuniary interest is one which if disclosed could lead to the Member/Co-opted Member or a person connected with him/her, being subjected to violence or intimidation.
- 4.5 Where an unregistered disclosable pecuniary interest is disclosed at a meeting the relevant Member/Co-opted Member must notify the Monitoring Officer of the disclosable pecuniary interest with 28 days of the date of the meeting in question.
- 4.6 There is no explicit requirement for a Councillor/Co-opted Member to keep the register up to date, except on re-election or re-appointment, but it is likely that Councillors will register new interests from time to time, as this will avoid the need for disclosure in meetings. When additional notifications are given, the Monitoring Officer has to ensure that they are entered into the register.

Failure to disclose DPIs

- 4.7 A person commits an offence if, without reasonable excuse, he/she fails to register or disclose a DPI as required or knowingly or recklessly provides information in relation to a DPI that is false or misleading.
- 4.8 A person who commits an offence as outlined in paragraph 4.1, shall upon summary conviction be liable to a fine not exceeding £5,000 (five thousand pounds) and may be disqualified for a period not exceeding 5 years from being or becoming a Member or Co-opted Member of a Council.
- 4.9 Any criminal proceedings shall be brought by or on behalf of the Director of Public Prosecutions and may be brought within 12 months of the date evidence existed that was both in the knowledge and to the opinion of the prosecutor, sufficient to warranted proceedings.

Recommendation

- (1) *Review guidance and training provided to Members and Co-opted Members of this Council and Parish Councillors and Co-opted Members of relevant Parish Councils regarding the status of DPI's.*
- (2) *Review the process for pro-actively ensuring the Council's Register of Interests is reviewed on a regular basis; and that changes in*

circumstances are notified.

- (3) *Agree a protocol with the Police in relation to allegations of a failure to declare a DPI.*

At Appendix 2 is a comprehensive model Police Protocol which details how both the Monitoring Officer and the Police will handle and investigate criminal offences created by the Act.

5. Arrangements for dealing with misconduct complaints

Arrangements

- 5.1 The Act requires the Council to adopt arrangements for dealing with complaints of misconduct both by Councillors and Co-opted Members of the Council and by Parish Councillors and Co-opted Members of Parish Councils within its district. Such complaints can only be dealt with in accordance with these arrangements which must set out in some detail the process for dealing with them and the actions that may be taken against a Councillor who is found to have failed to comply with the Code of Conduct.
- 5.2 Statutory provisions of the Localism Act do not give the Standards Committee or the Monitoring Officer special powers to deal with complaints, and thus the Council must have delegated appropriate powers to the Standards Committee and to the Monitoring Officer.

Recommendation

- (1) *Ensure the scheme of delegation is up to date regarding the procedure for dealing with complaints.*

At Appendix 3 is a model delegation to the Monitoring Officer which details matters relevant to the Act most likely to be delegated to that Officer.

- (2) *That a legal jurisdiction criteria test is introduced as a preliminary test to the process for determining complaints.*

At Appendix 4 is a model legal jurisdiction test which details the first stage assessment criteria to be applied by the Monitoring Officer upon receipt of a complaint.

- (3) *That the “local assessment criteria” test is reviewed.*

At Appendix 5 is a comprehensive model local assessment criteria test to be applied by the Monitoring Officer to determine if further action is appropriate in relation to those complaints which meet the legal jurisdiction test.

- (4) *That consideration is given to enabling the Monitoring Officer to seek*

additional information from the Complainant and the Subject Member (or, if applicable, the Parish Clerk) before deciding how to deal with the complaint.

- (5) *That consideration is given to including in the arrangements for dealing with complaints process a delegation to the Monitoring Officer to seek to resolve the complaint locally/informally.*

At Appendix 6 is a model local resolution process which enables the Monitoring Officer, in consultation with the Independent Person, to resolve complaints informally at any time in the process. Such an approach is often the simplistic and most cost effective way of resolving a complaint.

- (6) *That consideration is given to adopting a procedure for Investigation of a Complaint.*

At Appendix 7 is a model Investigation of Complaint Procedure, which explains the role of the Investigating Officer and the processes relating to the investigation.

- (7) *That consideration is given to updating the Hearing Panel Procedure.*

At Appendix 8 is a comprehensive model Hearing Panel Procedure which consolidates rules, processes and the sanctions available to them in the event the Committee determine that a Member has failed to comply with the Code of Conduct.

6. Sanctions

- 6.1 The Act does not give the Council or its Standards Committee any powers to impose sanctions such as suspension or impose requirements for training on errant Councillors. So, where a failure to comply with the Code of Conduct is found, the range of actions which the Council can take in respect of the councillor is limited. In practice, this might include the following:

- (a) reporting its findings to a meeting of the full Council [*or to the relevant Parish Council*] for information and/or censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
- (b) issuing a press release/or other appropriate publicity;
- (b) recommending to the Councillor's political group leader (or in the case of un-grouped Councillors, recommend to Council or to committees) that they be removed from any or all Committees or Sub-Committees of the Council for a specified period;
- (c) recommending to the Leader of the Council that an Executive Councillor be removed from the Executive, or removed from particular portfolio responsibilities;

- (d) recommending appropriate training for the Councillor;
 - (e) recommending to the Council the removal of the Councillor [*or recommending to the relevant parish council that the councillor be removed*] from all outside appointments to which they have been appointed or nominated by the Council [*or by the relevant parish council*] for a specified period;
 - (f) withdrawing [*or recommending to the relevant parish council that it withdraws*] facilities provided to the councillor by the Council for a specified period, for example electronic access to the Council's systems; or
 - (g) excluding [*or recommending that the relevant parish council excludes*] the Councillor from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, committee and sub-committee meetings; or,
 - (h) instructing the Monitoring Officer to apply the local/informal resolution process; or,
 - (i) sending a formal letter to the Councillor.
- 6.2 Such sanctions can take effect immediately or take effect at a later date and the sanction can be time limited.
- 6.3 Without the consent of the relevant Member and subject to any disciplinary action within the Members' own political group, the sanctions available following a finding of a breach of the Code of Conduct, following investigation, are very limited. It is not permissible to suspend or disqualify the Councillor or to withdraw any basic or special responsibility allowance.
- 6.4 There is a particular difficulty in respect of Parish Councils, as the Act gives the Standards Committee no power to do any more in respect of a Member of a Parish Council than make a recommendation to that Parish Council on action to be taken in respect of the Member. Parish Councils will be under no obligation to accept any such recommendation.

Recommendation

- (1) *The range of sanctions available should be made clear in the complaints process and procedures.*
- (2) *That the sanctions referred to in Article 10 of the Constitution, and in particular paragraph 10.4(10) should be reviewed.*

7. Appeals against a Decision

- 7.1 There is no requirement by the Act to put in place any appeals mechanism

against decisions taken by the Monitoring Officer or the Standards Committee. Any decision would be open to judicial review by the High Court if it was unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the authority had no power to impose. Complaints of maladministration in dealing with a complaint fall within the jurisdiction of the Local Government Ombudsman.

Recommendation

(1) *Review the current appeal process.*

8. Independent Person(s)

Independence

- 8.1 The arrangements adopted by the Council must include provision for the appointment by the Council of at least one Independent Person.
- 8.2 The Independent Person must be appointed through a process of public advertisement, application and appointment by a majority of the Members of the Council.
- 8.3 A person is considered not to be “independent” if –
- he is, or has been within the last five years, an elected or Co-opted Member or an Officer of the Council or of any of the Parish Councils within the district;
 - he is, or has been within the last five years, an elected or Co-opted Member of any Committee or Sub-Committee within the district; or
 - he is a relative or close friend of a current elected or Co-opted Member or officer of the Council or any parish council within the district, or of any elected or Co-opted member of any Committee or Sub-Committee of such Council.

For this purpose, “relative” comprises –

- (a) The candidate’s spouse or civil partner;
- (b) any person with whom the candidate is living as if they are spouses or civil partners;
- (c) the candidate’s grandparent;
- (d) any person who is a lineal descendent of the candidate’s grandparent;
- (e) a parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) the spouse or civil partner of anyone within paragraphs (c), (d) or (e); or

- (g) any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

Functions of the Independent Person

8.4 The functions of the Independent Person(s) are:

- They must be consulted by the Council before it makes a decision on an allegation of misconduct by a Councillor that it has decided to investigate including before it decides on action to be taken in respect of that councillor (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- they may be consulted by the authority in respect of a standards complaint at any other stage; and
- they may be consulted by a Councillor or Co-opted Member of the Council or of a Parish Council against whom a complaint has been made.

8.5 This causes some problems, as it would be inappropriate for an Independent Person who has been consulted by the councillor against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint.

How many Independent Persons?

8.6 The Act gives discretion to appoint one or more Independent Persons, but provides that the Independent Person must be consulted before any decision is taken on a complaint which has been investigated.

8.7 In practice in Councils where more than one Independent Person is appointed one will essentially act as a 'reserve'; whilst other Councils share Independent Persons thus ensuring the "reserve" will not have been consulted before any decision is taken on a complaint.

Recommendation

- (1) *Review the process and procedures for consulting of the Independent Person(s) in the complaints process, including local resolution (if adopted).*
- (2) *Determine the process for consulting with the Independent Person(s) and how the issue of potential conflict of interest will be addressed.*

- (3) *Consider the adoption of an Independent Person Protocol.*

At Appendix 9 are two model Independent Person Protocols.

- (4) *That the adoption of an arrangement to share the use of Independent Persons with another principal Council, in the event of a conflict of interest is considered.*
- (5) *Ensure that the provision of the Local Authorities (Standing Orders) (England) (Amendment Regulations) have been adopted; and that the Independent Persons are aware of their formal statutory role in advising the Council prior to any vote on whether to dismiss the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer. Ensure that the Constitution and relevant HR Policies and Procedures reflect the Regulations.*

9. The Register of Councillors' Interests

- 9.1 The Monitoring Officer is required to maintain a register of interests, which must be available for public inspection and available on the Council's website. The Monitoring Officer is also responsible for maintaining the register for Parish Councils within the district, which also have to be open for public inspection at the Council offices and on the Council's website.
- 9.2 Where a Councillor is concerned that disclosure of the detail of an interest (either a DPI or any other interest which they would be required to disclose) at a meeting or on the register of interests would lead to the councillor or a person connected with them being subject to violence or intimidation, they may request the Monitoring Officer to agree that the interest is a "sensitive interest".
- 9.3 If the Monitoring Officer agrees, then such interests may be excluded from the Council's Register of Interests that is available for public inspection or published. The Councillor then merely has to disclose the existence of an interest, rather than the detail of it, at a meeting.
- 9.4 The Monitoring Officer is required by the Act to set up and maintain registers of interest for each parish council within the district, available for inspection at the Council offices and on the Council's website and, where the Parish Council has a website, provide the Parish Council with the information required to enable the Parish Council to put the current register on its own website.

Recommendation

- (1) *Review the Declaration of Interest Form in terms of potential data protection issues.*
- (2) *Update current guidance on the administration and declaration of Sensitive Interests.*

The model Code of Conduct at Appendix 1 contains appropriate

guidance regarding Sensitive Interests.

At Appendix 10 is a model Sensitive Interests Registration Form for completion by a Member wishing to have an interest treated as sensitive.

- (3) *Introduce guidance to aid interpretation of the Declaration of Interests Form.*

At Appendix 11 is an example of guidance to accompany a Declaration of Interest Form to aid accurate completion of such forms.

- (4) *Update the execution clause on the Declaration of Interests form.*

At Appendix 12 is a model comprehensive execution clause, which includes reference to criminal sanctions pursuant to the Act.

- (5) *Determine a proportionate approach to introducing a revised Declaration of Interest Form and accompanying guidance.*

10. Procedure where Disclosable Pecuniary Interests arise

- 10.1 The duty to disclose and withdraw arises whenever a Councillor attends any meeting of the Council, a Committee or Sub-committee, or of the Executive, and is aware that he/she has a DPI in any matter being considered at the meeting. It applies even if the Councillor would be absent from that part of the meeting where the matter in question is under consideration.
- 10.2 Where these conditions are met, the Councillor must disclose the interest to the meeting (i.e. declare the existence and nature of the interest). The Councillor does not have to make such a disclosure if he/she has already registered the DPI although in practice in the interests of transparency other Members make such a public declaration.
- 10.3 Where the Councillor does make a disclosure of a DPI not on the register, he/she must then notify it to the Monitoring Officer within the next 28 days, so that it can go on the Register of Interests.
- 10.4 If a Councillor has a DPI in any matter, he/she must not participate:
- (a) in any discussion of the matter at the meeting. The Act does not define “discussion”, this precludes making representations;
 - (b) in any vote on the matter,
- unless he/she has obtained a dispensation allowing him/her to speak and/or vote.
- 10.5 Failure to comply with the requirements described in paragraphs 10.2, 10.3 or

10.4 above becomes a criminal offence, rather than leading to sanctions.

- 10.6 The Council's Code of Conduct must make appropriate provisions for disclosure and withdrawal in respect of interests other than DPIs.

Disclosure and Withdrawal in respect of matters to be determined by a lead councillor

- 10.8 Matters can be decided by the Leader or an executive councillor acting under the scheme of delegation to Executive Councillors. The Act provides that, when a Councillor becomes aware that they will have to deal with a matter and that they have a DPI in that matter:

- (a) unless the DPI is already entered in the register of interests or is subject to a pending notification, they have 28 days to notify the Monitoring Officer that they have such a DPI; and
- (b) they must take no action in respect of that matter other than to refer it another person or body to take the decision.

Recommendation

- (1) *Determine whether appropriate guidance and procedures are in place to address the process for withdrawal where DPI's arise.*

The model Code of Conduct at Appendix 1 contains appropriate procedures relating to withdrawal where a DPI arises.

11. Dispensations

- 11.1 The Act made significant changes to the provisions on dispensations.

- 11.2 A dispensation can be granted in the following circumstances:

- (a) that so many Members of the decision-making body have DPIs in a matter that it would impede the transaction of the business. (In practice this means that the decision-making body would be inquorate as a result);
- (b) that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (c) that the authority considers that the dispensation is in the interests of persons living in its area;
- (d) that, without a dispensation, no member of the Executive would be able to participate on a particular item of business; or

- (e) that the authority considers that it is otherwise appropriate to grant a dispensation.
- 11.3 Any grant of a dispensation must specify how long it lasts for, up to a maximum of four years.
- 11.4 The Localism Act gives discretion for this power to be delegated to Standards Committee or a Sub-Committee, or to the Monitoring Officer. The circumstances described in (a) and (d) in paragraph 11.2 above are objective, and many Councils have delegated dispensations on these grounds to the Monitoring Officer, thus enabling dispensations to be granted “at the door of the meeting”. In practice this can be very useful. The circumstances described in (b), (c) and (e) of paragraph 11.2 are rather more subjective and so it may be appropriate that the discretion to grant dispensations on these grounds remains with Standards Committee (possibly after consultation with the Independent Person).
- 11.5 Parish Councils are responsible for determining requests for a dispensation by a Parish Councillor, and not the Council.

Recommendation

- (1) *Review the current procedure relating to the grant of dispensations.*

The model Code of Conduct at Appendix 1 contains appropriate procedures relating to the grant of dispensations.

At Appendix 13 is a model Dispensation Form for completion by a Member requesting a dispensation.

- (2) *Review the guidance provided to Parish Councils relating to the grant of dispensations.*

At Appendix 14 is an example guide to Parish Councils regarding the grant of dispensations.

12. Bias and Predetermination

- 12.1 The Act addressed the common law position regarding predetermination. The Act provides, in essence, that “*a decision maker is not to have..... a closed mind when making the decision..... just because the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took..... or might take in relation to that matter.....*”
- 12.2 The Act essentially abolished the concept of pre-determination. The fact that a Councillor may have campaigned for or against a proposal is not in itself to be taken as proof that they are not open-minded.
- 12.3 However, a Councillor on a decision making Committee must still have an open mind when the Councillor comes to the meeting, so that all the relevant

considerations presented to the meeting can be taken into account. While Councillors can feel less constrained about, say voting at a Town or Parish Council Meeting before the matter comes to a District Council, Councillors should, nevertheless, avoid doing or saying something before decision making meeting takes place that shows that they have already – and finally – made up their minds on the issue.

- 12.4 Thus, before a meeting, Councillors may legitimately be publically pre-disposed. However, at the decision making meeting, Councillors must carefully consider all the evidence that is put before them and must be prepared to modify or change their initial view in the light of the arguments and evidence perceived. They must make their final decision at the meeting with an open mind based on all the evidence.
- 12.5 Decisions taken by Councillors with pre-determined views are vulnerable to legal challenge, which, if successful, could in turn lead to a breach of the Code of Conduct.

Recommendation

- (1) *Review guidance and training provided to Members regarding bias and predetermination.*

At Appendix 15 is a short note prepared for Members on bias and predetermination.

- (2) *Consider the inclusion in the Code of Conduct of an advisory note regarding pre-determination.*

The model Code of Conduct at Appendix 1 contains an advisory note regarding pre-determination.

13. Other matters arising as a result of this Review

As part of this review, other recommendations have emerged within the jurisdiction of this Committee:

- (1) *The adoption of a flow chart and guide to explain the complex procedure of making a complaint.*

At Appendix 16 is an example of a flowchart to summarise the procedure of making a complaint regarding a Member.

At Appendix 17 is a guide for the public to making such a complaint.

- (2) *Update the Complaint Form to make it clear that the complaint will be shared with the Independent Person, the Subject Councillor, Group Leader (if relevant) and the Parish or Town Clerk (if relevant).*

At Appendix 18 is an example form of wording regarding the disclosure of the complaint form to those outlined above.

- (3) Update the Officers' Code of Conduct and specifically include the Principles of Public Life;*
- (4) In the interests of consistency, if the Monitoring Officer Protocol is to be contained within the constitution then Protocols associated with the Head of Paid service and Chief Finance Officer should be included.*
- (5) Review the Member/Officer Protocol:*
- (6) Consider including details regarding Member Gifts and Hospitality in the Code of Conduct.*

The model Code of Conduct at Appendix 1 contains details regarding Gifts and Hospitality.

- (7) Review the status of the Personal Interests Form.*
- (8) Review consistency between the Code of Conduct and Code of Good Practice for Planning so as to ensure any amendments adopted following this review.*
- (9) Review the terms of reference of the Standards Committee should the review outlined in this report be undertaken.*

14. Conclusions

14.1 If the Committee are minded to update policy, procedure and approach following this report and provided the model documentation appended to this report is generally approved then a comprehensive update should not be unduly onerous.

14.2 Such a comprehensive update should focus on the following key areas:

- Adopting a Code of Conduct that amalgamates all key obligations and interests, ensuring the process for registration, disclosure, sensitive interests and dispensation are clear.
- Updating the Complaint Form, and introducing guidance to the public on the process, ensuring transparency on the range of sanctions available.
- Updating the Procedure on Receipt of Complaint, including the ability to resolve complaints informally and the need for an appeal procedure.
- Updating the Procedure for Investigating a Complaint.
- Updating the Hearing Procedure Process.
- Updating the Register of Interest Form.
- Introducing Protocols with the Police and the Independent Persons.

SCHEDULE OF APPENDICES

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CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS

1. Introduction and Interpretation

- 1.1 This Code came into effect on 5 July 2012 and applies to you only when acting in your capacity either as a Councillor or Co-opted (voting) Member of the Council or its Committees and Sub-committees.

1.2 The Nolan Principles

It is your responsibility to comply with the provisions of this Code which will assist the Council in meeting its statutory obligation to promote and maintain high standards of conduct by its Councillors and Co-opted Members in accordance with the following principles:

- **Selflessness.** Holders of public office should act solely in terms of the public interest.
- **Integrity.** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
- **Objectivity.** Holders of public office must act and take decisions impartially, fairly and on merit using the best evidence and without discrimination or bias.
- **Accountability.** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness.** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty.** Holders of public office should be truthful.
- **Leadership.** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. DPIs

2.1 In this Code:-

A “disclosable pecuniary interest” is an interest within the prescribed descriptions set out below that you have personally, or is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners, and you are aware that that other person has the interest:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the Committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a Member of a relevant authority;

“Member” includes a Co-opted Member;

“relevant authority” means the authority of which M is a Member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31 (7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

“meeting” means any meeting of:-

- (a) the Council;
- (b) the Executive of the Council;
- (c) any of the Council's or its Executive's Committees, Sub-committees, joint committees, joint Sub-committees or area committees, including any site visit authorised by the Council, the Executive or any of the aforementioned Committees.

- 2.2 This Code does not cover matters in respect of which the Localism Act 2011 specifically provides that criminal sanctions will apply.

- 2.3 A failure of a Councillor or Co-opted Member to comply with this Code is not to be dealt with otherwise than in accordance with arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations can be made. In particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure by a Councillor or Co-opted Member to comply with the Code.

3. General Obligations

- 3.1 You must treat others with respect.

- 3.2 You must not:-

- (a) do anything which may cause the Council to breach any of the equality enactments;
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that a Councillor or Co-opted Member (including yourself) has failed to comply with this code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

- 3.3 You must not:-

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

- (iv) the disclosure is:-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Councillors and Co-opted Members.
- 3.5 You:-
 - (a) must not use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the Council's resources:-
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.6 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Chief Finance Officer or Monitoring Officer where that Officer is acting pursuant to their statutory duties.
- 3.7 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
- 4. Predetermination**
 - 4.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as a Councillor.

- 4.2 However you should not place yourself under any financial or other obligation to outside organisations that might seek to influence you in the performance of your official duties.
- 4.3 When making decisions you must consider the matter with an open mind and on the facts before the meeting at which the decision is to be made.
- 4.4 If a Councillor considers that they could be biased or they have predetermined their position to a decision, he or she should disclose this and should not take part in the decision making process whenever it becomes apparent that the matter is being considered.

5. Registration

- 5.1 As a Councillor or Co-opted Member of the Council you must avoid participating in any decision where you could reasonably be seen as having an interest which compromised your honesty or objectivity. Equally you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity. In order to assist with this and to promote openness and accountability, the Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on our website:

<http://www.mendip.gov.uk/contactacouncillor>

- 5.2 You must, before the end of 28 days beginning with the day on which you became a Councillor or Co-opted Member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given. You should be aware that these interests include those of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner so far as you are aware of the interests of that person. These interests will then be entered on the register of interests.
- 5.3 Where you become a Councillor or Co-opted Member of the Council as a result of re-election or re-appointment, paragraph 5.2 applies only as regards disclosable pecuniary interests not entered in the register when the notification is given.

6. Participation with a DPI

- 6.1 Subject to paragraphs 8.1 to 8.4 (*dispensations*), if you are present at any meeting and you are aware that you have, or any other person referred to in paragraph 5.1 above has, a disclosable pecuniary interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered:

- (a) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in paragraph 9 below, disclose merely the fact that it is a disclosable pecuniary interest);
- (b) not participate in any discussion or vote regarding that matter; and
- (c) withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date of the meeting at which it became apparent.

- 6.2 Subject to paragraphs 8.1 to 8.4 (*dispensations*), if you are aware that you have, or any other person referred to in paragraph 5.2 above has, a disclosable pecuniary interest in any matter on which either:

- (a) you are authorised to make decisions, or
- (b) you are consulted by an Officer discharging powers delegated to them,

you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such Officer in respect of that matter

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date on which it became apparent.

- 6.3 You may participate in any business of the Council where that business relates to the Council's functions in respect of:-

- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to Councillors or Co-opted Members
- (e) any ceremonial honour given to Councillors; and

- (f) setting Council Tax or a precept under the Local Government Finance Act 1992.

7. Gifts and Hospitality

- 7.1 As a Councillor or Co-opted Member of the Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your integrity, honesty or objectivity. In particular, you
- (a) should avoid any behaviour which might reasonably be seen as motivated by personal gain;
 - (b) should exercise caution in accepting any gifts or hospitality which are (or which you might reasonably believe to be) offered to you because you are a Councillor or Co-opted Member;
 - (c) should never accept significant gifts or hospitality (i.e. anything with a value of £25 or more) from suppliers or contractors seeking to acquire or develop business with the Council; and
 - (d) must, within 28 days of receipt or acceptance, notify the Monitoring Officer of any gift you receive or hospitality you accept (of a value of £25 or more) for inclusion in the register of interests.

8. Dispensations

- 8.1 A Councillor or Co-opted Member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant of a dispensation allowing that Councillor or Co-opted Member to participate in any discussion and/or vote on that matter at a meeting.
- 8.2 The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, he considers that without the dispensation:
- (a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
 - (b) considers that without the dispensation each Member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.
- 8.3 The Standards Committee may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, the Committee considers that:

- (a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
- (b) granting the dispensation is in the interests of persons living in the District, or
- (c) it is otherwise appropriate to grant the dispensation.

8.4 Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

9. Sensitive Information

9.1 Paragraphs 9.2 and 9.3 apply where:

- (a) a Councillor or Co-opted Member of the Council has an interest (whether or not a disclosable pecuniary interest), and
- (b) the nature of the interest is such that the Councillor or Co-opted Member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or Co-opted Member, or a person connected with that Councillor or Co-opted Member, being subject to violence or intimidation.

9.2 If the interest is entered in the register of interests, copies of the register that are made available for inspection, and any version of the register published on the Council's website, must not include details of the interest (but may state that the Councillor or Co-opted Member has an interest the details of which are withheld under this provision of the Code).

9.3 Where a disclosable pecuniary interest is not entered on the register of interests and would otherwise require disclosure at a meeting, the Councillor or Co-opted Member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

10. Removal of entries in the register

10.1 An entry in the register of interests will be removed once the person concerned:

- (a) no longer has the interest, or
- (b) is (otherwise than transitorily on re-election or re-appointment) neither a Councillor nor a Co-opted Member of the Council.

PROTOCOL BETWEEN THE COUNCIL AND THE POLICE

INVESTIGATIONS AND OFFENCES UNDER LOCALISM ACT 2011 SECTION 34

Introduction

1. This protocol applies in the..... Council area to the handling and investigation of criminal offences created by Section 34 of the Localism Act 2011.
2. The purposes of this protocol are:
 - to assist the initial investigation and handling of criminal offences connected with the Localism Act 2011,
 - to assist officers and staff in identifying and correctly categorising such offences and
 - to provide guidance as to their handling and initial investigation.
3. If such offences are not investigated correctly, there is a clear risk of adverse publicity for both the police and the local authority concerned. It is important that supervising staff who have the responsibility of reviewing the reports and investigation logs relating to such offences under the 2011 Act are aware of the potential for adverse publicity within these reports and undertake any review with this aspect in mind.

Offences – general considerations

4. Offences under Section 34 are relevant to Members of Councils who are elected, or have a vote on any Committee or Sub-Committee which exercises any function or decision making power on behalf of the Council. Section 34 applies to Members of County Councils, Fire and rescue authorities, District and Borough Councils, and local parish councils.
5. Section 34 lists a number of different offences relating to the disclosure of relevant interests in such Committees and extend to those interests held by family members living at the same address.
6. Investigators should note that whilst offences under Section 34 are summary only offences, the consent of the Director of Public Prosecutions is required in order for a prosecution to proceed. Accordingly there is a level of seriousness attached to these offences.
7. All officers should note that these offences relate to persons who are elected in their role in Councils and should therefore be mindful of the need for impartiality in the political context, and also the potential for adverse publicity and possible media attention in relation to the issues surrounding such offences. For example, Planning Committees in local councils can deal with issues in which there is intense local interest.

8. Officers should also be wary in situations in which an investigation may need to be conducted in the period immediately prior to the holding of local or national elections. If pre election purdah has commenced and an allegation has been made in relation to an offence contrary to the Localism Act against an existing member who is also a candidate in any forthcoming election, then it will be necessary for the matter to be recorded and investigated in due course. However, no investigation shall normally take place until after the election.

Offences – specific considerations

9. The offences under Section 34 are as follows:

- **Failure to comply with an obligation imposed on a person by section 30(1).** Failure to declare, within 28 days of appointment as a member or co-opted member, any disclosable pecuniary interests. Such interests are to be kept in the authority's register.
- **Failure to comply with an obligation imposed on a person by section 31(2).** Failure to disclose an interest to the relevant meeting if not so recorded in the authorities register subject to the provisions of sensitive disclosures. If there is such a sensitive disclosure as defined by Section 32(1) then it is sufficient for a member to declare that an interest exists.
- **Failure to comply with an obligation imposed on a person by section 31(3).** Failure to notify the monitoring officer of an interest not recorded on the authorities register and not subject to a pending notification within 28 days of such a disclosure.
- **Failure to comply with an obligation imposed on a person by section 31(7).** Failure to notify the Monitoring officer of an interest within 28 days of the member becoming aware of a disclosable pecuniary interest in any matter to be dealt with or being dealt with by the member in the course of discharging a function of a relevant authority.
- **Participates in any discussion or vote in contravention of section 31(4).** A Member or co-opted member may not participate, or participate further in any discussion of the matter at the meeting.
- Unless he has a dispensation to do so (under section 33 of the Act) so granted by the authority. A Member or co-opted member may not participate in any vote, or further vote taken on the matter at the meeting. Unless he has a dispensation to do so (under section 33 of the Act) so granted by the authority.
- **Takes any steps in contravention of Section 31(8).** The member must not take any steps or any further steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by the member)
- **Knowingly providing false or misleading information OR is reckless as to whether information is true and not misleading in under Section 30(1).** Failure to declare, within 28 days of appointment as a member or co-opted member, any disclosable pecuniary interests. Such interests are to be kept in the authority's register.
- **Knowingly providing false or misleading information OR is reckless as to whether information is true and not misleading in under Section**

- 31(2).** Failure to disclose an interest to the relevant meeting if not so recorded in the authorities register subject to the provisions of sensitive disclosures. If there is such a sensitive disclosure as defined by Section 32(1) then it is sufficient for a member to declare that an interest exists.
- **Knowingly providing false or misleading information OR is reckless as to whether information is true and not misleading in under Section 31(3).** Failure to notify the monitoring officer of an interest not recorded on the authorities register and not subject to a pending notification within 28 days of such a disclosure.
 - **Knowingly providing false or misleading information OR is reckless as to whether information is true and not misleading in under Section 31(7).** Failure to notify the Monitoring officer of an interest within 28 days of the member becoming aware of a disclosable pecuniary interest in any matter to be dealt with or being dealt with by the member in the course of discharging a function of a relevant authority.
10. The Localism Act should not be used as a basis for investigation and possible prosecution where there are more serious and substantial offences involved, for example, misconduct in public office, or offences under the Fraud Act 2006 or Bribery Act 2010. Such offences will be recorded and dealt with in accordance with established processes in relation to such matters, and with reference to the relevant force policy and the Investigations Department.

Administrative requirements

11. Offences under Section 34 are not notifiable and therefore a crime report is not required for [Home Office] National Crime Recording Standards purposes. As with other non-notifiable offences however, it is best practise for the allegation to still be recorded on the Guardian/Niche system.
12. Suspect interviews should be conducted with a view to the circumstances of the investigation and fully comply with current codes of practice.
13. Investigators should bear in mind that a lot of investigative work can be avoided by an early account from the suspect of these offences and in early liaison with the council Monitoring Officer, that the relevant circumstances that gave rise to the report are actually correctly reported.
14. Investigators should also be mindful of the case of Richardson v Chief Constable West Midlands Police and the provisions of PACE code G for the necessity of arrest.

The process

15. A statement and analysis of the reporting and investigative process is set out below.

No.	Step	Notes
1	Receipt of report of possible offence	It is expected that these offences will be reported to police from one of the following classes of persons though this list is not exhaustive:- • Political rival or associate of the named suspect. • Employee of council reporting direct to police as a 'whistleblower'. • From the Monitoring Officer or Independent Person within the Council, as nominated under the Localism Act with designated responsibility to report such offences. The Monitoring Officer will have first applied the Legal Jurisdiction Test before referral to Police. • From a member of the public reporting as an offence of 'corruption' or misconduct in public office. • From members of the press by enquiry to the Police Media office. • Person who feels aggrieved at a recent decision of the council or councillor concerned. Such reports be received in writing, via email, via telephone or as verbal reports. They may also be made by persons approaching officers on patrol or by way of attendance at the front counter. They may also be made anonymously via any of these routes. Not all members of the public or members of councils will recognise a Localism Act offence and so they may report the crime as one of the following types:- • Corruption. • Fraud by abuse of position of Trust. • Bribery. • Misconduct in Public Office. • Breach of codes of conduct (in public office).

		The Monitoring Officer at the Council should be notified as soon as any complaint is received (except where notification of the complaint has been received from the Monitoring Officer)
2	Legal jurisdiction criteria test	The application of these criteria represents a test of relevance. If the report has been made directly to the Council the Monitoring Officer should have ensured that these criteria are met prior to any reporting to Police. Conversely, if the report has been made directly to Police, the Local Neighbourhood Manager will request that the Monitoring Officer undertakes this test prior to further police involvement. The criteria are: (a) Did the alleged conduct occur before the adoption of the Code of Conduct? (b) Was the person who is the subject of the complaint a Member of the District or Parish Council at the time of the alleged conduct? (c) Was the person complained of acting in an official capacity at the time of the alleged conduct? (d) Did the alleged conduct occur when the person complained of was acting as a member of another authority? (e) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct? (f) The complaint is about dissatisfaction with the District or Parish Council's decisions, policies and priorities Prior to acceptance of the criminal investigation by police, the Neighbourhood Manager will make contact with the Council Monitoring Officer and request that they assess the complaint against the above criteria and confirm that the criteria are satisfied. Provided the criteria are all met, the allegation will be recorded as a crime and a police investigator will be appointed.

3	Creation of Storm Record	In all cases a storm record should be created that records the details of the allegations as follows:- • Name and address and contact details of complainant / informant. • Name and address of suspect – if known. • Grounds for complaint – i.e. what interest has the suspect not declared and at which council meeting?
4	Assessment and Allocation	Following the recording of a complaint as a crime it will be assessed by the Incident Assessment Unit and allocated accordingly. The officer to whom the case is allocated should be the Local Beat Manager unless the matter is serious or complex in which case advice from Investigations should be sought. If the suspect is a member of police staff the investigation will be referred to the Force Professional Standards Department.
5	Investigating Officer contacts Monitoring Officer Initial investigative review by Crime Supervisor/Investigative Officer	The Investigating Officer must make early contact with the relevant Council's Monitoring Officer outlining the nature of the allegation. The Council's Monitoring Officer will provide advice and assistance with regard to evidential capture. S/he will also determine who within their Council to notify, this may include the Chief Executive, Leader or Press Officer for example but will be at their discretion. (The Council's Monitoring Officer will already have undertaken the Legal Jurisdiction Test). On allocation the Investigating Officer should consider performing the following investigative actions. These actions should be reviewed on a case by case basis and made proportionately to the circumstances of the offence being investigated. <u>In liaising with the Monitoring Officer, the Investigating Officer should:</u> • Request that register of interests is checked and minutes of relevant meeting are made available or be sign posted to their whereabouts.

	• Inquire whether the named suspect been the subject of similar complaints in the past? • Inquire whether the named informant been the subject of similar complaints in the past? • Ask for any other relevant material or intelligence on the offence, the suspects and witnesses involved or the circumstances surrounding it. • Ask for any other information relating to the 'personal interest' complained of that is held by the council. • Ascertain whether it is possible through the circumstances complained of, that the suspect or another party has substantially benefited by the failure to disclose the personal interest. • Ascertain if a substantial crime has been committed within the Localism Act definition OR another substantive crime e.g. Bribery Act, Misconduct in public office at common law, Fraud by abuse of position of trust. If the circumstances of the complaint indicate a wider, more substantive criminal act, this will be referred to the Investigations department. <u>Material to be requested from the Monitoring Officer</u> The Investigating Officer will seek the views expressed by the Monitoring Officer and if appropriate by the Independent person as nominated by the Council under the Localism Act. These views should be in writing and contain answers to the following questions and are disclosable under Criminal Procedures and Investigations Act 1996 (CPIA). The Independent Person or Monitoring Officer is a potential witness in the case and he or she should be aware that subsequent to providing this information they may be required to provide a witness statement and attend court as a witness, in order to provide evidence on the following: • What circumstances were reported to the Monitoring Officer/Independent Person regarding this offence?

		• What complaints have been received against the named suspect to this offence historically and from whom? • If not reported to the police, what was the basis of this decision? Where is this decision and rationale recorded? • What explanation was given in any previous complaint against the suspect by either the suspect themselves or any other person? • What other complaints have been received from or against the complainant in this case and how were these dealt with? • What has the suspect said either in explanation or mitigation or remorse about the offence to any other person and where is this recorded and who witnessed this relevant comment Where not available via other means e.g. on District/Parish Council website request that police are provided with copies of the following:- • Register of interests that relate to the matter under investigation. • The suspect's entries on that register both current and historic. • Copies of any letters notices or restrictions that were sent to the suspect that require or request them to notify the council of their interests and copies of the response of the suspect to any such notices or requests. • Where relevant, the minutes of the meetings where the interest was not declared. • Names and contact details and role of persons present at the meeting (s) concerned • Specific records made at the meeting by the secretary or clerk to the meeting • (Some meetings in some councils are video recorded and copies of these should be requested and preserved). • Any publicised minutes or sanctioned record of the meetings concerned. The Investigating Officer should request that a search is made of the following communications or records and formally request that steps are taken to preserve them for possible review by police:-

	• Any emails, messages, letters or other correspondence received by the council in relation to the matter under investigation. Both prior to, during and after the relevant period of the offence. • Any emails, messages or communications or other correspondence received or sent by the suspect during the relevant period of the offence. • Any emails, messages or communications or other correspondence received or sent by the complainant during the relevant period of the offence. It should be noted that the Localism Act 2011 requires that a 'sensitive register' of personal interests is recorded and maintained by the Council. The interpretation of "sensitive" in this regard is similar in definition to the sensitivity of police information and includes the risk of subsection to personal violence or threat of life. Initial investigators should be mindful of the existence of such sensitive information and, in accordance with established principles. They should not record such interests on any crime report log. Other material to be sought with respect to the disclosable interest The investigating officer should ensure that suitable checks are made to establish that the alleged 'interest' of the suspect has been in existence and known by the suspect. The actual checks made are different in each circumstance and the following is a guide only. • Companies House including filed reports, current and historic directors and shareholders, previous company names, names and addresses of company office holders, accountants and tax advisers (if so recorded). • HMRC checks for declared earnings under PAYE VAT return for the relevant period. • Public, open source (E.g. Google) checks and local media websites and 'blogs'. • Police data and intelligence sources including PNC, PND etc.

		• Council voters checks on appropriate addresses and persons. • Council tax records for occupancy held on appropriate addresses and persons. • Checks via area Financial Investigator on the subject and the disclosable interest under investigation • Any other check that the investigating officer believes is relevant to the investigation.
6.	Response to potential evidence of wider criminal activity	Where the reviewing officer believes that the following factors may be present then the matter should be reported to the Investigations department as appropriate:- • The suspect has potentially made substantive gains from the failure to disclose the interest. E.g. suspect has voted on building works to be instigated when their family member runs a local building firm and that firm has gained from the award of the contract. • The suspect has been the subject of similar complaints to either police or council in the past from different complainants. • There are substantial complicating factors in the investigation that require detailed investigation. Possible examples are as follows:- • The whistle-blower in the council who has reported the complaint is now being subject to pressure from the suspect in terms of employment or capability to continue in their role. • There are corporations or limited companies involved with commercial interests AND the suspect or their family members or their associates are involved in these companies. • Investigation of the offences requires production orders or search warrants to review special procedure material as defined under Schedule 1 PACE (this includes business records held in confidence) • There is a political element to either the nature, the substance of the complaint, the

		suspect or the informant that relates to an important public interest or local issue being promoted by one or more registered political parties. • The complaint is made around an issue that is relevant to a local election and or the complaint is in a Purdah period or just after an election • The circumstances of the allegation constitute a substantial crime of:- ○ Bribery as defined in the Bribery Act 2010, ○ Misconduct in public office at common law ○ Fraud by abuse of position of trust contrary to the Fraud Act 2006. • The reviewing officer believes that the surrounding circumstances require that the matter be dealt with by the Investigations department. Examples include, but are not limited to:- ○ Risk of a 'Critical Incident' ○ Cross border criminality with a National or international context. ○ The complainant or the suspect are serving police officers or civilian staff or are family members, or otherwise related to, serving police officers or civilian staff. ○ There exists substantial and relevant sensitive information relating to the offence. ○ There is a serious risk of prejudice to an important public interest. ○ The reviewing officer believes that the offence and the circumstances surrounding it are not suitable for investigation by Officers in a different district or area. It should be noted that referral of the report to Serious Crime Directorate should only be made where there are substantial grounds for doing so. The essence of the Localism Act is to ensure greater transparency and public accountability and these principles should be mirrored in the police investigation.

		Where an investigating officer identifies a more serious notifiable offence (eg. pecuniary advantage) a crime report for this crime will be created in consultation with the Investigations Department. [note: fraud offences will be recorded by Action Fraud] Where a more substantive crime is alleged/recognised. (eg. Fraud by abuse of position of trust) then a crime report for this crime will be generated, and Investigations notified prior to allocation. Where an alleged offence is deemed sensitive then an Investigations Detective Inspector must be notified.
7	Internal notifications	The investigating officer will expeditiously notify the relevant LPA Commander or in their absence the District Superintendent. If the matter is out of hours then the Duty Superintendent will be notified if appropriate to the circumstances. Any of these individuals will then consider whether the matter should be brought to the attention of the Force Gold Commander. The investigating officer will also notify the Council/Force media officer.
8	Disposal	Once the outcome of an investigation is known, early notification must be made to the Incident Assessment Unit and also to the relevant Monitoring Officer who will then consider what if any action will be taken by the Council in accordance with their code and arrangements. It must be borne in mind by supervisors that the disposal of a Localism Act crime may attract adverse publicity and potentially call into question the reputation of the Force or wider police service in particular were a more substantive crime to be overlooked. Closure of the investigation should be reviewed by an officer of at least the rank of Inspector. Upon closure of the investigation, the reviewing

		officer must ensure that the decisions made during the course of the investigation are recorded and justified in accordance with the National Decision Making Model. Any internal notifications carried out as set out above will also be replicated upon closure of the investigation.

EXECUTION CLAUSES

MONITORING OFFICER DELEGATIONS

1. Appointed as Proper Officer for the purposes of receiving applications for dispensation pursuant to section 33(1) of the Localism Act 2011.
2. To grant dispensations to Members pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct to speak only or to speak and vote where:
 - (a) so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business; or
 - (b) without a dispensation, no member of the executive would be able to participate on a particular item of business.
3. Appointed to receive complaints relating to alleged breaches of the adopted Code of Conduct and to process complaints in accordance with the adopted Arrangements for dealing with Code of Conduct Complaints.
4. The right to depart from the arrangements for dealing with code of conduct complaints, where considered expedient to do so in order to secure the effective and fair consideration of any matter.

LEGAL JURISDICTION TEST

1. Legal Jurisdiction Criteria Test:
 - (a) Did the alleged conduct occur before the adoption of the Code of Conduct?
 - (b) Was the person complained of a member of the District Council or Parish Council at the time of the alleged conduct?
 - (c) Was the person complained of acting in an official capacity at the time of the alleged conduct?
 - (d) Did the alleged conduct occur when the person complained of was acting as a member of another authority?
 - (e) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?
 - (f) The complaint is about dissatisfaction with the District Council's or Parish Council's decisions, policies and priorities, etc.
2. If the complaint fails one or more of the jurisdiction tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 30 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

LOCAL ASSESSMENT CRITERIA TEST

1. Local Assessment Criteria Test:

If the complaint satisfies the jurisdiction test, the Monitoring Officer will then apply the following local assessment criteria test:

- (a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) The complaint is anonymous, unless supported by independent documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (c) No, or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (d) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (e) The complaint is malicious, trivial, politically motivated or 'tit-for-tat';
- (f) The alleged misconduct happened more than 3 months ago;
- (g) The complaint is relatively minor and/or dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;
- (h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
- (i) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (j) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (k) The complaint is about a deceased person;
- (l) The complaint is about a person who is no longer a District Councillor or Parish Councillor or Co-opted Member.

2. If one or more of the local assessment criteria applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 30 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

LOCAL/INFORMAL RESOLUTION PROCESS

1. The Monitoring Officer may, after consultation with the Independent Person, seek to resolve a complaint informally at any stage in the process, whether without the need for an investigation or before or after an investigation has been commenced or concluded. In so doing, the Monitoring Officer will consult with the Complainant and the Subject Member to seek to agree what they consider to be a fair resolution, which will help to ensure higher standards of conduct for the future.

2. Informal resolution may be the simplest and most cost effective way of resolving the complaint and may be appropriate where:
 - (a) The Subject Member appears to have a poor understanding of the Code of Conduct and/or related District or Parish Council procedures; or
 - (b) There appears to be a breakdown in the relationship between the Complainant and the Subject Member; or
 - (c) The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct; or
 - (d) The conduct complained of appears common to a number of members of the District or Parish Council, demonstrating a lack of awareness, experience or recognition of the particular provisions of the Code of Conduct and/or other District or Parish Council procedures, etc; or
 - (e) The conduct complained of appears to the Monitoring Officer not to require a formal sanction; or
 - (f) The complaint appears to reveal a lack of guidance, protocols and procedures within the District or Parish Council; or
 - (g) The Complainant and the Subject Member are amenable to engaging in an informal resolution; or
 - (h) The complaint consists of allegations and retaliatory allegations between Councillors; or
 - (i) The complaint consists of allegations about how formal meetings are conducted; or
 - (j) The conduct complained of may be due to misleading, unclear or misunderstood advice from Officers.

3. Informal resolution may consist of one or more of the following actions, which do not have to be limited to the Subject Member, but may extend to other

Councillors including the whole District or Parish Council where it may be useful to address systemic behaviour:

- (a) training;
 - (b) conciliation/mediation;
 - (c) mentoring;
 - (d) apology;
 - (e) instituting changes to the District (or Parish) Council's procedures;
 - (f) conflict management;
 - (g) development of the District (or Parish) Council's protocols;
 - (h) other remedial action by the District (or Parish) Council;
 - (i) other steps (other than investigation) if it appears appropriate to the Monitoring Officer in consultation with the Independent Person
4. If the Subject Member is agreeable to and complies with the informal resolution process, the Monitoring Officer will report the matter to the Standards Committee [and, if applicable, the Parish Council] for information, but will take no further action against the Subject Member.
 5. Where the Subject Member will not participate in the informal resolution process or if, having agreed to one or more actions under the informal resolution process, the Subject Member refuses or fails to carry out any agreed action, the Monitoring Officer will report the matter to the Standards Committee.
 6. If the Complainant or Subject Councillor do not agree the precise details of the Informal Resolution e.g. the actual wording of an apology, the Monitoring Officer shall still be entitled to resolve the Complaint by Informal Resolution.

PROCEDURE FOR INVESTIGATING THE COMPLAINT

1. Preliminaries

- 1.1 The Investigating Officer will be appointed by the Monitoring Officer and will be aware of their obligations under the Data Protection Act 1998, Equalities Act 2010, the Human Rights Act 1998 and other relevant legislation.
- 1.2 The Investigating Officer is responsible for gathering all the facts, documents and, where applicable, for interviewing witnesses with knowledge of the facts, and they should remain objective, impartial and unbiased at all times.
- 1.3 The Subject Member and the Complainant will be advised that the investigation is for fact finding purposes only.
- 1.4 Witnesses will be identified at the investigation stage and their evidence supported by signed and dated witness statements and/or notes of interview with the Investigating Officer. The Investigating Officer cannot compel the attendance of witnesses or their co-operation.
- 1.5 The Investigating Officer will not make recommendations on sanctions.
- 1.6 Within 20 working days of being appointed, the Investigating Officer will notify the Subject Member and the Complainant of their appointment and:
 - (a) provide details of the complaint to the Subject Member;
 - (b) detail the procedure to be followed in respect of the investigation and the relevant timescales for responses and concluding the investigation;
 - (c) detail the sections of the Code of Conduct that appear to be relevant to the complaint;
 - (d) request contact details of any potential witnesses;
 - (e) require that confidentiality is maintained and that details of the complaint not be disclosed to any third party, unless disclosure is to a representative, witness, immediate family members or otherwise as may be required by law or regulation. However, the fact that an investigation is being conducted does not need to remain confidential.
- 1.7 It may be necessary for the Investigating Officer to agree with the Subject Member which documents will be submitted in evidence. This will generally include documents that will be relied on, or in support of, the Subject Member's case and which are relevant to the complaint.
- 1.8 The Investigating Officer may terminate their investigation at any point, where they are satisfied that they have sufficient information to enable them to report to the Monitoring Officer or Hearing Panel.

2. The Draft Report

- 2.1 On the conclusion of their investigation the Investigating Officer will issue a draft report (clearly labelled 'DRAFT') to the Monitoring Officer for review.
- 2.2 Following review by the Monitoring Officer, the draft report will be sent in confidence to the Subject Member and the Complainant (not witnesses) for comment. The draft report will be clearly labelled 'CONFIDENTIAL' and will detail:
 - (a) the relevant provisions of the law and the relevant paragraphs of the Code of Conduct;
 - (b) a summary of the complaint;
 - (c) the Subject Member's response to the complaint;
 - (d) relevant information, explanations, etc, which the Investigation Officer has obtained in the course of the investigation;
 - (e) a list of any documents relevant to the matter;
 - (f) a list of those persons/organisations who have been interviewed;
 - (g) a statement of the Investigating Officer's draft findings of fact and reasons;
 - (h) the Investigating Officer's conclusion as to whether the Subject Member has or has not failed to comply with the Authority's Code of Conduct;
 - (i) that the Investigating Officer will present a final report once they have considered any comments received on the draft.
- 2.3 Once the Investigating Officer has received any responses from the Subject Member and/or the Complainant, they will finalise the draft report and make their final conclusions and recommendations to the Monitoring Officer. The report will be clearly labelled 'FINAL'.

3. Consideration of Investigating Officer's Final Report

- 3.1 The Monitoring Officer will review the Investigating Officer's final report and any comments submitted by the Parties, in consultation with the Independent Person.
- 3.2 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is no evidence of a failure to comply with the Code of Conduct; they will inform the Parties in writing that no further action is considered necessary. There is no right of appeal against the Monitoring Officer's decision.

- 3.3 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is evidence of a failure to comply with the Code of Conduct, they will either:
- (a) take no action or
 - (b) seek informal resolution or
 - (c) refer the matter for consideration by the Hearing Panel in accordance with the relevant procedure detailed in Appendix 8 to these Arrangements.

HEARING PANEL PROCEDURE

1. Rules of Procedure

- 1.1 The Hearing Panel consists of 3 voting elected Members drawn from the Standards Committee, one of whom shall be elected as Chairman.
- 1.2 The quorum for a meeting of the Hearing Panel is 3 comprising 3 elected Members.
- 1.3 The Independent Person's views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code of Conduct. The Independent Person should normally be present throughout the hearing (but not during the deliberations of the Hearing Panel in private) but in the event that this is not possible, may instead submit their views on the complaint to the Hearing Panel in writing.
- 1.4 The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Hearing Panel. The hearing will be held in public no earlier than 20 working days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Subject Member. Schedule 12A Local Government Act 1972 (as amended) will be applied to exclude the public and press from meetings of the Hearing Panel where it is likely that confidential or exempt information will be disclosed.
- 1.5 Once a hearing has started, the District Council's Rules of Substitution do not apply to the Hearing Panel's proceedings.
- 1.6 All matters/issues before the Hearing Panel will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.
- 1.7 Where the Subject Member fails to attend the Hearing Panel and where the [Hearing Panel] is not satisfied with their explanation for their absence from the hearing, the Hearing Panel may in the first instance, have regard to any written representations submitted by the Subject Member and may resolve to proceed with the hearing in the Subject Member's absence and make a determination or, if satisfied with the Subject Member's reasons for not attending the hearing, adjourn the hearing to another date. The Hearing Panel may resolve in exceptional circumstances, that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously. [Janik v Standards Board for England and Adjudication Panel for England (2007)]

2. Right to be accompanied by a Representative

- 2.1 The Subject Member may choose to be accompanied and/or represented at the Hearing Panel by a fellow Councillor, friend or colleague.

3. The Conduct of the Hearing

3.1 Subject to paragraph 3.2 below, the order of business will be as follows:

- (a) elect a Chairman;
- (b) apologies for absence;
- (c) declarations of interests;
- (d) in the absence of the Subject Member, consideration as to whether to adjourn or to proceed with the hearing (refer to paragraph 1.7 above);
- (e) introduction by the Chairman, of members of the Hearing Panel, the Independent Person, Monitoring Officer, Investigating Officer, legal advisor, complainant and the Subject Member and their representative;
- (f) to receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public/press;
- (g) to determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press.

3.2 The Chairman may exercise his/her discretion and amend the order of business, where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

3.3 The Hearing Panel may adjourn the hearing at any time.

3.4 **Presentation of the complaint**

- (a) The Investigating Officer presents their report including any documentary evidence or other material and calls their witnesses. No new points will be permitted;
- (b) The Subject Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer;
- (c) The Hearing Panel may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer.

3.5 **Presentation of the Subject Member's case**

- (a) The Subject Member or their representative presents their case and calls their witnesses;

- (b) The Investigating Officer may question the Subject Member and any witnesses called by the Subject Member;
- (c) The Hearing Panel may question the Subject Member and any witnesses called by the Subject Member.

3.6 **Summing up**

- (a) The Investigating Officer sums up the complaint;
- (b) The Subject Member or their representative sums up their case.

3.7 **Views/Submissions of the Independent Person**

The Chairman will invite the Independent Person to express their view on whether or not they consider that on the facts presented to the Hearing Panel, there has been a breach of the Code of Conduct.

3.8 **Deliberations of the Hearing Panel**

Deliberation in private

- (a) The Hearing Panel will adjourn the hearing and deliberate in private (assisted on matters of law by a legal advisor) to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.
- (b) The Hearing Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and from whom.

3.9 **Announcing decision on facts found**

- (a) The Hearing Panel will reconvene the hearing in public and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct.
- (b) Where the Hearing Panel finds that there has been a breach of the Code of Conduct, the Chairman will invite the Independent Person, the Subject Member and the Monitoring Officer to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take.
- (c) When deciding whether to apply one or more sanctions, the Hearing Panel will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour. The Hearing Panel will

consider the following questions along with any other relevant circumstances or other factors specific to the local environment:

- i. What was the Subject Member's intention and did they know that they were failing to follow the District (or Parish) Council's Code of Conduct?
 - ii. Did the Subject Member receive advice from officers before the incident and was that advice acted on in good faith?
 - iii. Has there been a breach of trust?
 - iv. Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
 - v. What was the result/impact of failing to follow the District (or Parish) Council's Code of Conduct?
 - vi. How serious was the incident?
 - vii. Does the Subject Member accept that they were at fault?
 - viii. Did the Subject Member apologise to the relevant persons?
 - ix. Has the Subject Member previously been reprimanded or warned for similar misconduct?
 - x. Has the Subject Member previously breached the District (or Parish) Council's Code of Conduct?
 - xi. Is there likely to be a repetition of the incident?
- (d) Having heard the representations of the Independent Person, the Subject Member and the Monitoring Officer on the application of sanctions, the Hearing Panel will adjourn and deliberate in private.
- (e) If evidence presented to the Hearing Panel highlights other potential breaches of the District (or Parish) Council's Code of Conduct, then the Chairman will outline the Hearing Panel's concerns and recommend that the matter be referred to the Monitoring Officer as a new complaint.

3.10 Formal Announcement of Decision

- (a) Where the complaint has a number of aspects, the Hearing Panel may reach a finding, apply a sanction and/or make a recommendation on each aspect separately.
- (b) The Hearing Panel will make its decision on the balance of probabilities, based on the evidence before it during the hearing.

- (c) Having taken into account the representations of the Independent Person, the Subject Member and the Monitoring Officer on the application of sanctions, the Hearing Panel will reconvene the hearing in public and the Chairman will announce:
 - i. the Panel's decision as to whether or not the Subject Member has failed to comply with the Code of Conduct, and the principal reasons for the decision;
 - ii. the sanctions (if any) to be applied;
 - iii. the recommendations (if any) to be made to the District (Parish) Council or Monitoring Officer;
 - iv. that there is no right of appeal against the Panel's decision and/or recommendations.

4. Range of Possible Sanctions

- 4.1 Subject to paragraph 4.3 below, where the Hearing Panel determines that the Subject Member has failed to comply with the Code of Conduct, any one or more of the following sanctions may be applied/recommended:
 - (a) reporting its findings to a meeting of the full Council *[or to the relevant Parish Council]* for information and/or censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
 - (b) issuing a press release/or other appropriate publicity;
 - (b) recommending to the Councillor's political Group Leader (or in the case of un-grouped Councillors, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council for a specified period;
 - (c) recommending to the Leader of the Council that an Executive Councillor be removed from the Executive, or removed from particular portfolio responsibilities;
 - (d) recommending appropriate training for the Councillor;
 - (e) recommending to the Council the removal of the Councillor *[or recommending to the relevant Parish Council that the Councillor be removed]* from all outside appointments to which they have been appointed or nominated by the Council *[or by the relevant Parish Council]* for a specified period;
 - (f) withdrawing *[or recommending to the relevant Parish Council that it withdraws]* facilities provided to the Councillor by the Council for a specified period, for example electronic access to the Council's systems;

or

- (g) excluding *[or recommending that the relevant parish council excludes]* the Councillor from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings; or,
 - (h) instructing the Monitoring Officer to apply the local/informal resolution process; or,
 - (i) sending a formal letter to the Councillor.
- 4.2 The Hearing Panel has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.
- 4.3 The Hearing Panel may specify that any sanction take effect immediately or take effect at a later date and that the sanction be time limited.

5. Publication and Notification of the Hearing Panel's Decision and Recommendations

- 5.1 Within 20 working days of the Hearing Panel's announcement of its decision and recommendations, the Monitoring Officer will publish the name of the Subject Member and a summary of the Hearing Panel's decision and recommendations and reasons for the decision and recommendations on the District Council's website.
- 5.2 Within 20 working days of the announcement of the Hearing Panel's decision, the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, in the format of the Decision Notice template below to:
- (a) the Subject Member;
 - (b) the Complainant;
 - (c) (the Clerk to the Parish Council)
 - (d) Somerset County Council's Standards Committee (applicable only where the Subject Member is serving at both District and County level);
- 5.3 The Monitoring Officer will report the Hearing Panel's decision and recommendations to a meeting of the Standards Committee for information.

INDEPENDENT PERSON PROTOCOL

This Protocol sets out the expected conduct of District Council's Independent Persons (IP) when carrying out their consultation functions in relation to an allegation that a Member, or co-opted Member, of the District Council, or a Member, or co-opted Member, of a Town or Parish Council within the District, has failed to comply with the relevant Council's Code of Conduct.

Principles

1. The role of the IP is set down in legislation (section 28 of the Localism Act 2011). *Arrangements put in place by the Council must include provision for the appointment by the authority of at least one independent person, whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and in any other such circumstances it considers appropriate.*
2. The purpose of the IP role is to enable the public to have confidence in how the District Council deals with allegations of misconduct and to promote and maintain high ethical standards of conduct for members, ensuring they are adequately trained and understand the Code of Conduct.
3. This Protocol applies to all IPs equally and complements the Monitoring Officer Protocol. If the Council is in a position where less than three IPs are appointed due to vacancies, this Protocol still applies in its entirety, so long as one IP is in place (as required by the legislation).
4. The Protocol has been prepared in light of the provisions of the Localism Act 2011 and associated regulations and will be kept under review and amended where necessary.
5. In carrying out the role, the IP will ensure that he/she –
 - (a) Acts in accordance with –
 - (i) any relevant legislation or guidance and the respective Council's Code of Conduct in force at the time; and
 - (ii) the agreed processes/ procedures approved by the District Council's Standards Committee and the Council's Constitution; and
 - (b) Acts impartially at all times, without political bias or prejudice and in accordance with the rules of natural justice; and
 - (c) Maintains confidentiality at all times.

6. The IP role is consultative at various stages of the process, in accordance with the Complaints procedure and Monitoring Officer's (MO) role is to give advice to the Standards Committee or Sub-Committee.
7. The IP is not a member of the Council's Standards Committee or Sub-Committee but is able to attend meetings of the Committee, as a member of the public.
8. The outcome of any prior consultation with the IP undertaken by the MO will be included within any written report presented to the Standards Committee or Sub-Committee for their consideration. The IP views must be sought before a decision is made after a complaint has been investigated. This will be undertaken by the MO in the first instance, but it may be appropriate for the Committee or Sub-Committee to do this directly in exceptional circumstances.
9. If the Standards Committee or Sub-Committee invites the IP to attend any meeting, the IP does not have any voting rights when doing so.
10. The MO will consult the IP on complaints received in accordance with the Council's procedure and requests for dispensations received in accordance with the Localism Act 2011.
11. While the MO will have regard to the views expressed by the IP, he/she is not bound to accept his/her views on the matter.
12. When deciding on how to progress with a complaint, the MO/IP should consider the conduct complaints assessment criteria.
13. The IP should inform the MO if they feel there are circumstances which would suggest that they had a conflict of interest e.g. being a friend of either the complainant or Member concerned; or have previously been involved in the matter.
14. If all of the IPs are conflicted out from dealing with the issue, the MO will consider making a request to use the services of an IP from another principal authority.
15. All contact with the IP should be made through the MO and should the IP be contacted directly by a complainant or Member, he/she should inform the MO immediately.
16. In terms of confidentiality, the IP must not discuss any matters about a complaint, either past or present, with the media or any other third party without appropriate advice having been taken.
17. The IP must provide the MO with appropriate methods of contact e.g. email and telephone numbers, and must make themselves available at all reasonable times.

18. On those occasions when the IP knows that they will not be contactable, he/she must inform the MO with as much reasonable notice as possible so that the reserve IP can be advised that he/she would be required to stand-in as necessary during this period.
19. The IP should be prepared to give the Standards Committee or Sub-Committee, through the written report, an independent view on the complaint and the merit of the evidence put forward as required to assist the Committee in coming to a decision on the matter.
20. When discussing the complaint with the complainant or the Member subject of the complaint, the IPs role is not to give views on the merit of the complaint or the evidence in support but to give advice and reassurance on the process.
21. In each complaint, one IP will be allocated a role by the MO, which will be one of the following:
 - (a) Available to the Complainant – see paragraph 20 above; or
 - (b) Available to the Member subject of the Complaint - see paragraph 20 above; or
 - (c) Available to the Standards Committee or Sub-Committee for consultation as part of the complaints procedure and in accordance with the Localism Act 2011.
22. The MO will rotate the roles between the IPs on a case by case basis. Should less than 3 IPs be appointed at any time, so long as 1 IP is in place the IP will be expected to be available for the respective parties set out in 21 (a-c).
23. The MO will ensure that the IPs are kept up to date with changes in legislation, national guidance or good practice.

PROTOCOL RELATING TO INDEPENDENT PERSONS

1. Introduction

- 1.1 This Protocol sets out the relationships between the Independent Persons (IP's) and the various parts of the Council involved in the process of handling Code of Conduct complaints and the wider promotion of Standards. Its aim is to ensure that responsibility is clear at each stage of the process and to set out the expectations and rights of the IP's.
- 1.2 It is written with the following assumptions:-
- a) Each of the IP's has an equal right to give his/her views when requested by the Monitoring Officer (MO), the Standards Committee or a subject Councillor with respect to any particular complaint or hearing except where, for any reason, they are deemed by the MO to have a conflict of interest. In such a situation the IP will withdraw from involvement.
 - b) The MO is solely responsible for taking decisions on whether or not any further action should be taken with regard to a complaint or an investigation.
 - c) The MO will consult each IP on allegations which appear to show a potential breach of the Code of Conduct before reaching a decision. The relevant details will be sent by email and also by post. However should one of the IP's be unavailable or fail to respond to the MO within 15 working days of the date of the email request the MO will be entitled to proceed once the views of the available IP have been given.
 - d) As required by the Localism Act 2011 the local arrangements permit the subject Councillor to have access to each of the IP's. Any such access is restricted to postal or email contact only and there is no right for the subject councillor to meet either of the IP's. If an IP is contacted by a subject councillor a written record of the discussion will be kept and this will be forwarded to the MO.

2. Considering written allegations

- 2.1 Save as otherwise referred to above the MO will seek the views of each IP before reaching a decision on the action to take on a written complaint that meets the criteria for consideration as a Code of Conduct complaint.
- 2.2 When issuing the decision letter the MO will record that he has consulted each of the IP's and that their views have been taken into account.
- 2.3 Where the views of the MO and the IP differ the MO will record the reasons for the difference of opinion and explain them in writing to the relevant IP. The letter to the complainant and subject Councillor will make clear that it is the MO, and not the IP, who is the decision maker.

- 2.4 As indicated above, a Councillor who is the subject of a complaint is entitled to seek the views of each of the IP's. For this purpose the only contact details of the IP's that will be offered to the subject Councillor are their postal and email addresses. When the IP's views are sought in this way they will not advise the subject councillor on the merits of either the complaint or the alleged conduct and they will refer the subject councillor to the MO should any procedural queries be made. The IP's will inform the subject councillor that their role is a statutory one and that they are part of the overall process in order to ensure that it is fairly applied on both sides.
- 2.5 When an IP is approached by a subject Councillor for his/her views the IP will make clear that it is not his/her role to advise the subject councillor on either matters of procedure (which should be referred to the MO) or the likelihood of the Code of Conduct having been breached (which is a matter upon which the subject Councillor must seek their own advice). The IP should make a written record of any views which he/she gives to a subject Councillor and forward them to the MO to be kept on file.
- 2.6 Save in exceptional circumstances, which will be agreed between the MO and the IP's, meetings between the subject Councillor and either or both of the IP's shall not take place.

3. Matters under Investigation

- 3.1 The MO may consult each of the IP's at any stage during the process including on matters which relate to the procedures for handling complaints.
- 3.2 When an investigation has been concluded and a final report submitted to the MO by the Investigating Officer its contents will be shared with each of the IP's and their views sought on the appropriate course of action for the MO to take. Where the view of the MO and either of the IP's differ the MO will make a record of the reasons for the difference of opinion and notify them to the relevant IP. The letter to the subject Councillor and the complainant will make clear that the MO has taken the relevant decision but that the views of the IP's have been taken into account.
- 3.3 Where the MO has referred a matter to the Standards Committee for hearing and determination the Committee must seek the views of each of the IP's before reaching its conclusions. The IP's will be invited to the Committee as observers and invited to give their views prior to determination. Should either of the IP's be unavailable to attend the Committee meeting his/her views will be requested in writing and made available to members of the Committee at the appropriate time. The Clerk to the Committee will record each of the IP's views in the committee minutes and where the Committee's decision does not reflect the IP's viewpoint the decision notice will make this clear and give reasons for not doing so. It will also make clear that it is the Committee and not the IP who is the decision maker.

3.4 The IP's should not make any comments to the media. Any requests made to an IP for comments from the media shall be referred in the first instance to the MO who may refer these to the Chairman of the Standards Committee and/or the Council's Communications officer as appropriate.

3.5 The IP may be requested by the MO or Standards Committee to assist in any training on code of conduct issues as appropriate.

4. Relationship with the Standards Committee

4.1 Each of the IP's shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to request items to be included on the agenda with the agreement of the Chairman. The IP's can attend meetings as observers and, with the permission of the Chairman the IP may speak to the Committee.

4.2 The IP's are not members of the Standards Committee and therefore are not part of the formal business of the meeting and cannot vote on any matters put to the meeting. They may be invited to observe confidential matters with the agreement of the Chairman.

5. Other Matters

5.1 An IP has the right to raise any concerns about Standards issues or implementation of the complaints process with the Council's Chief Executive or the MO. He/she also has the right to address a meeting of the Full Council about any concerns.

5.2 The Council, through the Standards Committee and MO, is responsible for ensuring that the Council meets its duty to promote and maintain high standards of conduct by Councillors. However, an IP has the right to be consulted on any proposed changes to the Code of Conduct or to the Arrangements for dealing with complaints of Councillor Misconduct.

5.3 An IP has the right of access to any confidential information which he/she requires to carry out his/her role effectively. The MO will agree with the IP how they can access such information and how it should be stored.

5.4 The MO will meet with the IP's to review relevant matters once a quarter and more frequently should the need arise.

5.5 Each of the IP's will declare to the MO any relevant interests in relation to particular matters and the MO will decide whether the interest conflicts the IP out of involvement with that particular matter.

5.6 The IP is considered to be an office holder of the Authority in accordance with the duty under Section 28(7) of the Localism Act 2011 and is therefore entitled to be covered by the Council's Indemnity Insurance provided he/she acts reasonably and within the terms of this Protocol.

REGISTER OF MEMBER'S INTERESTS

DECLARATION OF A SENSITIVE INTEREST

I, Councillor..... (please print)

a Member of Council

request that the interest(s) which I have detailed below should be treated as Sensitive Interests for the reasons which I have stated, and as such I understand that they need not appear in the Register of Members' Interests and will not be detailed on the Council's web pages.

Category of interest (i.e. insert appropriate heading from the registration proforma e.g. "Land")	
Describe the nature of your interest (i.e. insert what you would otherwise have written on your registration form)	
Brief explanation why you consider this to be a Sensitive Interest	

Signature (Councillor)	
Date	
Signature (Monitoring Officer)	
Date	

NB: This form will be retained by the Monitoring Officer

REGISTER OF MEMBERS' INTERESTS GENERAL NOTICE OF REGISTRABLE INTERESTS

GUIDANCE NOTES FOR PARISHES

Every elected, re-elected or co-opted Member of Mendip District Council or a Town or Parish Council within Mendip District is required to notify the Monitoring Officer (within 28 days of being elected, re-elected or co-opted onto the authority) of all current "disclosable pecuniary interests" of which they are aware. The Secretary of State has issued Regulations setting out what constitutes a "disclosable pecuniary interest".

The Localism Act 2011 provides that this will cover the interests not just of the Member, but also of his/her spouse, civil partner or person with whom he/she lives as if they were spouses or civil partners, in so far as the Member is aware of his/her partner's interests. Please note that a bridged version of your Declaration of Interest will be published on the Council's website. The interests you declare in relation to your spouse/civil partner or person with whom you live as if you were a spouse or civil partner will appear on the website as your interests. Your signature will not be published.

Failure to register any such interest, failure to register within 28 days of election, re-election or co-option, or the provision of misleading information on registration without reasonable excuse, will be criminal offences and is liable on conviction to a fine currently not exceeding £5,000 and/or disqualification as a Member for up to 5 years.

These notes give general guidance on what items Members should include on the disclosable pecuniary interests form.

Members' attention is drawn to the following:

- The onus is on the individual Member to use their own judgment about making a declaration as the Member is personally responsible for the accuracy of the contents
- If in doubt about whether or not something should be declared, Members are urged to err on the side of openness and avoid the risk of not registering something in error
- Complete the register with sufficient detail to accurately identify what the interest is, as failing to do so could place the Member at risk of failing to comply with the Localism Act 2011
- Mark '**none**' on the register if you have no interest to register in any category. Do **not** leave a box empty.

- Do not use initials, abbreviations or acronyms
- If you are a Member of any other authority, please complete a separate form for each one

Relevant part of disclosable pecuniary interests form	Guidance
<u>Employment</u>, office, trade, profession or vocation carried out for profit or gain.	You should show every employment, office, trade, profession or vocation that you and your partner have to declare for income tax purposes. Give a short description of the activity concerned; for example, "Computer Operator", "Accountant", "Nurse", "Property Developer", "Retired" etc. If you are an employee, you should give the name of your employer; if employed by a company, please give the name of the company paying your wages or salary, not that of the ultimate holding company. If you are a Partner or Director, please give the name of the Partnership or Company. If you are Self Employed, please give your trading name and the nature of your business. Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school's governing body.

<u>Sponsorship</u> received in respect of carrying out duties as a member of my Council area, or towards my election expenses	You should declare the name of any person or body that has made any payments to you in the last year towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments, only the name of the person or body making them. • This would usually mean a political party at election time and • This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. You do not need to include payments or Members' allowances from your Parish/Town Council.
Any beneficial interest in <u>securities</u> (stocks, shares, bonds...) of a body where (a) that body has a place of business or land in my Council area and Either The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body Or If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.	You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in your Council area and in which you or your partner have a substantial interest. You do not need to show the extent of your interest. You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued share or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of these classes. This requirement also covers shared securities held in the name of other people (e.g. trustees) in which you have a beneficial interest. You do not need to show the actual amount of your beneficial interest. Please note that the nominal value is the value on the face of the security and not its value at the time acquired or its current monetary value. A company or body corporate is active in your Council area if it has land or a place of business in your Council area.

<u>Contracts between myself (or body in which I have a beneficial interest) and the Council (or organisation contracted to carry out business on its behalf)</u>	You should list any contract made between yourself or your partner or a body in which either of you have a beneficial interest and the Council (or an organisation contracted to carry out business on its behalf): a) under which goods or services are to be provided or works are to be executed; and b) which has not been fully discharged. You need not include details of the financial arrangements, but state briefly the contractor, what the contract is and for how long. Where the contract relates to use of land or a property, it must be identified.
<u>Land or property in my Council area in which I have a beneficial interest</u>	You should include any land in your Council area in which you or your partner have a beneficial interest. You should give the address or a brief description to identify it. If you live in the District, you should include your home under this heading whether as owner, lessee, or tenant. You should also include any property from which you receive rent, or of which you are the mortgagee. When the information to be recorded relates to a house or a flat, this does not present any difficulty in providing an address. However, the registration of other land interests such as farm land or other land with no address is problematic: in these circumstances, you should include sufficient information to enable it to be identified (e.g. a map should be attached to the form). “Land” includes any buildings or parts of buildings (and, e.g. allotments). Please attach a map if appropriate. You do not need to register land that you own that is outside your Council’s area.
<u>Any licence (alone or jointly with others) to occupy land in my Council area for a month or longer</u>	You should include land in the area of your Council area which you or your partner have a right to occupy, but neither own nor have a tenancy of. This could include where you live with a partner or family member who owns the property. You should give the address or a brief description to identify it. “Land” includes any buildings or parts of buildings. Please attach a map if appropriate.

Any tenancy where (a) the landlord is the Council; and (b) the tenant is a body in which the relevant person has a beneficial interest	"Land" includes any buildings or parts of buildings. Please attach a map if appropriate.
<u>Membership of other bodies as follows:</u> (a) Body to which I have been appointed or nominated by the authority as its representative; (b) Public authority or body exercising functions of a public nature; (c) Company, industrial and provident society, charity or body directed to charitable purposes; (d) Body whose principal purposes include the influence of public opinion or policy	(a) This will include, for example, where the Council has appointed you to sit on an outside body. (b) This includes regional and local development agencies, other government agencies, other Councils, public health bodies, organisations carrying out housing functions and school governing bodies. (c) This will include, for example National Trust, English Heritage, Rotary Club, Lions Club, local charitable trusts and Freemasons. Freemasons who are members of the Grand Charity must register membership of the Grand Charity in their Register of Members' Interests. If an individual lodge is one which has charitable status or could be described as a body directed towards charitable purposes, then membership of that lodge would also need to be registered. (d) This will include membership of a political party as well as membership of any pressure group or other organisation which includes lobbying as one of its principal purposes.

<u>Disclosure of Gifts and Hospitality</u> You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £25 which you have received in your capacity as a member of the Council.	You must register any gifts or hospitality worth £25 or over that you receive in connection with your official duties as a Member, and the source of the gift or hospitality. (An accumulation of small gifts received over a short period that add up to £25 or over should also be registered). You automatically have a personal interest in a matter under consideration if it is likely to affect a person or body who gave you a gift or hospitality that is registered. If that is the case, you must declare at the meeting the existence and nature of the gift or hospitality, the person who gave it to you and how the business under consideration relates to that person. Once three years have passed since you registered the gift or hospitality in your Register of Interests, your obligation to disclose that interest to any relevant meeting ceases. Gifts received in a personal capacity do not need to be registered.

REGISTER OF MEMBER'S INTERESTS

NOTICE OF REGISTRABLE INTERESTS

(NB: Before completing this Notice, Members are recommended to study the Department for Communities and Local Government guidance document "Openness and transparency on personal interests")

Please write in block capitals throughout this Notice avoiding abbreviations

I, Councillor

a Member of Council ('the Council')

Hereby give notice that I have set out below under the appropriate headings my interests, which I am required to declare under my Council's Code of Conduct. These include any Disclosable Pecuniary Interests under Sections 29 to 31 of the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and I have put '**none**' where I have no such interests under any heading.

I understand and acknowledge the following:

1. I must complete, sign and return this notice within 28 days of my election or appointment to office. I understand that I must register my disclosable pecuniary interests and any non-pecuniary interests as required under my Council's Code of Conduct or that I choose to disclose providing notification to the Council's Monitoring Officer.
2. If my circumstances change I must, within 28 days of becoming aware of any changes to the interests specified above, provide written notification to the Monitoring Officer of that change. I should do this by completing the Register Update Form which is available by e-mailing the Monitoring Officer at monitoringofficer@mendip.gov.uk.
3. Part 1 of this Notice contains Disclosable Pecuniary Interests as prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Part 2 contains *non-pecuniary* interests which I have registered in accordance with my Council's Code of Conduct or which I have voluntarily registered.
4. Disclosable pecuniary interests include not only my interests but also the interests of my spouse or civil partner, (or person with whom I am living as such), with the exception of sponsorship, where I need only include my own interests. If I wish to differentiate between my interests and those of my spouse/civil partner (or person with whom I are living as such) I will note my declaration accordingly and will arrange for my spouse or civil partner, (or person with whom I am living as such) to complete the relevant Consent to the Processing of Personal Data, pursuant to the Data Protection Act 1998.

5. The Localism Act 2011 has created specific criminal offences in relation to the disclosure of pecuniary interests (Part 1 of this register). I understand that without a reasonable excuse it is a **criminal offence**:
- i to fail to register a Disclosable Pecuniary Interest (DPI) I am aware of within 28 days of my election or re-election;
 - ii to take part in the debate or vote at any meeting where I have registered or unregistered DPI;
 - iii to fail to declare at a meeting and / or to take part in the debate or vote, if I am aware I have a DPI which is not yet registered or notified to the Monitoring Officer;
 - iv if I have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
 - v to provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
 - vi to take any steps or further action on a matter in which I have a DPI other than referring it elsewhere;

I recognise any such failure is a direct contravention of the Localism Act 2011 and a criminal offence; and may be investigated by Avon and Somerset Constabulary and referred to the Director of Public Prosecutions. **I understand that upon conviction a Member or co-opted Member may be fined up to a maximum of £5,000.**

I recognise that I have a legal duty to complete this Notice and that I should not:

- 1. Omit any information which ought to be given in this notice;
- 2. Provide information that is materially false or misleading;
- 3. Fail to update this information as my circumstances change.

Signed: (Councillor) Dated:

DATE RECEIVED:

Signed: (Monitoring Officer)

Dated:

Request for a Dispensation

Request to Monitoring Officer by the Members listed below ("your" and "you" means the members making the request for a dispensation):-

1. Please summarise the matter to which your interest relates

2. What is the nature of your interest?

3. For which meeting(s) or period are you seeking a dispensation?

Until the end of my office in mm/yyyy or such sooner period as relevant to my personal circumstances.

4. Please set out in detail the reason(s) why you consider you should be granted a dispensation.

Dispensation granted by the Monitoring Officer to the above mentioned Members to allow them to freely and fully participate and vote in relation to the following:

Signed..... Councillor X

Date.....

Signed: Monitoring Officer

Date:

DISPENSATIONS PROCEDURE GUIDE FOR PARISH COUNCILS

1. Introduction

- 1.1 Parish Councils are now responsible for determining requests for a dispensation by a Parish Councillor under Section 33 of Localism Act 2011. This is because they are a “relevant authority” under section 27(6) (d) of the Act.
- 1.2 This guide explains:
 - (a) The purpose and effect of dispensations;
 - (b) the procedure for requesting dispensations;
 - (c) the criteria which are applied in determining dispensation requests; and
 - (d) the terms of dispensations.

2. Purpose and effect of Dispensations

- 2.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.
- 2.2 Section 31(4) of the Localism Act states that dispensations may allow the Councillor:
 - (a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
 - (b) to participate in any vote, or further vote, taken on the matter at the meeting(s).
- 2.3 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.
- 2.4 Please note: If a Parish Councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011.

3. Process for making requests

- 3.1 Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form and submit it to the Proper Officer of the Parish Council (i.e. the Parish Clerk) as soon as possible before the meeting which the dispensation is required. Applications may also be made at the Parish Council meeting itself (if Parish Councils have a standing item on the agenda to deal with dispensation requests) and the nature of the interest has only become apparent to a Councillor at the meeting itself.

- 3.2 Suggested wording for a new standing agenda item on declaration of interests and dispensations is as follows:

Declarations of interest and dispensations

2.1 To receive declarations of interest from Councillors on items on the agenda

2.2 To receive written requests for dispensations for disclosable pecuniary interests (if any)

2.3 To grant any requests for dispensation as appropriate

A request for dispensation must be made on an individual basis.

4. Consideration by the Parish Council

- 4.1 The Parish Council can either delegate to the Parish Clerk the authority to grant dispensations or reserve such decisions for the full Parish Council. If the Parish Council decides to delegate this role to the Parish Clerk then it will need to make a formal resolution to this effect, on the lines of:
- 4.2 "RESOLVE that the Council delegates the power to grant dispensations to the Clerk. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under section 33(2). "
- 4.3 The Parish Clerk or the parish Council may grant a dispensation to a Councillor who has a Disclosable Pecuniary Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter (as per para. 2 above) if they consider that:
- (a) So many members of the decision-making body have disclosable pecuniary interests that it would impede the transaction of the business (ie. the meeting would be inquorate); or
 - (b) the authority considers that the dispensation is in the interests of persons living in the authority's area; or

- (c) it is otherwise appropriate to grant a dispensation.
- 4.4 The Parish Council may wish to extend the provisions of the above paragraph to apply in the same way in the case of a “non-disclosable pecuniary interest” or a “non-pecuniary interest”, as defined in the Code of Conduct, but this is at the discretion of the Council.
- 4.5 The terms of any dispensation shall be in accordance with paragraph 6.
- 4.6 The Clerk or Parish Council should formally notify the Councillor of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

5. Criteria for Determination of Requests

- 5.1 In reaching a decision on a request for a dispensation the Parish Council or the Parish Clerk (as appropriate) will take into account:
 - (a) The nature of the Councillor’s prejudicial interest;
 - (b) the need to maintain public confidence in the conduct of the Council’s business;
 - (c) the possible outcome of the proposed vote;
 - (d) the need for efficient and effective conduct of the Council’s business; and
 - (e) any other relevant circumstances.

6. Terms of Dispensations

- 6.1 Dispensations may be granted:
 - (a) For one meeting; or
 - (b) for a period not exceeding 4 years.

7. Disclosure of Decision

- 7.1 Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates. A copy of the dispensation will be kept with the Register of Councillors’ Interests.

GUIDANCE NOTE ON BIAS AND PREDETERMINATION PROCESS

What is Bias and Predetermination?

The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation on public authorities to act fairly.

Decision makers are entitled to be **predisposed** to particular views. However, **predetermination** occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision.

The leading case on local authority bias and predetermination¹ acknowledges the difference between judges sitting judicially and councillors making decisions in a democratic environment. Given the role of councillors, there must be 'clear pointers' before predetermination is established.

Section 25 Localism Act 2011

Section 25(2) of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because:—

- (a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter, and
- (b) the matter was relevant to the decision.

The section makes it clear that if a councillor has given a view on an issue, this, considered in isolation, does not show that the councillor has a closed mind on that issue. So, the mere fact that a Councillor has campaigned on an issue or made public statements about their approach to an item of council business does not prevent that councillor from being able to participate in discussion of that issue and to vote on it.

Having said this, the use of the words 'just because' in section 25 suggest that other factors when combined with statements made etc. can still give rise to accusations of predetermination. This has also been the approach that the courts have taken to this issue. When considering whether predetermination has taken place they will consider all events leading to the decision, (and also, where appropriate, those following the decision) rather than looking at individual events in isolation.

The case law has also made it clear that the words used by particular Members and the interpretation put on those words is of particular importance. So care still needs to be

¹ (R(Lewis)v Persimmon Homes Teeside Ltd [2008] EWCA Civ 746

taken when making statements in advance of the determination of planning applications as there is a risk that they can be misinterpreted or taken out of context.

Guidance

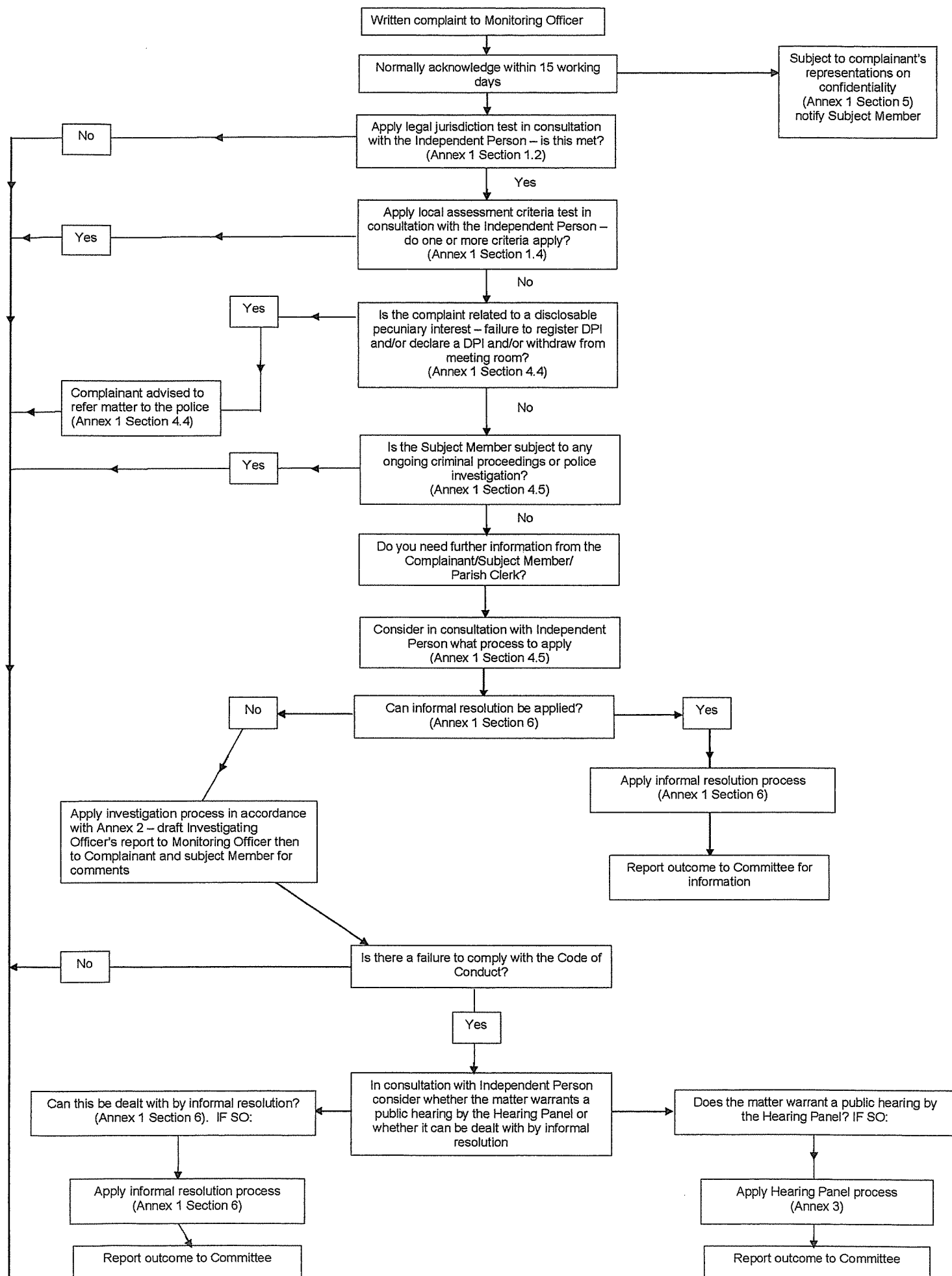
With this in mind:-

- It is always advisable to avoid giving the impression that you have made up your mind prior to the decision making meeting and hearing the officer's presentation and any representations made on behalf of the applicant and any objectors.
- With this in mind, if you do comment on a development proposal in advance the decision, consider using a form of words that makes it clear that you have yet to make up your mind and will only do so at the appropriate time and in the light of the advice and material put before you and having regard to the discussion and debate in the Panel meeting.
- Particular care should be taken where there are chance encounters with objectors to development proposals or in the context of meetings which are not formally minuted. These are situations where the risk of what you say being misrepresented or taken out of context is particularly high.

Concluding Comments

As a Councillor operating within a political environment you should not be afraid to express views on issues. However, in doing so it is important that you avoid giving the impression that you have already made up your mind and that your part in the decision is a foregone conclusion.

Procedure on Receipt of a Complaint



GUIDE TO MAKING A COMPLAINT ABOUT A COUNCILLOR

1. Introduction

- 1.1 Councillors are elected by the general public to represent the constituents of an electoral division (in the case of the County Council) or a ward (in the case of a District Council).
- 1.2 Councillors should conduct themselves in a way that is beyond reproach. However, if you believe that a councillor has breached the Code of Conduct this leaflet explains how to make a complaint and how your complaint will be dealt with.
- 1.3 The District Council takes all complaints seriously and it is our experience that many complaints can be resolved quickly and effectively on an informal basis. We would welcome the opportunity to help put things right for you at an early stage without the need for a formal complaint.
- 1.5 Please contact Head of Democratic Services to discuss your complaint further.

2. How to Make a Complaint

- 2.1 If we cannot address the problem for you informally, you have the right to make a formal complaint. To do this you need to send your complaint in writing (either using the form accompanying this leaflet or by downloading it from the Council's website) marked confidential, to, Head of Democratic Services. Please ensure that when submitting your complaint you provide sufficient information to enable a decision to be made as to whether an investigation or other action is warranted.

3. Who You Can Complain About

- 3.1 You can complain about elected councillors, or co-opted members, of the District Council (a Co-opted Member is a voting member of a Council or one of its Committees, who was appointed to their position rather than being elected).

4. What You Can Complain About

- 4.1 You can complain about a Councillor breaching any part of their Council's Code of Conduct.

4.2 Arrangements adopted by the Council set out the types of behaviour that can be investigated. There are some complaints that cannot be investigated, including:

- (a) Complaints where a Councillor is not named;
- (b) complaints that are not in writing;
- (c) acts carried out in a Councillor's private life when they are not carrying out the work of the Council;
- (d) incidents or actions that are not covered by the Code of Conduct;
- (e) incidents that are about a fault in the way the Council has or has not done something – this is something that may be dealt with by a different complaint procedure;
- (f) complaints about people employed by local Councils – this would be dealt with by the employer;
- (g) incidents that happened before a Councillor was elected;
- (h) incidents that happened either before the authority adopted its local Code of Conduct;
- (i) complaints about the way in which the Council conducts and records its meetings.

5. Before You Complain

5.1 Before you send us your complaint, you should be aware that in the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with details of the complaint.

5.2 Details of the complaint will be given to:

- (a) The Monitoring Officer of the Council and his staff in order to handle the matter; and
- (b) the Councillor(s) you are complaining about.

6. What Happens To Your Complaint?

- 6.1 When we receive your complaint, we will write to you to let you know that we have received it. Your complaint will then be referred to the Monitoring Officer. The Monitoring Officer (acting in consultation with the Independent Person) will decide either to:
- (a) Not refer the complaint for investigation; or
 - (b) refer the complaint for investigation; or
 - (c) apply the informal resolution process either before or after an investigation; or
 - (d) following Investigation; to refer the complaint to the Hearing Panel; or
 - (e) take no action and close the matter; or
 - (f) refer the complaint to the relevant political group leader for action.
- 6.2 In assessing your complaint the following and criteria will be used:
- 6.3 Legal jurisdiction criteria test:
- (a) Did the alleged conduct occur before the adoption of the Code of Conduct?
 - (b) Was the person complained of a member of the Council at the time of the alleged conduct?
 - (c) Was the person complained of acting in an official capacity at the time of the alleged conduct?
 - (d) Did the alleged conduct occur when the person complained of was acting as a member of another authority?
 - (e) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?
 - (f) The complaint is about dissatisfaction with the Council's decisions, policies and priorities, etc.
- 6.4 If the complaint fails one or more of the jurisdiction tests, no further action will be taken and the complaint will be rejected. You will be notified accordingly with reasons, normally within 10 working days. There is no right of appeal against this decision.
- 6.5 Local assessment criteria test:

- 6.6 If the complaint satisfies the jurisdiction test, the following local assessment criteria test will then be applied:
- (a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
 - (b) the complaint is anonymous, unless supported by independent documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant;
 - (c) no or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
 - (d) the complaint is malicious, trivial, politically motivated or 'tit-for-tat';
 - (e) the Complainant is unreasonably persistent, malicious and/or vexatious;
 - (f) the alleged misconduct happened more than 3 months ago;
 - (g) the complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;
 - (h) the circumstances have changed so much that there would be little benefit arising from an investigation or other action;
 - (i) the complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
 - (j) the complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
 - (k) the complaint is about a deceased person;
 - (l) The complaint is about a person who is no longer a Council or Co-opted Member.
- 6.7 If one or more of the local assessment criteria applies to the complaint, no further action will be taken and the complaint will be rejected. You will be notified accordingly with reasons, normally within 10 working days. There is no right of appeal against this decision.

7. Informal Resolution

If your complaint meets the local assessment criteria and is considered suitable for informal resolution the Monitoring Officer (acting in consultation with the Independent Person) will contact you and the Councillor you have complained about to agree a fair resolution, which will help to ensure higher standards of conduct for the future.

8. The Investigation

- 8.1 If your complaint is referred for investigation, you will have an opportunity to provide the investigator with any further detailed information or documents that you consider to be relevant.
- 8.2 At the end of an investigation, a decision will be taken whether there is evidence of a failure to comply with the Code of Conduct and, if so, whether to:
 - i. Take no action; or
 - ii. seek informal resolution; or
 - iii. refer the matter for consideration by the Hearing Panel.
- 8.3 A Hearing Panel is a panel made up of councillors of the Council's Standards Committee. The Hearing Panel can decide if there has been a breach of the Code, and if so what sanction to recommend.

9. Sanctions

The range of sanctions available to the Hearing Panel if they decide there has been a breach of the Code includes the following:

- (a) reporting its findings to a meeting of the full Council [*or to the relevant Parish Council*] for information and/or censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
- (b) issuing a press release/or other appropriate publicity;
- (b) recommending to the Councillor's political Group Leader (or in the case of un-grouped Councillors, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council for a specified period;
- (c) recommending to the Leader of the Council that an Executive Councillor be

removed from the Executive, or removed from particular portfolio responsibilities;

- (d) recommending appropriate training for the Councillor;
- (e) recommending to the Council the removal of the Councillor *[or recommending to the relevant Parish Council that the Councillor be removed]* from all outside appointments to which they have been appointed or nominated by the Council *[or by the relevant Parish Council]* for a specified period;
- (f) withdrawing *[or recommending to the relevant Parish Council that it withdraws]* facilities provided to the Councillor by the Council for a specified period, for example electronic access to the Council's systems; or
- (g) excluding *[or recommending that the relevant Parish Council excludes]* the Councillor from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings; or,
- (h) instructing the Monitoring Officer to apply the local/informal resolution process; or,
- (i) sending a formal letter to the Councillor.

10. Additional Help

- 10.1 Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.
- 10.2 We can also help if English is not your first language. However, we recommend that you always try to find a friend or relative who can speak or read English to help you with your enquiry initially. This will help both you and us to deal with your needs more effectively.
- 10.3 If you need advice or any support in completing this form, please contact, Head of Democratic Services, telephone as soon as possible or contact your local Citizens Advice Bureau, Law Centre or other advice centre.

COMPLAINT FORM - DISCLOSURES

Your address and contact details will not usually be released unless necessary to deal with your complaint.

The following people will see this form:

- Members of the Standards Committee
- Monitoring Officer of the Mendip District Council
- The Town/Parish Clerk (if applicable)
- The Independent Person
- The Group Leader (if applicable)

A brief summary of your complaint will also be shared with the Councillor(s) against whom you are complaining. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

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MID DEVON DISTRICT COUNCIL

PROCEDURE FOR THE ASSESSMENT AND DETERMINATION OF ALLEGATIONS OF BREACHES OF THE MEMBERS' CODE OF CONDUCT.

1. Introduction

- 1.1 It is a requirement of the Localism Act 2011 that all Councils, including local councils whether Town or Parish, must adopt a Code of Conduct which deals with the conduct expected of its elected and co-opted members when they are acting in their official capacity. The Code of Conduct is also required to include appropriate provisions relating to the registration and disclosure of pecuniary and other interests.
- 1.2 There is no national regulator since the abolition of Standards for England in 2012. However, Mid Devon District Council is responsible for administering its own Code of Conduct and the Codes for all the Town and Parish Councils in the district. This Council is required to have in place arrangements under which allegations can be investigated and decisions on allegations can be made.
- 1.3 Mid Devon District Council is required to appoint at least one Independent Person whose views may be sought by the Council, usually through the Monitoring Officer, or by subject members whether they are District or Town/Parish Members. The Council must seek the views of an Independent Person before making a decision on an allegation that has been referred for investigation. There is no right for the complainant to seek the views of the Independent Person and no such contact will be encouraged.
- 1.4 The Independent Persons do not represent and nor are they advisors to the subject member or the Council. They must remain completely impartial and objective and they cannot take sides. Their only role is to assess complaints and form a view on them.
- 1.5 The 2011 Act provides that an allegation is *"a written allegation:*
 - a) *That a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or*
 - b) *That a member or co-opted member of a town/parish council for which the authority is the principal authority has failed to comply with the town/parish council's code of conduct"*
- 1.6 This document sets out the procedure for submitting a complaint alleging that the Code of Conduct has been breached and the procedures that will be followed in dealing with such complaints. It also sets out the criteria for assessing a complaint and when a request may be made for the decision taken on a complaint to be reviewed.
- 1.7 All allegations will be dealt with objectively, fairly and consistently. We will also have regard to what is in the public interest and our fiduciary duty to the tax payers.
- 1.8 Within this procedure references to the "Monitoring Officer" include his or her duly appointed representative(s).

1.9 In this procedure the term 'subject member' means the member against whom the allegation has been made.

1.10 The Standards Committee will convene from time to time to review the handling of complaints, reviews and decisions made with a view to identifying trends or any improvements in this procedure and the application of it.

2.0 Submitting a complaint

2.1 All complaints must be submitted in writing (this includes emails). We will assist you if you have a disability that prevents you from making or makes it difficult for you to submit your complaint in writing. We can also help if English is not your first language.

2.2 Complainants are encouraged to use our complaints form which we can send out as a hard copy or which is available in electronic format from our website via: <https://www.middevon.gov.uk/your-council/councillors-democracy/councillors/code-of-conduct-and-complaints-about-councillors/>

If a verbal complaint is made, we will ask that the complaint is confirmed in writing. If you make a verbal complaint and simply decline to confirm the complaint in writing for reasons which we do not consider to be justifiable, we will take no further action on the complaint.

2.4 Anonymous complaints will be rejected. This does not include complaints where the complainant requests confidentiality and which is dealt with further in section 6 below and on the complaint form.

2.5 Some complaints against a member will represent a complaint against the Council but will fall outside the scope of this procedure. If that happens the complaint will be forwarded to the relevant officer(s) in the Council and the complainant will be advised of the action taken.

2.6 To submit complaints electronically please use the on-line form and email monitoringofficer@middevon.gov.uk

All other submissions must be sent or delivered to

The Monitoring Officer, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton EX16 6PP

3.0 Processing and determination of complaints

3.1 When a complaint is received which is within the scope of this procedure we will aim to acknowledge receipt within 5 working days.

3.2 The Monitoring Officer will carry out an initial assessment of whether the alleged behaviour falls within the Code of Conduct and, therefore, this procedure. This will normally take place within 10 working days. If the allegation is about a matter which falls outside of the Code of Conduct or is considered to be within one of the criteria set out below, the complaint will not usually progress beyond this initial assessment stage.

- If the complaint is the same or substantially the same as a complaint previously dealt with

- If the period since the alleged behaviour is so significant that it is considered unreasonable or otherwise not in the public interest to pursue
- If the complaint is trivial
- If the complaint discloses such a minor or technical breach of the Code that it is not in the public interest to pursue
- If the complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration
- If the complaint is covered by the Council's persistent and vexatious complaints policy and is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration
- If the member against whom the allegation has been made has remedied or made reasonable endeavours to remedy the matter and the complaint does not disclose sufficiently serious potential breaches of the Code to merit further consideration
- If the complaint is about a person who is no longer a member of the relevant council and there are no overriding public interest reasons to merit further consideration.

- 3.3 At this stage, if the complaint is not to progress further, the Monitoring Officer will notify the complainant in writing of the fact and with the reasons. He will also write to the subject member with details of the complaint, the decision made and the reasons for the decision. Where the subject member is a member of Town/Parish Council, the Monitoring Officer will also provide the same information to the Clerk to that Council. The name of the complainant will be disclosed to the subject member and, where appropriate, the Clerk to the member's council unless confidentiality has been requested and the Monitoring Officer considers the request to be justified. When confidentiality has been granted, that will be confirmed to the subject member and where appropriate the Town/Parish Clerk, along with the reasons for granting it but not so far as to enable the complainant to be identified.
- 3.4 Notwithstanding paragraph 3.2, the Council will in appropriate circumstances pass to the Police or Director of Public Prosecutions any allegations it receives which disclose behaviour that may constitute a criminal offence, whether under the ethical standards provisions of the Localism Act or otherwise.
- 3.5 For those complaints which are to be taken beyond the initial assessment process, the following steps will be followed: The Monitoring Officer and the subject member may seek the views of the nominated Independent Person at any time during this process. If considered necessary by the Monitoring Officer following a discussion with the Chair of the Standards Committee, he may convene a panel of members of the Standards Committee to assist him with the consideration and determination of the complaint. He may do this at any time during the process.

Step	Action
1.	The Monitoring Officer will write to the subject member with details of the complaint, including the details of the complainant unless any confidentiality request has been agreed, and also the name and contact details of the Independent Person who has been nominated for the complaint and who the subject member may contact to seek their views. If the Monitoring Officer considers it appropriate the Clerk to the subject member's local council will be notified of the complaint. When confidentiality has been granted that will be confirmed to the subject member and, where appropriate, the Clerk to their local council along with the reasons for granting it but not so as to enable the complainant to be identified. At this stage the subject member will be given the opportunity to provide the Monitoring Officer with a written response to the complaint; a reasonable time limit will be applied.
2.	The subject member will provide their written comments, with supporting documentation if relevant or notify the Monitoring Officer that they do not wish to make comment.
3.	The Monitoring Officer will consider the complaint again in the context of any written submissions and supporting documentation provided by the subject member.
4.	The Monitoring officer will determine the complaint in accordance with the Assessment Criteria set out in the Annex to this procedure. The options the Monitoring Officer have are: i) To make no finding as to whether there has been a breach of the Code and take no further action; ii) To make no finding as to whether there has been a breach of the Code but determine that some action other than an investigation is appropriate; iii) To find no breach of the Code; iv) To find a breach of the Code without an investigation but impose no sanction; v) To find a breach of the Code without an investigation and impose a sanction; vi) To require the complaint to be investigated to determine whether there has been a breach of the Code and the seriousness of the breach; vii) To conclude that the circumstances of the complaint indicate that an offence under Chapter 7 of Part 1 of the Localism Act 2011 may have been committed and that the complaint ought to be investigated by the police where appropriate, to determine whether a prosecution should be brought.

5.	The outcome of the determination of the complaint will be notified in writing to the complainant, the subject member and, where appropriate, the Clerk to the subject member's local council within 5 working days.
6.	The complainant and the subject member will ordinarily be given 15 working days from the date of notification of the decision to make a written request to the Monitoring Officer that the decision is reviewed. In either case the person requesting the review must provide reasons to support the request for review and provide any supporting documentation that is relevant but which was not previously provided. The following limitations on review requests apply: (i) The complainant may only request a review where the finding is either of paragraphs (i) and (iii) in step 4 above (ii) The subject member may only request a review where the finding is either of paragraphs (iv) and (v) in step 4 above
7.	Following a written request for review being received within the time limit, the Monitoring Officer will acknowledge the review request within 5 working days and notify the other interested parties of the review request and details as appropriate. At this stage the complainant or subject member as appropriate will be given an opportunity to provide the Monitoring Officer with a written response to the review request. A time limit for providing a written response will be imposed.
8.	The complainant or subject member as appropriate will provide their written comments, with supporting documentation if relevant or notify the Monitoring officer that they do not wish to provide any written response.
9.	The Monitoring Officer will consider the complaint again in the context of any written submissions and supporting documentation provided by the subject member at step 2 as well as the review request and any written response to it.
10.	The Monitoring Officer will determine the review in accordance with the Assessment Criteria set out in the annex to this document. The options the Monitoring Officer has are set out in step 4.
11.	The outcome of the determination of the review will be notified in writing to the complainant, the subject member, and where appropriate, the clerk to the town/parish council within 5 working days.

- 3.6 Steps 1-4 in the table in paragraph 3.5 will normally be concluded within 30 days of receipt of the complaint. If it is not possible to do this within this time, the complainant, subject member and, where appropriate, the Clerk to the subject member's local council will be contacted and advised of the delay and when the steps will be completed.

4.0 What happens following assessment of complaints?

- 4.1 Any action or investigation will be implemented. If other action is determined as appropriate and either party decline to comply, that will be reported to the Monitoring Officer who may decide to treat the facts as a complaint for determination through the process set out in paragraph 3.5 above.
- 4.2 If potential criminal offences are identified and the complaint referred for investigation with a view to prosecution, the appropriate procedures of the Police or Council will be followed so as to protect the integrity of the investigation.
- 4.3 A report setting out all the complaints received and what action was taken regarding them will be forwarded to the Standards Committee on a six monthly basis for consideration and comment.
- 4.4 Any investigations and hearings following investigation are outside of the scope of this procedure and will be subject to separate procedural rules.

5.0 General rules concerning assessments - public access to meetings and information

- 5.1 The assessment of complaints will be conducted in private session and information relating thereto will be considered exempt under the appropriate paragraphs of Schedule 12A of the Local Government Act 1972, subject to the application of the public interest test, as appropriate.
- 5.2 Data protection requirements will be complied with and may prevent the public disclosure of information relating to complaints.
- 5.3 On completion of the assessment a summary will be published in the form of a decision notice. Once this has been sent to the subject member and the complainant, the decision notice will be available for public inspection at the Council's offices for 6 years from the date of the assessment and a copy will be placed on the Council's website.

6.0 Complainant Confidentiality

- 6.1 The subject member will in normal circumstances, be told from the outset who has complained about them. If a complainant asks for their identity to be withheld their request will be considered by the Monitoring Officer prior to the member being notified that a complaint has been made.
- 6.2 Each request for confidentiality will be considered on its merits and in determining such a request the following will be considered:
- i) Whether the complainant reasonably believes that they, or those connected to them, will be at risk of harm if their identity is disclosed;

- ii) That the complainant is reasonably concerned about the consequences to their employment, or of those connected to them, if their identity is disclosed;
 - iii) That the complainant, or somebody closely connected to them suffers from a medical condition and there is evidence of medical risks associated with their identity being disclosed or confirmation from an appropriate medical professional that this is the case; and
 - iv) The public interest; in some cases the public interest in proceeding with the complaint may outweigh the complainant's wish to have their identity withheld.
- 6.3 If it is not considered appropriate to grant a request for confidentiality the complainant will be offered the opportunity to withdraw the complaint rather than proceed with it, but this is subject to paragraph 7.

7.0 Withdrawal of complaints

- 7.1 Requests to withdraw complaints will normally be granted, but in considering such a request from the complainant the Monitoring Officer will consider the following factors:
- i) Whether the public interest in taking action on the complaint outweighs the complainant's desire to withdraw it;
 - ii) Whether the complaint is such that action can or should be taken on it without the complainant's participation; and
 - iii) Where there appears to be an identifiable underlying reason for the request to withdraw the complaint, such as whether there is information to suggest that the complainant may have been pressured into withdrawing the complaint
- 7.2 Even if a request to withdraw a complaint is granted, the Monitoring Officer may still refer the circumstances for assessment and investigation under the appropriate procedures, if those circumstances merit such action in the opinion of the Monitoring Officer, such as if they disclose potentially significant probity issues, possible criminal offences or safeguarding issues.

8.0 Conflicts of Interest

- 8.1 If any officer has any personal or professional conflict of interest in relation to a complaint, they must have no involvement or no further involvement in dealing with that complaint other than such reasonable steps as are necessary to ensure that the complaint is dealt with by someone other than them. Any conflicts identified during the course of a matter will be managed appropriately by the Monitoring Officer.
- 8.2 An officer who has previously advised a subject member or has given advice to the complainant about the issues giving rise to a complaint must seek advice from their line manager as to whether they can properly be involved in the conduct of a related complaint. Public perception and the public interest will be considered.

- 8.3 If any Independent Person has any personal or professional conflict of interest in relation to a complaint, they must have no involvement or no further involvement in dealing with that complaint other than such reasonable steps as are necessary to ensure that the complaint is dealt with by someone other than them. Where this occurs another Independent Person will be appointed and the appropriate person(s) notified.

9.0 Records Retention

- 9.1 Mid Devon District Council will store all records of complaints in electronic format in a secure environment on a computer network. Records will be stored in accordance with the Council's records management policy and procedures. We may also choose to store hard copies of some or all documents and information.

Annex to the Code of Conduct Complaint Assessment and Determination Procedure.

Assessment Criteria

1.0 Introduction

- 1.1 All complaints and reviews will be considered on their merits and according to the facts.
- 1.2 The Monitoring Officer will determine when it is appropriate for him to seek the view of the Independent Person.
- 1.3 The assessment criteria, which are subject to an annual review by the Standards Committee, will be used as guidance in the consideration and determination of complaints, but the Monitoring Officer or other decision maker, which will be a panel of Members of the Standards Committee when it is not the Monitoring Officer, are entitled to depart from these criteria when they consider it appropriate to do so.
- 1.4 Due to the wide variety of complaints received by the Council avoiding the perception of inconsistency, even in assessing complaints, is not an easy task. For example two complaints may be about the same aspect of the Code but differ considerably in terms of the facts, how serious they are and there may be huge differences in the relevance and amount of details regarding the complaint. For these reasons the assessment criteria can only be a guide.

2.0 The Assessment Criteria

2.1 Overriding Criteria

These three tests will be applied during the initial assessment of a complaint:

- Is the complaint about one or more named members of a relevant authority?
- Was the subject member in office at the time of the alleged conduct?
- If proven, would the complaint disclose a breach of the Code of Conduct?

2.1 No finding of where there is a breach of the Code

If on the facts it is not possible to determine whether there has been or may have been a breach of the Code and the alleged conduct does not merit an investigation, having regard to the public interest, this is the appropriate finding to make.

2.2 No finding of where there is a breach of the Code but action other than investigation is appropriate

If on the facts it is not possible to determine whether there has been or may have been a breach of the Code, that the alleged conduct does not merit an investigation, having regard to the public interest, but the allegation and any response from the subject member discloses an underlying issue that action such as mediation or training on the Code or council procedures might assist with, this is the appropriate finding to make. A decision to recommend other action is covered by paragraph 2.6 below.

2.3 **Finding of no breach of the Code**

If the facts available demonstrate on the balance of probabilities that there has been no breach of the Code, this is the appropriate finding to make. If there is no breach of the Code a sanction cannot be imposed but other action such as mediation or training might be considered

2.4 **Finding of a breach of the Code without an investigation**

A finding that the Code of Conduct has been breached without the need for an investigation will usually be appropriate in the following circumstances:

- It can clearly be shown that from the information that has been provided by the subject member and the complainant that a breach of the Code has occurred
- The subject member has admitted to the breach of the Code, whether or not they have offered to remedy the breach
- It can be shown that an investigation is unlikely to be able to establish any further independent relevant evidence regarding the complaint, or that the cost of obtaining any further evidence would not be justified having regard to the public interest and that on the evidence supplied a breach of the Code can be shown.

A breach of the Code without investigation can only be found if the complaint satisfies the first three initial tests and that it can be clearly shown, on the balance of probabilities that a breach of the Code of Conduct has occurred.

2.5 **No further action**

If a breach of the Code is found but it is trivial, a technical breach or otherwise of limited effect, it may be appropriate to take no further action.

2.6 **Referral for other action**

A complaint may be referred for other action in the circumstances listed below. Other action may be appropriate whether a breach is found or not. However, in general, other action may be used where the complaint discloses a more general rather than a specific problem concerning the member's conduct. Referring a matter for other action effectively closes the door on a review of the decision as the matter cannot subsequently be referred for investigation if the complainant is dissatisfied with the outcome of the other action. As such, other action should be exercised only where appropriate. If necessary, the assessment of a complaint can be deferred while further information is obtained and other action is being considered. In addition, the subject member and the complainant can be contacted to see if they will accept other action as a way of resolving the complaint, such as by way of an apology.

The following should be considered in determining whether it is appropriate to refer a complaint for other action:

- Does taking further action provide an opportunity to resolve the issue and to prevent any similar issues arising in the future and promote good governance?
- Does the complaint present a potentially less serious breach of the Code that would require the matter to be referred for investigation and is any benefit to be gained from referring the matter for investigation?
- Is the subject member a member of an authority which appears to have a poor understanding of the Code and relevant procedures?
- Is the council of which the subject member is a member suffering from a widespread breakdown in internal relationships and trust where a course of action other than an investigation of a complaint may be more appropriate and beneficial to the Council?

2.7 Referral for Investigation

A complaint should usually be referred for investigation in the following circumstances:

- The complaint has passed all three of the initial tests
- The subject member had denied the allegations but the information presented indicates that there may be a breach of the Code
- On the information provided the potential breach of the Code of Conduct is sufficiently serious that an investigation should be undertaken to either discount or substantiate the complaint and to determine what sanction, if any, is appropriate

2.8 Potential offences under the Localism Act 2011

If it is considered that the allegation concerned may disclose an offence under the Localism Act, it should be referred to the Police and other appropriate person(s) for further consideration as to whether there should be an investigation with a view to prosecution. No prosecution can be brought without the consent of the Director of Public Prosecutions

If it transpires that no offence was committed, whether following trial or otherwise, the complaint ought to be reintroduced to this procedure for determination of any breach of the code and any appropriate sanction.

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MEMBERS' CODE OF CONDUCT

Procedure for Hearings



General Information

Hearings will take place at Phoenix House, Tiverton unless there are exceptional reasons for using an alternative venue.

The Chairman of the Standards Committee will normally preside at a hearing but if he/she is unable to attend then the Vice Chairman of the Committee will do so.

Every effort will be made to ensure that a private room is available for the Subject Member, his representatives and/or his witnesses.

If the Investigating Officer attends the hearing every effort will be made to ensure that a private room is available for him/her and any witnesses he may want to call.

All parties will be expected to conduct themselves in a manner which accords proper respect to the proceedings and everyone present. The Chairman will remind parties and their representatives of this responsibility whenever necessary.

The Committee may take advice from its legal advisor at any time during the hearing or while they are considering what they have heard. The substance of any legal advice given to the Committee will be shared with the Subject Member and the Investigating Officer if they are present.

Hearings will normally be held in public unless the Standards Committee considers it necessary to exclude the public in accordance with Human Rights and Access to Information legislation.

Definitions

Subject Member – a Member of the Council who is the subject of the allegation being considered by the Audit Committee. It also includes the Members nominated representative.

Investigating Officer – the person investigating the case, this may well be the Monitoring Officer (or Deputy) or other investigating Officer

Committee – includes a sub committee of the Standards Committee

Legal Advisor – The officer responsible for providing legal advice to the Standards Committee, this may be the Monitoring Officer, Deputy Monitoring Officer or another legally qualified officer in the authority.

The Hearing

1. The Chairman will introduce the Members of the Committee and any officers present.
2. The Chairman will ask the parties involved to introduce themselves.
3. The Chairman will explain the reason for the meeting and outline the procedure to be taken.
4. The Chairman will ask whether any party has any issues with the procedure to be followed.
5. The Committee will determine any preliminary procedural issues having heard the representations and asked any necessary questions. The decision of the Committee in this respect will be final.
6. The Chairman will invite the Legal Advisor to outline for Members the facts which are agreed and not agreed as stated in the pre-hearing summary.
7. If the Subject Member disagrees with any relevant fact in the Investigating Officers report but has not given prior notice to that effect (and therefore has not been included in the pre-hearing summary) he/she may raise it at this point. The Subject Member will be requested to explain why this disagreement was not raised in the pre-hearing process.

If the Investigating Officer is not present, the Committee must decide whether it is in the public interest to continue. If the Committee agrees to continue in the absence of the Investigating Officer it may:

- Proceed with the hearing admitting the new disagreement of facts into the process
- Proceed without admitting the new disagreement of facts
- Adjourn the hearing to a later date to enable the parties to address the issues

If the Investigating Officer is present he/she will be given the opportunity to comment on the Subject Member's explanation.

8. Any witnesses called by the Investigating Officer or the Subject Member shall remain outside the room where the hearing is taking place until they are called to give evidence.
9. If present the Investigating Officer will be invited to make representation in support of his /her report and call any witnesses' identified in the pre-hearing summary. The Investigating Officer may also address any matters of evidence identified in the pre-hearing process.

10. The Subject Member may cross-examine any witnesses called by the Investigating Officer
11. The Subject Member will then be given the opportunity to make representation in support of his/her view of the facts concerned and call witnesses as identified in the pre-hearing summary. The Subject Member may also address any matters of evidence identified in the pre-hearing process.
12. The Investigating Officer may cross examine any witnesses called by the Subject Member.
13. At an appropriate time and with the permission of the Chairman, the Investigating Officer or the Subject Member may make further representations.
14. At any time the Committee may question either party or any witness.
15. The Investigating Officer and the Subject Member will be requested to sum up.
16. At the conclusion of the representations and evidence, the Committee will consider what it has heard in private accompanied only by its clerk and legal advisor. When the Committee has reached a conclusion, as to whether the Subject Member has or has not failed to comply with the Code of Conduct the Chairman will announce the Committee's findings to all present at the hearing.
17. If the Committee decide that the Subject Member has **not failed to follow the Code of Conduct** it will then consider whether it should nevertheless make any recommendations to the Authority.
18. If the Committee decides that the Subject Member **has failed to comply with the Code of Conduct** it will consider any verbal or written representations from the Subject Member or the Investigating Officer as to:
 - Whether or not the Committee should impose a penalty; and if so
 - What form any penalty should take
19. The Committee will consider in private, accompanied only by its clerk and Legal Advisor, whether or not to impose a penalty on the Subject Member and if so, what that penalty should be.
20. The Chairman will then announce the Committee's decision to all those present at the hearing and will provide a short written decision at that time.
21. The Committee will issue a full written decision including reasons within 5 working days of the hearing or as soon as practicable thereafter.

22. The Subject Member may lodge an appeal within 21 days of the date of receipt of the full written decision of the Committee.

MEMBERS' CODE OF CONDUCT

COMPLAINT FORM



Please read the following guidance before completing this form. It is important that you give us all the information we need to make a reasoned and informed decision on your complaint. You may also like to refer to the document entitled "Procedure for the assessment and determination of allegations of breaches to the Members Code of Conduct" available on the website.

Code of Conduct Complaint Form Guidance Notes

1. The detail of your complaint

In order to help the Monitoring Officer make an initial assessment of your complaint please make sure you have:

- Included your contact details in case any clarification or explanation is required relating to your complaint.
- Identified one or more councillors by name as the focus of your complaint, we cannot accept complaints about a Council as a whole or about employees of a Council, this does not include the clerks as they are not covered by the Code of Conduct for councillors.
- Identified from the tick box list in the form in this document the relevant areas of Code you think might apply to your complaint.
- Explained the circumstances and nature of the complaint in detail, including whether you think the councillor was acting in an official capacity and, if so, why you think that. You will need to demonstrate via the information provided how each of the areas of the Code that you have identified has been breached.
- Supply any documentation relevant to your complaint.
- Identified where there are any witnesses or not, and if so, their names and contact details if you know them. It may be helpful if you could obtain consent of anyone identified to being a witness in support of your claim.
- Indicated whether you have complained about this issue before and, if so, to whom and the outcome.
- Completed the section relating to confidentiality.

2. Your details

In normal circumstances when a complaint is received details of the complaint and the name of the complainant, (but not their address or other contact details) will be passed to the councillor against whom the complaint has been made (who we will

refer to as the subject member) so that they are able to provide a response to the complaint as there is a need to consider both sides in making a decision; this accords with the rules of natural justice.

If you do not want your identity to be disclosed to the subject member you may request confidentiality in line with section 3, below.

3. Confidentiality

If you have serious concerns about your identity or details of your complaint being released, please complete the section of the form marked 'Confidentiality'.

We believe it is fair that members who are complained about have the right to know who has made the complaint and to be provided with the details of the complaint so that they may respond to the complaint. We are unlikely to withhold your identity or the details of your complaint unless we consider that you have demonstrated that it is appropriate to do so. Any request for confidentiality will be considered by the Council's Monitoring Officer or his nominee.

Each request for confidentiality will be considered on its own merits and in determining such a request the following will be considered:

- Whether you reasonably believe that you, or those connected to you, will be at risk of harm if your identity is disclosed;
- That you are reasonably concerned about the consequences to your employment, or those connected to you, if your identity is disclosed;
- That you suffer, or somebody closely connected to you suffers from a medical condition and there is evidence of medical risks associated with your identity being disclosed or confirmation from an appropriate medical professional if that is the case;
- The public interest; in some cases the public interest in proceeding with the complaint may outweigh the complainant's wish to have their identity withheld.

Requests for confidentiality will not automatically be granted. If confidentiality is granted the subject member will be advised of the fact and the reasons why, but not so as to indirectly disclose the complainant's identity. Your request will be considered alongside the substance of your complaint. If your request for confidentiality is not granted, we would usually allow you to withdraw your complaint, unless the matter is seen to be of a serious nature and we may decide that it is in the public interest to take any appropriate action.

Further information regarding submitting your claim, timescales and what decision can be made on a complaint are all available in the 'Procedure for the assessment and determination of allegations of breaches of the members' Code of Conduct'.

COMPLAINT FORM

Your Details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Are you

- ☐ Member of the public
- ☐ An elected or co-opted member of an authority
- ☐ Member of Parliament
- ☐ Local authority monitoring officer
- ☐ Other council officer or authority employee
- ☐ Other ()

The Member(s) you are complaining about

Title	First name	Last name	Name of Council

What part(s) of the Code of Conduct do you think have been breached?

The details you are asked to give below should support and explain your choices here. We may come to a different conclusion on what paragraphs of the Code may have been breached, if any. For more details you can view the Code of Conduct via the following link: <http://www.middevon.gov.uk/CHttpHandler.ashx?id=17917&p=0>

Please tick against the appropriate part(s) of the Code:

Failed to treat others with respect	
Lawfully discriminated	
Bullying	
Intimidated or attempted to intimidate others	
Conducted themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct.	
Has accepted a gift or hospitality that could be seen by the public as likely to influence the member's judgement in relation to any matter that they deal within their official capacity	
Has compromised or attempted to compromise the impartiality of anyone who works for or on behalf of the council	
Improperly disclosed confidential information	
Prevented someone from getting information to which they are entitled by law	
Bringing their office or Council into disrepute	
Improperly using their position to confer an advantage or disadvantage on themselves or another	
Improperly using the resources of their Council	
Failure to have regard to the advice of the Monitoring Officer, Chief Financial Officer or local clerk	
Has participated in the scrutiny of a matter on which the person has previously made a decision	
Has failed to correctly register interests as set out in the Code	
Has, at a meeting or when making a decision, failed to disclose a registered interest	
Has made a decision when they should not have done so because of an interest that they had at the time.	

Has failed to absent themselves from the room or chamber where a matter in which they have an interest in is being discussed, whether or not they have disclosed the interest.	

Your complaint

Having regard to the guidance notes, please provide us with the full details of your complaint. Continue overleaf and then on a separate sheet if there is not enough space on this form.

Your complaint – please continue here if there is insufficient space on the previous page.

Witnesses to the alleged conduct

Please provide details of witnesses to the alleged conduct and their contact details.

Title	First Name	Last Name	Address and telephone number

Previous action you have taken about this complaint

We need to know whether you have previously referred this complaint to another body. Please complete the tablet I indicate to whom you have referred the complaint.

Another Council	Yes/No
Local Government Ombudsman	Yes/No
Other (please specify below)	Yes/No

If you have answered 'yes' to any of the above, please confirm in the box which organisation you have referred this matter to, when it was referred and any reference number you may have



Confidentiality

Only complete this section if you are requesting that your identity is to be confidential.

Please give details of why you believe we should withhold your name and /or details of your complaint

Signature.....

Date.....

Additional help

Complaints must always be submitted in writing. However, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint or makes it difficult for you to submit your complaint in writing. We can also help if English is not your first language.

All forms should be sent or delivered to:

The Monitoring Officer
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Email monitoringofficer@middevon.gov.uk
Telephone 01884 234246

FULL COUNCIL 22 February 2017

Independent Remuneration Panel Report – February 2017

Responsible Officer: Director of Corporate Affairs and Business Transformation

Reason for Report: Following a review of the current Member Allowances Scheme, the report sets out the Independent Remuneration Panel's views for consideration by Council to set a scheme of Allowances from 1 April 2017 until 31 March 2018.

RECOMMENDATIONS:

- a) That the Basic Allowance to be paid to all Councillors remain at the current level of £4,865 pa with any increases being linked to the staff pay award.
- b) That Special Responsibility Allowances be paid to the following Members at the unchanged levels indicated below:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£14,595
Deputy Leader	1.50	£7,298
Cabinet Member	1.25	£6,081
Scrutiny Committee Chair	1.25	£6,081
PDG Chair	0.75	£3,649
Audit Committee Chair	0.75	£3,649
Planning Committee Chair	1.25	£6,081
Licensing/Regulatory Chair	0.25	£1,216
Standards Chair	0.25	£1,216
Chairman of the Council	0.50	£2,433

- c) To confirm that no Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d) Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.
- e) That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:
 - 45p per mile for the first 10,000 miles
 - 25p per mile thereafter
 - 5p per mile per passenger carried (up to a maximum of 4 passengers payable to the driver)
 - 25p per mile for pushbikes

NB: To be increased in line with HMRC rates from 1 April 2017 once known.

That only travel from within the Mid Devon border to attend an official duty be recompensed to the Member.

- f) That the subsistence allowances be linked to those of the staff, currently these are as follows:
- Breakfast - £7.02
 - Lunch - £9.70
 - Tea - £3.81
 - Dinner - £12.00

NB: To be increased in line with HMRC rates from 1 April 2017 once known.

- g) That all claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.
- h) That an annual digital allowance of £150 continue to be paid to Member using digital devices only.
- i) That the current Town and Parish Council Scheme of Allowances remain in place.
- j) That Members of the Authority are not entitled to pensions and therefore neither the basic allowance nor SRA be treated as an allowance in respect of which pensions are payable.

Relationship to Corporate Plan: None

Financial Implications: The recommendations do not propose any financial increase therefore there are no additional financial implications for the Council.

Legal Implications: The Local Authorities (Member's Allowances) Regulations 2003 require that an Independent Remuneration Panel consider Members Allowances and make recommendation to Council.

Risk Assessment: Failure to follow the Members Allowances Regulations could leave the Council open to challenge.

1.0 Introduction

- 1.1 At a previous meeting of Council in August 2016, Council agreed a Scheme of Members Allowances Scheme with a slight increase in the Basic Allowance which consequently resulted in increases to the Special Responsibility Allowances.

- 1.2 The Independent Remuneration Panel were mindful that only 4 months had elapsed since Council had approved the previous Members Allowances Scheme and in the absence of any evidence to suggest a significant change in the workload of Members the Panel are not recommending any increases at the current time.
- 1.3 The accompanying report from the IRP (Appendix 1) proposes ten recommendations for consideration by the Council. A draft scheme of Members' Allowances for 2017-18 is attached at Appendix 2.

Contact for more Information: Jill May, Director of Corporate Affairs and Business Transformation or Sarah Lees 01884 234310, Member Services Officer

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INDEPENDENT REMUNERATION PANEL

REPORT ON MEMBERS' ALLOWANCES FROM
1 APRIL 2017 TO 31 MARCH 2018

FOR

MID DEVON DISTRICT COUNCIL

INDEPENDENT REMUNERATION PANEL

REPORT ON MEMBERS' ALLOWANCES FROM 1 APRIL 2017 TO 31 MARCH 2018

1. INTRODUCTION

The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to have regard to the recommendations of an Independent Panel in agreeing allowances paid to councillors.

The Independent Panel operates under the provisions of the Local Authorities (Members' Allowances) (Regulations) 2003. These regulations require that all councils should set up independent panels and take account of their advice before agreeing their councillors' allowances scheme.

2. MEMBERSHIP

There has been no change to the membership of the Panel since the last set of recommendations were presented to Council in August 2016. The membership of the Panel continues to be as follows:

- Richard Watkins – retired business man
- Paul Baker – Deputy Director for Primary Care, NHS
- Jonathan Rich – Solicitor
- Karen Stone – Business Manager, South West Councils
- Sylvia Vallis – retired schoolteacher

3. BACKGROUND

The previous review had taken place during 2016 and had culminated in a report recommending a Scheme of Allowances until 31 March 2017. Following receipt of this report Council voted on each of the Panel's recommendations at a meeting on 31 August 2016.

The Panel have noted the following:

- a) Council did not accept their recommendation to keep the Basic Allowance at £4691 but voted to increase this by £174 pa making the current annual Basic Allowance £4865.
- b) As a result of the decision above all Special Responsibility Allowances (SRA) were increased as these were based upon a weighting applied to the Basic Allowance.

- c) Council voted to approve the Panel's recommendation to reduce the weighting applied to the SRA for the Licensing and Regulatory Committee Chairman from 0.50 applied to the Basic Allowance to 0.25.
- d) Council had approved with all the other recommendations in the Panel's report in respect of the following:
 - i. No Member should be entitled to claim more than one SRA.
 - ii. That the Leader and Cabinet Members keep a record of the additional workload as a result of the Greater Exeter proposal and Devolution.
 - iii. Carer's Allowances be calculated on the current basis namely the actual expenditure up to the national living wage of a person over 25.
 - iv. Travel allowances be linked to HMRC rates and calculated at the national levels indicated.
 - v. Subsistence allowances be linked to those of the staff.
 - vi. All claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.
 - vii. An annual digital allowance of £150 be paid to Members using digital devices only.
 - viii. The current Town and Parish Council Scheme of Allowances remain in place.

4. CONDUCT OF THE REVIEW FOR 2017/18

Since only 4 months had elapsed since Council had approved the previous Members Allowances Scheme and in the absence of any evidence to suggest a significant change in the workload of Members, the Panel chose to communicate their deliberations electronically and did not feel the need to meet in person.

5. SCHEME OF ALLOWANCES

5a The Basic Allowance

The Panel were mindful of the fact that there had only been 4 months since the approval of the previous Members Allowances Scheme where Council had voted for an increase in the Basic Allowance. Therefore, in the absence of any evidence to suggest Members workloads had changed in the previous 4 months the Panel wish to recommend that the Basic Allowance remains at the amount of £4865 pa, as agreed by Council on 31 August, until 31 March 2018.

5b. Special Responsibility Allowances (SRA)

The Local Authorities (Members' Allowances) Regulations 1991 provide that SRA may be paid to those Members of the Council who

have “**significant additional responsibilities**” over and above the generally accepted duties of a Councillor. In setting the SRA’s originally the Panel had concluded that the best approach was to use the Basic Allowance as the starting point and then give a weighting to the role attracting the SRA which could be applied to the Basic Allowance. The Panel remain of the view that the link between the Basic Allowance and SRA is an important one.

The Leader and Cabinet Members had been requested to keep a log of the additional workload they had encountered between September 2016 and January 2017 as a result of the Greater Exeter proposals and Devolution. In reality, the additional workload had only impacted upon the Leader who had attended 8 additional meetings during that time. The panel were informed that it was still early days with regard to these issues and that a more accurate assessment may be able to be given in the autumn. The panel also noted that there may be other issues affecting Cabinet Member roles as the year progresses. They are not therefore able to justify an increase in Special Responsibility Allowances at the current time.

The Panel continue to be of the view that the weights applied to the agreed basic Allowance are appropriate and therefore recommend a continuation of the current levels until 31 March 2018. These are as follows:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£14,595
Deputy Leader	1.50	£7,298
Cabinet Member	1.25	£6,081
Scrutiny Committee Chair	1.25	£6,081
PDG Chair	0.75	£3,649
Audit Committee Chair	0.75	£3,649
Planning Committee Chair	1.25	£6,081
Licensing/Regulatory Chair	0.25	£1,216
Standards Chair	0.25	£1,216
Chairman of the Council	0.50	£2,433

The Panel continues to recommend that Members should not be entitled to claim more than **one** SRA.

5c. **Chairman’s Allowance**

There was no change to the Panel’s previous recommendation that the allowance paid to the Chairman of the Council be split between his civic role and his constitutional role. That is, a small budget (not exceeding £2,000 and to be agreed each year during the budget setting process) be allocated to him or her for civic functions. The Special Responsibility Allowances paid to him or her at the above rate should be for the constitutional role in chairing full Council meetings.

5d. **Carers' Allowance**

There is no change to the Panel's previous recommendation that the provision for the carers' allowance should be the hours of carer required at the actual expenditure up to the national living wage for a person over the age of 25 which from 1 April 2017 will be £7.50.

5e. **Travel and Subsistence Allowances**

They continue to recommend that reimbursement of approved mileage continue to be linked to the rates published by HMRC which for 2016/17 are (these figures to be amended in line with the HMRC rates as from 1 April 2017 once they are known):

Travelling Allowances

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers payable to the driver)
- 25p per mile for pushbikes

Subsistence Allowances

The Panel recommends that subsistence allowances should be the same as for employees which for 2016/17 are (these figures to be amended in line with the HMRC rates as from 1 April 2017 once they are known):

- Breakfast - £7.02
- Lunch - £9.70
- Tea - £3.81
- Dinner - £12.00

5f. **IT Allowance**

The Panel continue to be of the view that the use of digital devices needs to be incentivised and therefore continues to recommend that one sum of £150 per annum be paid as an overall IT allowance only to those Members going 'paperless'.

5g. **Pensions**

The Government has now removed the entitlement of elected councillors to join the Local Government Pensions Scheme.

5h. Town and Parish Council Scheme of Allowances

The Panel do not consider that there needed to be any change to the previous scheme of Town and Parish Council Allowances. They therefore recommend that the current scheme remain in place until such time that a Town or Parish Council requests that the Panel meets to discuss their particular circumstances.

SUMMARY OF RECOMMENDATIONS

The Panel recommends that from 1 April 2017 until 31 March 2018:

- a. The Basic Allowance to be paid to all Councillors remain at the current level of £4865 with any increases being linked to the staff pay award.
- b. All other Special Responsibility Allowances be paid to the following Members at the levels indicated:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£14,595
Deputy Leader	1.50	£7,298
Cabinet Member	1.25	£6,081
Scrutiny Committee Chair	1.25	£6,081
PDG Chair	0.75	£3,649
Audit Committee Chair	0.75	£3,649
Planning Committee Chair	1.25	£6,081
Licensing/Regulatory Chair	0.25	£1,216
Standards Chair	0.25	£1,216
Chairman of the Council	0.50	£2,433

- c. No Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d. Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.
- e. That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:
 - 45p per mile for the first 10,000 miles
 - 25p per mile thereafter
 - 5p per mile per passenger carried (up to a maximum of 4 passengers payable to the driver)
 - 25p per mile for pushbikes

NB: To be increased in line with HMRC rates from 1 April 2017 once known.

That only travel from within the Mid Devon border to attend an official duty be recompensed to the Member.

- f. That the subsistence allowances be linked to those of the staff, currently these are as follows:

- Breakfast - £7.02
- Lunch - £9.70
- Tea - £3.81
- Dinner - £12.00

NB: To be increased in line with HMRC rates from 1 April 2017 once known.

- g) That all claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.
- h) That an annual digital allowance of £150 continue to be paid to Members using digital devices only.
- i) That the current Town and Parish Council Scheme of Allowances remain in place.
- j) That Members of the Authority are not entitled to pensions and therefore neither the basic allowance nor SRA be treated as an allowance in respect of which pensions are payable.

ELECTIONS

The regulations provide that a Member may, by notice in writing, given to the proper officer (the Director of Finance, Assets and Resources) elect to forgo any part of his or her entitlement to an allowance under the scheme.

Paul Baker
Jonathan Rich
Karen Stone
Sylvia Vallis
Richard Watkins

February 2017

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Draft for Approval

MEMBERS' ALLOWANCES SCHEME 2017 - 2018

The Mid Devon District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Mid Devon District Council Members' Allowances Scheme, and shall have effect for the period 1st April 2017 until the 31st March 2018
2. In this scheme:

 "Councillor" means a Member of the Mid Devon District Council who is Councillor;

 "year" means the twelve months ending with 31st March.

Basic Allowance

3. Subject to paragraph 8, from 1st April 2017 a Basic Allowance of £4,865 shall be paid to each Councillor. Any increases thereafter will be linked to the staff pay award until the next review.

Special Responsibility Allowances

4. (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the Special Responsibilities in relation to the Authority that are specified in the Schedule to this scheme. These Allowances shall be calculated based upon a weighting applied to the Basic Allowance, therefore any increase in the Basic Allowance as a result of a staff pay award shall also result in an increase to the Special Responsibility Allowances.
- (ii) Subject to paragraph 6, the amount of each such Allowance shall be the amount specified against that Special Responsibility in that Schedule.
- (iii) No Councillor is entitled to claim more than one Special Responsibility Allowance.

Renunciation

5. A Councillor may, by notice in writing given to the Head of Finance, elect to forego any part of his/her entitlement to an Allowance under this scheme.

Part-Year Entitlements

6. (i) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility Allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a Special Responsibility in respect of which a Special Responsibility Allowance is payable.

(ii) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods:

- (a) Beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
- (b) Beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year.

7. The entitlement to such an Allowance shall be to the payment of such part of the amount of the Allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period years to the number of days in the year.

(i) Where the term of office of the Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

(ii) Where this scheme is amended as mentioned in sub-paragraph (ii), and the term of office of the Councillor does not subsist throughout the period mentioned in sub-paragraph (ii)(a), the entitlement of any such Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.

(iii) Where a Councillor has during part of, but not throughout a year, such Special Responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that Allowance as bears to the whole the same proportion as the number of days during which he has such Special Responsibilities bears to the number of days in that year.

(iv) Where this scheme is amended as mentioned in sub-paragraph (ii), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (ii)(a) of that paragraph any such Special Responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of the Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such Special Responsibilities bears to the number of days in that period.

Carers' Allowance

8. A Carers' Allowance of the actual expenditure incurred up to a maximum of the national living wage of a person over 25 years of age or the actual cost of childcare at an accredited Nursery, will be paid for care of dependants whether children, elderly people or people with disabilities to Members whilst carrying out approved duties. The maximum period of the entitlement will be the duration of the approved duty and reasonable travelling time. The Allowance will not be payable to a Member of the claimant's own household. The Carers' (reasonable) expenses will be paid and must be accompanied by a receipt.

Travelling and Subsistence Allowances

9. Travelling and subsistence allowances will be paid in accordance with the scales of allowance set out in schedule to this scheme in connection with or relating to such duties as are within one or more of the following categories:

- (a) the attendance at a meeting of the authority or of any committee or sub committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that it is a meeting to which members of at least two such groups have been invited,
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (e) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (f) any conference or meeting of any body where the Council or a Committee have agreed to send a representative;
- (g) as a member of a deputation approved by the authority, a committee or sub committee;
- (h) the Chairman or Vice Chairman of the authority, Committees or Policy Development Groups at meetings with a Chief Officer where Council or Committee business is discussed;
- (i) the Chairman of the Council and Chairmen of Committees acting in such capacity at meetings of Parish Councils;
- (j) Civic Receptions and other social functions;
- (k) Members attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the request of a Parish Council; and
- (l) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.
- (m) the start point for a Member claiming travel to attend a meeting be at the Mid Devon border and not outside.

Payments

10. (i) Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph (ii), in instalments of one twelfth of the amount specified in this scheme on the 22nd day of each month.
- (ii) Where a payment of one twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

Claims

11. Claims for the payment of dependent carers' allowance and travelling and subsistence allowances must be made by the person to whom they are payable within two months of the date on which an entitlement to such allowance arises. Such claims must be evidenced by relevant receipts.

Pensions

12. None of the allowances contained within this scheme shall be eligible for inclusion within the Local Government Pension Scheme.

Tax and Benefits

13. Income Tax

- a) Basic, Special Responsibility and Carers Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.
- b) The HMRC is notified of the names and addresses of all Members who claim taxable allowances. Tax is deducted at basic rate until the HMRC notified the Council of the appropriate tax code for each Member.
- c) Some expenses incurred by Members in the course of their Council duties may be deductible against tax. Any Member who believes that some of his/her expenses as a Member may be tax deductible should contact his/her Tax Office.

14. National Insurance Contributions

- a) Basic, Special Responsibility and Carers Allowance payments will attract National Insurance (NI) Contributions at levels that vary depending on the total earnings of Members.
- b) Some Members may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See the Government website for more information. <https://www.gov.uk/tax-national-insurance-after-state-pension-age>
- c) Some Members, who are married women or widows who have elected to pay reduced rate NI Contributions may also need to have the NI Contributions on Allowances calculated at a reduced rate.
- d) Members who are self-employed may also be subject to different levels of NI Contributions.
- e) Members who believe that they fall into any of the above categories should contact the Head of Finance who will seek further information to assist with the query. Members should also obtain the appropriate certificates from the Department of Work and Pensions (DWP).

15. Chairman's Civic Budget

A small budget (not exceeding £2,000 and to be agreed each year during the budget setting process) be allocated to the Chairman of the Council for civic functions.

Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s

16. IT Allowances

Until 31st March 2018 IT allowances will be paid as follows:

A digital allowance of £150 to be paid to Members using digital devices only.

DATED this 31st March 2017

SCHEDULE

With effect from 1st September 2016, the following are specified as Special Responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those Allowances:

Leader of the Council	£14,595
Deputy Leader of the Council	£7,298
Cabinet Member	£6,081
Chairman of Scrutiny Committee	£6,081
Chairmen of Policy Development Groups	£3,649
Chairman of Audit Committee	£3,649
Chairman of the Planning Committee	£6,081
Chairman of the Licensing/Regulatory Committee	£1,216
Chairman of the Standards Committee	£1,216
Chairman of the Council	£2,433

With effect from 1st April 2016 * (to be updated from 1st April 2017 once the new rates are known), the following amounts are specified as the amounts of allowance payable in respect of travelling and subsistence arising from those approved duties set out within this scheme:

(a) Travelling Allowances:

45p per mile for the first 10,000 miles
25p per mile thereafter
5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
25p per mile for push bikes

(b) Subsistence Allowances

Breakfast	£7.02
Lunch	£9.70
Tea	£3.81
Dinner	£12.00

All claims for subsistence must be accompanied by a receipt. The maximum allowance will only be paid where the cost of subsistence is equal to, or greater than, the maximum allowance.

Note: *HMRC rates come into effect on the 1 April each year and therefore these amounts to be increased accordingly.

FOR INFORMATION AND CLARIFICATION - NOT PART OF THE APPROVED SCHEME

ELIGIBILITY TO ALLOWANCES AND EXPENSES

ALLOWANCES CLAIMABLE

Description of Approved Duty			Carers' Allowance	Travel & Subsistence
1.	(a)	Meetings of Council, Cabinet, Policy Development Groups, Audit, Scrutiny and Regulatory Committees (Members of Committees or Substitutes)	YES	YES
	(b)	Non-Committee Members attending	YES	YES
2.		Meetings of bodies to which the Authority makes appointments, or of Cabinet, Policy Development Groups, Audit, Scrutiny and Regulatory Committees	YES	YES
3.		Any meeting authorised by the Authority, Cabinet, Policy Development Groups, Audit, Scrutiny or Regulatory Committees to which duly appointed representatives of more than one Political Group have been appointed	YES	YES
		Non-duly appointed Members	NO	YES
4.		A meeting of a Local Authority Association	YES	YES
5.		Any conference or meeting of any body where the Council or a Committee have agreed to send a representative	YES	YES
6.	(a)	Any visits or inspections undertaken by Members, approved by the Authority or any Cabinet, Policy Development Groups, Audit, Scrutiny or Regulatory Committees. (Members of Committee or Substitutes)	YES	YES
	(b)	Non-Committee Members attending by invitation of the Cabinet, Policy Development Group, Audit, Scrutiny and regulatory Committees.	YES	YES
	(c)	Non-Committee Members attending uninvited	NO	YES
7.		As a Member of a deputation approved by the Authority, the Cabinet, Policy Development Group, Audit, Scrutiny or Regulatory Committees.	YES	YES

8.	By Chairman or Vice-Chairman of the Authority, Cabinet, Policy Development Group, Audit, Scrutiny and Regulatory Committees at meetings with a Chief Officer where Council or Committee business is discussed	YES	YES
9.	By Chairman of the Council and Chairman of Committees acting in such capacity at meetings of Parish Councils	YES	YES
10.	For any particular duty for which express authority from time to time is given by the Authority or in case of emergency by the Chairman or Vice-Chairman of the Authority	NO	YES
11.	Civic Receptions and other social functions	NO	YES
12.	Members attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the request of a Parish Council	NO	YES

Notes:

- (1) In all cases, the duties for which claims are made must have been approved prior to the event.
- (2) Meetings (3 above) includes Working Groups, approved seminars, and Briefing meetings where more than one Political Group is invited
- (3) Other Briefing meetings fall within (8) above.