Public Document Pack

Mid Devon District Council

Cabinet

Thursday, 4 January 2018 at 2.15 pm Exe Room, Phoenix House, Tiverton

Next ordinary meeting Thursday, 1 February 2018 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr C J Eginton Leader and Environment

Cllr R J Chesterton Deputy Leader and Planning and Economic

Regeneration

Cllr P H D Hare-Scott Finance

Cllr C R Slade Community Well Being

Cllr Mrs M E Squires Working Environment and Support Services

Cllr R L Stanley Housing

AGENDA

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

Apologies

To receive any apologies for absence.

2. Minutes of the Previous Meeting (Pages 5 - 12)

To consider whether to approve the minutes as a correct record of the meeting held on 23 November 2017.

3. Public Question Time

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

4. **Air Quality** (Pages 13 - 58)

Arising from a report of the Director of Operations, the Community Policy Development recommended that the proposed Air Quality Action Plan as attached in Annexe 2 with the addition of wording to emphasise the need for major infrastructure in Cullompton (this has been added to the Action Plan).

5. **Town and Parish Charter** (Pages 59 - 82)

Arising from a report of the Member Services Manager, the Community Policy Development Group had recommended that the Charter be approved for a further three years subject to the amendments highlighted in Appendix 1.

6. **Draft 2018/19 Housing Revenue Account (HRA) Budget** (Pages 83 - 96)

Following a report of the Director of Finance, Assets & Resources and the Director of Operations, the Homes Policy Development Group when considering the options available for the Council to set a balanced budget for 2018/19 made the following recommendation: that Garage Rents and Community Alarm Charges for 2018/19 be frozen at the current levels for 2017/18.

7. **Heart of the South West - Joint Committee** (Pages 97 - 132)

To reconsider the decision to approve the establishment of a joint Committee and the arrangements to support its future working as set out in the report and the documents referred to within.

8. Development of Affordable Housing at site near Oakfields, Burlescombe (Pages 133 - 136)

To consider a report of the Director of Finance, Assets and Resources providing information about the Council's interest and involvement in this development in advance of a decision in February 2018 to award the contract for the design and build.

9. Tax Base Calculation (Pages 137 - 152)

To receive a report of the Director of Finance, Assets and Resources, detailing the statutory calculations necessary to determine the Tax Base for the Council Tax.

10. **Financial Monitoring**

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

11. **Budget Update** (*Pages 153 - 160*)

To receive an update on the budget from the Director of Finance, Assets and Resources requesting the Cabinet to review the revised draft budget changes identified and discuss any further changes required in order for the Council to move towards a balanced budget for 2018/19.

12. Local Enforcement Policy (Pages 161 - 192)

To consider a report of the Head of Planning, Economy and Regeneration outlining the comments received following public consultation undertaken together with resultant changes to the Enforcement Plan.

13. Tiverton Eastern Urban Extension Area A - Masterplanning - Land South of West Manley Lane (Pages 193 - 200)

To consider a report of the Head of Planning, Economy and Regeneration responding to a request by Cabinet setting out options available to them, should they wish to amend the adopted masterplan SPD with regard to land south of West Manley Lane within Area A of the Tiverton Eastern Urban Extension (EUE).

14. **Insurance Services Contract Award** (Pages 201 - 208)

To consider a report of the Director of Finance, Assets and Resources advising Members on the results of the procurement of insurance services.

15. **Notification of Key Decisions** (Pages 209 - 226)

To note the contents of the Forward Plan.

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Agenda Item 2.

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the CABINET held on 23 November 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

Also Present

Councillor(s) R F Radford

Also Present

Officer(s): Andrew Jarrett (Director of Finance, Assets and

Resources), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jane Cottrell (Group Manager for Human Resources), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Sally Gabriel (Member Services Manager)

74. APOLOGIES

There were no apologies from Members of the Cabinet, although it was noted that Cllrs: F J Rosamond and Mrs J Roach had apologised for not being able to attend the meeting.

75. PUBLIC QUESTION TIME

Mr Vanderwolfe, Clerk to Tiverton Town Council, referring to Item 5 (Grounds Maintenance – Grass Cutting) on the agenda, stated that he understood from the report that invoices to Town and Parish Councils would confirm the number of cuts etc, he had not received any complaints about grass cutting and he understood that with rain and sunshine, the grass would grow, the Town Council paid for 6 cuts per year and referred to the calculation in paragraph 3.2 of the report which gave an hourly charge out rate of £35.09 per person per task. He asked how much the Town Council was going to be charged and the number of cuts it would receive. He requested a quarterly update so that he could inform his Council.

Honorary Alderman Lucas referring to Item 4 (10 Year Management Plan for Open Spaces) on the agenda stated that he certainly agreed with the recommendations from the Policy Development Group, however, he voiced concern with regard to the removal of trees in paragraph 6.1 of the report and stated that he would not like to see a repeat of what had happened in Sheffield and would like to see safeguards in place to conserve the trees in parks. Referring to the built environment in parks and open spaces he requested that Town and Parishes Councils be kept informed of any changes that would impact on them. He also referred to the Tree Charter and wondered if such a policy could be progressed within the District Council?

Cllr Burke (Mayor of Tiverton) referring to Item 5 (Grounds Maintenance – Grass Cutting) on the agenda stated that he had heard that the Grounds Maintenance Team would be moving to Willand, would the additional travelling time add to the cost of cutting grass for the Town Council?

The Chairman indicated that answers to the questions would be provided when the items were discussed.

76. MINUTES OF THE PREVIOUS MEETING (00-07-49)

The minutes of the previous meeting held on 26 October 2017 were approved as a true record and signed by the Chairman.

77. 10 YEAR MANAGEMENT PLAN FOR OPEN SPACES (00-08-46)

Arising from a * report of the Director of Operations, the Environment Policy Development Group had recommended that the following be recommended to Council: subject to the changes identified below the Parks and Open Spaces, 10 year Management Plans and Design Principles be approved:

- a) The Council should look to increase the volume of wild flower, natural grassland meadows and slow growing grasses in its open spaces.
- b) Where shrub beds have become overgrown, a new style of specimen planting will be used to replace traditional shrub bed areas.
- c) The management of tree stock will be set in the context of the 10 year management plan for that open space. There should be a presumption on the use of native trees as the prominent choice within any landscape design.
- d) Subject to the addition of the word 'replace' at 7.2.3: When considering maintenance of the built environment the Remove Reduce Repair approach outlined in paragraphs 7.2.1 to 7.2.4 above should be applied.
- e) Play England Making Space for Play should be adopted by Mid Devon District Council as its formal reference for best practice in the design and management of play areas.
- f) Subject to the addition of the wording 'or a suitable barrier provided' after the word 'fence' Play areas must be fenced where fencing is the most appropriate means to protect the health, safety and wellbeing of children. E.g. to physically separate play areas from roads and/or cycle paths.
- g) When work is undertaken to remove fences or other items, such as benches, the work must be undertaken in a safe manner ensuring no residual hazards.
- h) Headstone runners should be used to define and structure new burial plots.
- i) Subject to the removal of the sentence: 'Environmental areas should be generated in the old sections of the Council's cemeteries and biodiversity actively promoted in naturalised habitats.' At all times War Graves shall be tended and maintained with clear access routes made available.

The Leader and Cabinet Member for Environment outlined the contents of the report stating that the Policy Development Group had fully discussed the contents of the report and that 9 recommendations as amended (in italics) had been put forward as recommendations to the Cabinet.

Consideration was given to:

- The Play England Making Space for Play document and that it contained very useful guidance which should be adopted
- Wild flowers and slow growing grasses
- The maintenance of shrubberies on roundabouts
- The need to protect trees in open spaces

The Director of Operations provided answers to questions posed in public question time and issues raised during discussions: he stated that with regard to the Tree Charter, he would discuss this further with the Planning Department; healthy trees would only be removed in the context of the tree management plan by replacing one for one. The grassland issue was a subjective opinion, the introduction of wild flower areas had been very positive and slow growing grass areas would be maintained. The roundabouts at the entrance to Tiverton were Devon County Council owned land and were seen as high speed areas, therefore health and safety issues had to be considered when it came to maintenance of those areas, he therefore wished to bring forward a proposal that was pleasing to the eye but that would not require road closures for maintenance purposes.

RECOMMENDED to Council that subject to the changes identified, the Parks and Open Spaces, 10 Year Management Plans and Design Principles be approved.

(Proposed by the Chairman)

Note: Report previously copy attached to minutes.

78. GROUNDS MAINTENANCE - GRASS CUTTING (00-22-21)

Following consideration of Motion 538 (Cllr Mrs J Roach - 1 June 2017) and a *report of the Director of Operations regarding grass cutting issues in Mid Devon, the Environment Policy Development Group had recommended that invoices to Town and Parish Councils regarding grass cutting should confirm the number of cuts undertaken with dates.

The Leader and Cabinet Member for the Environment outlined the discussion that had taken place at the Policy Development Group meeting and added that in addition to the above, he would like the clients to receive notification when their grass had been cut.

The Director of Operations provided answers to questions posed in public question time: he stated that the report had been specifically focussed on Silverton and supplied answers to questions posed originally by Cllr Mrs Roach; however the current charge was per square metre and not on individual man hours. A working group of the Policy Development Group had been formed to look at budget issues and the Town and Parish Councils would be notified in good time to allow for

precepts to be set. With regard to the possibility of the Grounds Maintenance Team moving to Willand, there had been security issues at Park Road and he wished to encourage closer working between the Grounds Maintenance and Street Scene Teams; so yes he was looking at combining the team at Carlu Close, the recharge cost for grass-cutting would be calculated accordingly.

Consideration was given to:

- The consultation process that was taking place with staff
- The need to make savings.

RESOLVED that notification to Town and Parish Councils regarding grass cutting should confirm the number of cuts undertaken with dates; this notification should take place on a monthly basis or as applicable if no cuts occurred during a month.

(Proposed by the Chairman)

Note: Report previously copy attached to minutes.

79. HEART OF THE SOUTH WEST - JOINT COMMITTEE (00-32-28)

The Cabinet had before it a *report of the Chief Executive requesting consideration and approval of the establishment of a Joint Committee for the Heart of the South West and the arrangements to support its future working.

The Leader outlined the contents of the report highlighting the proposed recommendations, the key functions of the joint committee and the supplementary amendment that had been added with regard to the publication of press releases and/or public documentation. All constituent authorities would consider the same report prior to January 2018.

Consideration was given to:

- Concerns regarding the possibility of the formation of a unitary authority it
 was confirmed that no discussions along these lines had taken place.
- The fact that the Chancellor's budget had highlighted the role of an Elected Mayor – it was confirmed that the HoSW Leaders would not be seeking an Elected Mayor

RECOMMENDED to Council that:

- the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West be approved;
- 2. the Arrangements and Inter-Authority Agreement documents set out in appendices A and B for the establishment of the Joint Committee with the commencement date of Monday 22nd January 2018 be approved;

- the Leader of the Council and the Cabinet Member for Planning and Economic Regeneration be appointed as the Council's named representative and substitute named representative on the Joint Committee;
- 4. Somerset County Council be appointed as the Administering Authority for the Joint Committee for a 2 year period commencing 22nd January 2018;
- 5. the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year be approved subject to approval of any expenditure by the Administering Authority;
- 6. an initial contribution of £1,400 for 2018/19 to fund the administration be approved and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
- it agrees that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);
- 8. the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy be authorised; and
- It agrees the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14 of the attached Background Report.

(Proposed by the Chairman)

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

80. **GENDER PAY GAP (00-36-55)**

The Cabinet had before it a * report of the Group Manager for HR advising the Cabinet (and Council) of the Pay Gap between male and female employees as at 31 March 2017.

- The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that from 6 April 2017 employers in Great Britain with more than 250 staff would be required by law to publish the following four types of figures annually on their own website and on a government website by 30 March 2018.
- Gender pay gap (mean and median averages)
- Gender bonus gap (mean and median averages) not applicable
- Proportion of men and women receiving bonuses as above
- Proportion of men and women in each quartile of the organisation's pay structure

Consideration was given to the four quartiles outlined in the report and that the Council's median gender pay gap was significantly lower than the national average.

RECOMMENDED to Council that the report be **NOTED**

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

<u>Note:</u> *Report previously circulated, copy attached to minutes.

81. TREASURY MANAGEMENT STRATEGY MID YEAR REVIEW REPORT (00-40-59)

The Cabinet had before it a * report of Director of Finance, Assets and Resources informing the Cabinet (and Council) of the treasury performance during the first six months of 2017/18, requesting agreement of the ongoing deposit strategy for the remainder of 2017/18 and a review of compliance with Treasury and Prudential Limits for 2017/18 (Appendix 1).

The Cabinet Member for Finance outlined the contents of the report stating that the UK bank interest rates still remained low; however the investment in the CCLA (Churches, Charities and Local Authorities) had proved beneficial with a 4.65% return for the first two quarters of the financial year.

Consideration was given to the slight increase in interest rates, both on short term and long term investments.

RECOMMENDED to **COUNCIL** that a continuation of the current policy outlined in paragraph 6.1 be agreed.

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

Notes:

- (i) Cllr C J Eginton declared a personal interest as he received a pension from the Lloyds Banking Group;
- (ii) *Report previously circulated, copy attached to minutes.

82. FINANCIAL MONITORING (00-43-00)

The Cabinet Member for Finance provided a verbal update on the income and expenditure for the financial year to date. He reported that there had been little change since the previous month although there had been an increase in the income from the garden waste scheme and that car parking income had slipped, it was felt that the closure of Canal Hill had had some impact on this.

Consideration was given to the impact of the Chancellor's budget the previous day, the Director of Finance, Assets and Resources stated that the devil would be in the detail and that he would update Members when he had more information. The doubling of the infrastructure funding was acknowledged which may be favourable to the authority.

83. PERFORMANCE AND RISK (00-46-14)

The Cabinet had before it and **NOTED** a * report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

The Group Manager for Performance, Governance and Data Security outlined the contents of the report highlighting the threads within the Corporate Plan that of: "Environment" - that the transfer station was now up and running; "Homes" - that the number of empty homes had exceeded its annual target; "Economy - that there were a couple of new businesses in the area; "Corporate, the working days lost to sickness was a little below target. She also drew attention to the recent Landlord Networking event that had taken place earlier in the month.

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

84. **SCHEDULE OF MEETINGS (00-48-58)**

The Cabinet had before it a * draft schedule of meetings for 2018/19

RECOMMENDED that the schedule of meetings for 2018/19 be approved.

(Proposed by the Chairman)

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

85. ASBESTOS SURVEYING - LICENSED AND UNLICENSED REMOVAL 2017-2021 (00-50-47)

The Cabinet had before it a * report of the Director of Operations advising the Cabinet of the outcome of the recent tender of Asbestos Surveying and removal of Licensed and Unlicensed asbestos for the period 2018 – 2021.

The Cabinet Member for Housing outlined the contents of the report stating that this was the first contract established on a corporate basis scoping both the Council owned homes and corporate properties and explained the tender process that had taken place.

RESOLVED that the following tenders be awarded:

- a) Lot 1, Licensed Work, to Supplier L with a forecast annual budget of £100,000
- b) Lot 2, Unlicensed Work to **Supplier N** with a forecast annual budget of £100,000.

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

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

86. CABINET MEMBER DECISION (00-54-03)

The Cabinet **NOTED** that the Cabinet Member for Finance has made the following * decision:

To give free car parking for three Saturdays in December leading up to Christmas (9th, 16th and 23rd) plus a fourth day coinciding with each town's Christmas light switch-on event (Saturday 25th November for Crediton and Cullompton and Saturday 2nd December for Tiverton) in the long stay car parks of:

Multi-Storey Car Park, Tiverton

Station Road Car Park, Cullompton

St Saviour's Way Car Park, Crediton

Free parking will apply all day; from 00:00 to 23:59 on the dates listed above (subject to car park opening hours).

Reason: To boost footfall and enhance trade in the market towns in the run up to Christmas and support local Christmas programmes.

This decision directly supports the achievement of the Corporate Plan and Economy and improving and regenerating our town centres. Free parking for the Saturdays in the run up to Christmas with the aim of increasing footfall, dwell time and spend in our town centres. This will benefit local traders by supporting businesses in the town centres.

Notes:

- (i) Cllr C J Eginton declared a personal interest as he had a business in the town;
- (ii) *Decision previously circulated, copy attached to minutes.

87. NOTIFICATION OF KEY DECISIONS (00-54-45)

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

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

(The meeting ended at 3.12 pm)

CHAIRMAN

COMMUNITY PDG 28 NOVEMBER 2017

AIR QUALITY ACTION PLAN UPDATE

Cabinet Member(s): Cllr Margaret Squires and Cllr Colin Slade

Responsible Officer: Simon Newcombe, Group Manager Public Health &

Regulatory Services

Reason for Report: To provide the final version of the statutory Air Quality Action Plan 2017-21 for the district for consideration.

RECOMMENDATION: That the PDG recommend that Cabinet approve the proposed Air Quality Action Plan as attached in Annexe 2.

Relationship to Corporate Plan: The Air Quality Action Plan aligns with and directly supports a number of key themes in the Corporate Plan as follows:

- Priority 1 Economy: Aim (other) Act as a champion to improve local rail services
- Priority 2 Homes: Aim 3 Ensure consideration is given to the public health impact of every development
- Priority 4 Environment: Aim 2 Reduce our carbon footprint; Aim 3 Protect the natural environment
- The district Public Health Plan is a priority project within the Corporate Plan and air quality is a priority health inequality identified with the adopted plan

Financial Implications: As per previous PDG reports provided in March, June and September 2017, the plan will encompass measures ranging from small-scale initiatives through to major infrastructure projects such as the Cullompton relief road. As such, the plan will be delivered through a variety of different mechanisms including the Local Plan Review and planning obligations such as \$106 and Community Infrastructure Levy (CIL) in addition to Government infrastructure funds and the Devon County Local Transport Plan (LTP 3). There may also be opportunities to bid into future Air Quality Grant funding nationally though this is not certain.

As measures are formalised then these will be further assessed and provisional implementation costs identified where these costs are not already known. Major infrastructure proposals for example will be included in the Local Plan Review Infrastructure Plan and will outline estimated costs. Overall, greater clarity on funding for specific measures and the plan overall will emerge once the timeline for Local Plan

Review examination and adoption is known and from further consultation with Devon County Council in respect of the emerging LTP3.

Legal Implications: As per previous reports, the adoption and implementation of an Air Quality Action Plan (where an authority has designated one or more Air Quality Management Areas) is a statutory requirement under the Environment Act 1995 Local Air Quality Management (known as the LAQM regime). Under the regime, Local Authorities therefore have a duty to pursue measures which are designed to improve air quality. The thresholds for air pollution are set out in statutory UK Air Quality Objectives which in turn duplicate EU limit values and binding air quality standards.

Nationally, the UK is currently subject to EU infraction proceedings due to non-compliance with EU air quality standards (evidenced locally in the two formal Air Quality Management Areas in the district). Given that EU requirements are enshrined in turn into UK law means that the Localism Act allows the Government (DEFRA) to recharge LA's with the cost of meeting these standards if it chooses to do so.

The remodelled statutory Government guidance to the LAQM regime places greater emphasis on delivery of effective intervention mechanisms to improve existing hot-spots and mitigate for the effects of new development and any new public exposure to poor air quality.

Risk Assessment: As per previous reports in addition to meeting our statutory duties and the risk of financial penalties under the Localism Act if we fail to do so (see above), a failure to make improvements to air quality would be directly contrary to our adopted Public Health plan. Therefore, we would not address a priority health inequality target locally. Furthermore, the successful implementation of an Air Quality Action Plan underpinning relevant Local Plan policies is essential to mitigate against the impact of significant new development district-wide and to deliver the wider community infrastructure benefits.

Given the inherent requirement to have planning obligation measures in place in order to deliver major parts of the plan then the successful implementation of the Air Quality Action Plan should be considered against the risks of an extended timeline for the Local Plan Review and the potential risk that the Local Plan is not found sound.

Air quality has an increasingly high profile in terms of both local and national policy in addition to wider reporting of the issue across regional and national media. In turn is generating public awareness beyond local communities within our specific AQMA areas. A failure to implement and deliver an effective Action Plan should also be viewed in this context in addition to our core statutory responsibilities.

Equality Impact Assessment: No equality issues identified in this report.

1.0 **Key issues**

- 1.1 In considering the previous draft of the Air Quality Action Plan (AQAP) at the last PDG meeting (September 2017), members discussed the support of Devon County Council as the transport authority to the AQAP and raised some additional points as minuted. These have been further considered by County and Mid Devon officers as set out below and in Section 2.
- 1.2 In response to member concerns, we have received further comments from the Devon County Transport and Planning team. It remains the case that Devon County Council does not have any in principle objection to the proposed updated Air Quality Action Plan (AQAP), but has provided the following advisory comments regarding the measures outlined in table 5.1.
 - It is noted that e-bikes are mentioned but it is doubted as to whether there is either the demand or the destinations that would make them a success. Usage of e-bikes in Exeter is low, so Devon County Council would urge caution with this measure.
 - The responsibility for School Travel Plans should sit with the schools themselves.
 - Reading Council has done some work around anti-idling which gives some sensible proposals around what may be possible. http://www.reading.gov.uk/media/6353/Item09-Idling-Nov16-Report-to-SEPT/pdf/Item09 Idling Nov16 Report to SEPT.pdf.
 The legal position is unclear, but this may include issuing fixed penalty notices.
 - Regarding a review of parking/traffic management on High Street in Crediton, this has been looked at several times in the past with no obvious solution as locals like to keep going up and down until they find a space right outside the shops rather that use the car park. They always say that locals don't like walking up the hill to the car park.
 - If MDDC were minded to add more ideas, perhaps a more innovative approach would be to have a marketing campaign approach in terms of AQMA towns e.g. signage (i.e. displayed on P&D Machines), telling people they are contributing towards poor air quality in Crediton by parking on High Street. Having people travel two or three times up and down the high street

at a slow pace looking for a car parking space must be having a huge impact. On the other hand, this could be more of a positive marketing approach – i.e. encouraging people to park and stride (from St Saviour's Car Park) – selling the health benefits to your town and yourself by reducing traffic flows on High Street whilst increasing heart rate to improve health and wellbeing.

2.0 Response to points raised by the Community PDG at the previous meeting

- 2.1 Further consideration and comment on the points raised is provided below:
 - Road infrastructure and the need for improvements

These can be viewed in Devon County's Local Transport Plan (LTP3). Major road infrastructure policy and requirements for the District are also set out in the Mid Devon Local Plan submission.

Action: New measure 16 (Table 5.1 of AQAP) for consideration to be given to road surfacing in the AQMAs to reduce pollution. Both DCC and Mid Devon will continue to build relationships with stakeholders to deliver roads and infrastructure.

 The difficulties encountered in a rural area for those that did not have a car and the need for local facilities

This is now acknowledged within the priorities of the Action Plan (Executive Summary).

Action: none further required.

Local roads weren't always safe for cycling.

This is noted.

Action: consideration is given to a joint MDDC/DCC awareness raising campaign following the annual review of the AQAP in 2018.

 Tiverton Parkway Station being away from the main towns, problems accessing it and possible solutions to this. The capacity of Tiverton station car park has been increased to meet demand of travellers accessing the station by road. In terms of catchment area for station users, rail passengers come from across a wide area of central and eastern Devon in addition to western Somerset. Officers are therefore not sure whether parking at Tiverton then taking an express bus would be popular. There is also a query as to whether demand from Tiverton alone would support an express bus service.

Action: a review the current bus timetable will be carried out with Devon County Council and Operators to ensure alignment with major stopping services. If deliverable opportunities emerge from this review to make positive changes then this will be reflected in the next annual review of the AQAP in 2018.

ECO Stars – can school buses and local coach companies comply with this?

The decision lies with Devon County Council (DCC) engaging with ECO Stars to consider future contract obligations for service providers.

Action: as part of its existing commitment to ECO Stars as outlined in the plan, MDDC can continue to lobby DCC to get on board with ECO Stars.

 The need for Devon County Council to consider air quality when coordinating school transport

See above.

The introduction of electrically powered vehicles

MDDC have installed a unit at Exe Leisure centre with more in the pipeline. See measure 5 (Table 5.1 of AQAP).

Action: none further required.

Bus passes for senior citizens and whether they would continue?

This is a national scheme however we are not aware of any proposed changes. The scheme is currently matched to retirement age.

Action: none further required.

 Potential cycle routes from Crediton and Tiverton to Exeter and whether they could be pursued?

Action: this has been raised with DCC and we are awaiting a response. There is potential for more detail to be considered in the next annual review of the AQAP in 2018.

School Travel Plans

See DCC comment in 1.1.

Action: MDDC could still have a role in working with schools supplying air quality data and personal exposure expertise. This could be recognised in future updates of the Mid Devon Public Health Plan rather than as a specific measure within the AQAP.

Greater consideration of enforcement measures;

See DCC comment in 1.1.

Action: we will continue to engage with DCC on enforcement measures and review activities of other local authorities.

3.0 Air Quality Action Plan amendments

- 3.1 The attached Action Plan in Annexe 2 has been updated to reflect points raised by the Group and Devon County.
- 3.2 As set out under specific responses above, it should be noted that further amendments to the Action Plan can be made at each yearly review. For instance, if a measure is no longer considered possible or after further consultation would not achieve the desired outcome or a new measure is put forward.

4.0 Air Quality Action Plan structure and format

4.1 As discussed in the previous update report, the combined updated Action Plan looks somewhat different from the current plans produced separately in 2006 and 2009 for each AQMA respectively. A recent Government (DEFRA) review of the Local Air Quality Management regime implemented introduced new assessment requirements and statutory reporting templates including a revised mandatory format for statutory Air Quality Action Plans.

4.2 Consequently, following the prescribed format, the Action Plan therefore sets out the current air quality context, our policy and drivers to improve air quality including those under a public health and planning context. It will also set out our stakeholder engagement and consultation work in developing the plan in addition to outlining the plan measures. In order to aid EU reporting, these measures are required to be set out under specific headings and classifications.

5.0 **Next steps**

- 5.1 Consultation on the final version of the AQAP has been carried out and includes the Leadership team, forward planning and development management, relevant town councils, Public Health and Transport & Planning at Devon County and the Exeter City Council.
- 5.2 For the final plan to be adopted then it requires Cabinet approval and subsequently the signature of the Chief Executive. The approved version is then forwarded to DEFRA to update the overarching national air quality management plan.

6.0 **Recommendation**

6.1 The Community PDG to consider the responses above and the updated Air Quality Action Plan (as attached) and recommend it for approval by Cabinet.

Contact for more Information: Kevin Swift (Public Health Officer), 01884 244625 kswift@middevon.gov.uk and Simon Newcombe (Group Manager Public Health & Regulatory Services) 01884 244615 snewcombe@middevon.gov.uk

Circulation of the Report:

Cabinet Members with responsibility for Public Health (Cllr Margaret Squires) and Community Well-being (Cllr Colin Slade)
Members of the Community Policy Development Group
Leadership Team

List of Background Papers:

Environment Act 1995, available at http://www.legislation.gov.uk/ukpga/1995/25/contents

Statutory Local Air Quality Management Policy and Technical Guidance LAQM.PG16 and LAQM.TG16, available at https://laqm.defra.gov.uk/supporting-guidance.html

Annexe 1 – Outline project timeline

Air Quality Project Plan																		
	2017/	21					Q2					1	63					
	Jan	_	Feb		Mar		April		May		June		July		Aug		Sept	
S1 - Review existing Action Plan and update current measures in template document	\$1																	
S2 - Submit Defra Air Quality bids for supplementary measures/support	\$2																	
\$3 - Agree outline project plan with PH Manager and update PDG verbally (include Defra Grant bids if known)		\$3																
S4 - First stage consultation - MDDC Forward Planning officers and Development Planning officers to identify/confirm key references/issues/SPDs/conf	licts			\$4														
SS - First stage discussion with Development Management - s106 projects				\$5														
S6 - Progress update to Community PDG 28/3/2017						\$6												
ST - First stage consultation with DCC Transport and Planning, Highways, DCC Public Health								\$7										
S8 - Reviewlupdate and produce first draft - circulate for internal review										\$8								
S3 - Progress update to Community PDG 6/6/2017 and receive feedback											\$9							
\$10 - Send second draft for consultation with wider partners, Town and Parishes and all relevant statutory authorities											\$1	10						
S11 - Review by internal departments and key DCC delivery partners (plus any others)													\$	11				
S12 - Produce third draft															\$12			
S13 - Circulate third draft to Chair of Community PDG , Leadership Team and key stakeholders for comment and final review																\$13		
S14 - Prepare final draft																	\$14	
S15 - Present final draft to Community PDG for consideration and approval																		S
S16 - Present to Cabinet for approval																		S

Annexe 2 - Air Quality Action Plan



Mid Devon District Council Air Quality Action Plan

In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management

December (2017)

Mid Devon District Council

Local Authority Officer	Simon Newcombe
Department	Public Health and Regulatory Services
Address	Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP
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Report Reference number	MDDCAQAP2017
Date	
Signed	
Leader of Cabinet	
Signed Chief	
Executive	

Executive Summary

This Air Quality Action Plan (AQAP) has been produced as part of our statutory duties required by the Local Air Quality Management framework. It outlines the action we will take to improve air quality in Mid Devon 2017-2021.

This action plan replaces the previous action plan which ran from 2009 - 2015. Projects delivered through the past action plan include:

- Lords Meadows Link road at Crediton was completed in 2014. The link road directs traffic to the industrial estate, and provides an alternative route for traffic going to Tiverton. Early traffic data shows traffic flows using the road are close to modelled predictions and a significant proportion of HGVs and other traffic previously using Exeter Road to access the Lords Meadow Industrial Estate is now using the Link Road. All monitoring locations where there is actual exposure by residents are now currently below the NO2 air objective. In respect of PM10, the data indicates that concentrations have also continued to fall at all the Exeter Road monitoring location since the Link Road has opened.
- Extended bus service to facilitate access to new Tesco Superstore.
- Reducing emissions through Taxi licensing from 1 April 2014 all vehicles
 offered for licensing for the first time must be no more than five years old from
 the date of first registration (Hackney Carriage & Private Hire Licensing Policy
 April 2013, Section 2.9).
- Promotion of the Devon-wide concessionary bus fares scheme resulted in a 60% uptake of eligible residents in Mid Devon by 2009. This was subsequently replaced by the National Bus Pass scheme.
- Sustainable school travel and School Travel Plans have been developed by 100% of schools in Mid Devon.
- Traffic Management High Street, Crediton Bus pull in at St Lawrence Green
 has been deferred in the programme due to concerns relating to the balance
 of the benefits to the air quality against the impact on The Green.
- Enhanced evening bus services to Tiverton Services 1, 1A, 1B. There have been some reductions last year, but services introduced are still in place.

- ECO Stars scheme targets vehicle emissions was introduced in Mid Devon in October 2010 and is run by a private company, TTR Ltd, who are specialists in this area. The scheme targets HGV, buses and fleet operators (including taxis) and provides a fuel management and operational efficiency support programme, designed to help operators reduce fuel consumption, thereby improving air quality through reducing particulate emissions and vehicle carbon. The Mid-Devon scheme ran from October 2010 to December 2012, funded from a Defra Air Quality grant. At completion in December 2012 the scheme had 19 members. Despite not being resourced as a stand-alone scheme, Mid-Devon benefited from the programme-wide activity across the UK, which included ongoing recruitment of multi-location based transport operators with a strong presence in the Mid-Devon area, even after completion of the original project recruitment phase. Consequently, at the beginning of the new Devon-wide Scheme in October 2015, membership from the original Mid-Devon scheme was carried over, giving the new Devon scheme a solid starting point of 44 members. As of July 2016 there were 53 companies enrolled in the scheme covering some 2,053 vehicles.
- Crediton Milk Link Dairy boiler changed from heavy fuel to gas.
- Cullompton Distributor Road is designed to provide relief to the town centre.
 Potential routes include between Tiverton Road and Willand Road (the NW route) which may be required in combination with a link between Station Road and Meadow Lane (the SE or Eastern route) subject to further investigation of air quality and other environmental impacts. This project is still under consideration and is now more central going forward as plans for new developments in excess of 2,000 homes have been approved.
- Town centre traffic management measures Cullompton Station Rd\Higher Road junction improvement scheme introduced 2013. (New signalised junction with MOVA control). Right turn ban Tiverton Rd \Fore St. Experimental order trialled in 2013, made permanent in 2014. Parking management changes Fore St\High St introduced 2014.
- Introduction of Euro V engine standard on buses along the Culm Valley –
 Completed and now moving to Euro VI for new double-deckers.

- Investigation of a direct bus route to Exeter via M5 and Sowton/Exeter Business Park possibly in conjunction with funding from Cullompton development – completed and introduced (Service no.1)
- Provision of the Crediton town-bus 'loop' service is identified for delivery via existing s106 development funds - Introduced and maintained over a number of years with two stages of developer funding. But not a viable service to maintain commercially and was withdrawn\reduced in 2015.
- Cullompton Railway Station reinstatement feasibility study £40K investment announced in August 2016. This funding matches a previous commitment by Taunton Deane Borough Council of £40k and, in addition, both Town Councils of Cullompton and Wellington have committed to contributing £10k each, providing the project with a £100k boost with which to push the work forward.

Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues, because areas with poor air quality are also often the less affluent areas^{1,2}

The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion³. Mid Devon District Council is committed to reducing the exposure of people in Mid Devon to poor air quality in order to improve health.

We have developed actions that can be considered under 8 broad topics:

- Alternatives to private vehicle use
- Freight and delivery management
- Policy guidance and development control
- Promoting low emission transport
- Promoting travel alternatives
- Transport planning and infrastructure
- Traffic management
- Vehicle fleet efficiency

Environmental equity, air quality, socioeconomic status and respiratory health, 2010

² Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006 ³ Defra. Abatement cost guidance for valuing changes in air quality, May 2013

Our priorities are:

- 1. To reduce heavy goods vehicle emissions by expanding the current Eco stars scheme to all the districts within Devon.
- 2. To work with Devon County Council and the key bus service providers to maximise patronage and link the bus routes more effectively.
- 3. To improve the Electric Vehicle Charging Network through the installation of units at Council Parks or other appropriate locations and within design specifications for future housing developments (home charging).
- 4. To work with key partners in re-establishing the Cullompton Rail Station. Mid Devon District Council is investing £40k for the commissioning of engineering design work for a new railway station at Cullompton. This funding matches a previous commitment by Taunton Deane Borough Council of £40k and, in addition, both Town Councils of Cullompton and Wellington have committed to contributing £10k each, providing the project with a £100k boost with which to push the work forward.
- 5. To support alternative forms of transport such as local car sharing schemes, e-bikes, cycles and local bus services that minimise personal car use.
- To adopt Local Plan Policies (Low emission strategies) and monitor their implementation in all future development applications.
- To expand and improve the local network of foot and cycle paths to facilitate a
 move towards walking or cycling as an alternative to car use for short to
 medium length journeys.
- 8. To pro-actively engage all stakeholders with responsibility and or/interest in the development of roads, transport and infrastructure to ensure air quality is central to planning and delivery.
- To acknowledge that the car will remain the only alternative for some rural locations and to take this into consideration when making policy or undertaking measures that may directly or indirectly affect rural communities.
- 10. To continue to monitor Mid Devon's two AQMAs and carry out mitigation strategies that will result in their removal from the register.

11. To work with strategic partners to deliver the Cullompton Eastern Relief Road and additional M5 junction.

In this AQAP we outline how we plan to effectively tackle air quality issues within our control. However, we recognise that there are a large number of air quality policy areas that are outside of our influence (such as vehicle emissions standards agreed in Europe), but for which we may have useful evidence, and so we will continue to work with regional and central government on policies and issues beyond Mid Devon District Council's direct influence.

The plan will be delivered through a variety of different mechanisms including the Local Plan Review and planning obligations such as s106 and Community Infrastructure Levy (CIL) in addition to Government infrastructure funds and the Devon County Local Transport Plan (LTP 3). Major infrastructure proposals for example will be included in the Local Plan Review Infrastructure Plan due for submission in March 2017 and will include estimated costs. Overall, greater clarity on funding for specific measures and the plan overall will emerge once the timeline for Local Plan Review examination and adoption is known and from further consultation with Devon County Council in respect of the emerging LTP3.

https://www.middevon.gov.uk/media/342721/local-plan-review-2013-2033-proposed-submission-january-2017.pdf

https://www.middevon.gov.uk/media/342702/mddc-infrastructure-plan-dec-2016-draft-v2.pdf

Responsibilities and Commitment

This AQAP was prepared by the Public Health and Regulatory Services of Mid Devon District Council with the support and agreement of the following officers and departments:

Development Control, MDDC

Forward Planning, MDDC

Public Health, Devon County Council

Additional contributors:

Leadership Team, MDDC

Community Policy Development group

This AQAP has been approved by: (Pending)

Community Policy Development Group, MDDC

MDDC Leadership Team

Cabinet and Full Council, MDDC

Director of Devon Public Health

Transport and Planning, Devon County Council

This AQAP will be subject to an annual review, appraisal of progress and reporting to the Community Policy Development Group. Progress each year will be reported in the Annual Status Reports (ASRs) produced by Public Health and Regulatory Services, Mid Devon District Council, as part of our statutory Local Air Quality Management duties.

If you have any comments on this AQAP please send them to Simon Newcombe or Kevin Swift at:

Address: Mid Devon District Council, Phoenix House, Phoenix House, Tiverton,

EX16 6PP

Telephone 01884 255 255

Email <u>health@middevon.gov.uk</u>

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Introduction

This report outlines the actions that Mid Devon District Council will deliver between 2017-2021 in order to reduce concentrations of air pollutants and exposure to air pollution; thereby positively impacting on the health and quality of life of residents and visitors to the Mid Devon District area.

It has been developed in recognition of the legal requirement on the local authority to work towards Air Quality Strategy (AQS) objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part and to meet the requirements of the Local Air Quality Management (LAQM) statutory process.

Some actions have been developed in partnership with the neighbouring district councils (Greater Exeter): Teignbridge, Mid Devon and East Devon and will be replicated in their Action Plans. A Greater Exeter Strategic Plan is also being prepared. This sits above the individual Local Authority Core Strategies, to guide development across Exeter, Mid Devon, East Devon and Teignbridge. It is expected that a first draft will be published in 2019.

This Plan will be reviewed every five years at the latest and progress on measures set out within this Plan will be reported on annually within Mid Devon District Council's air quality Annual Status Report (ASR).

Summary of Current Air Quality in Mid Devon

Please refer to the latest ASR from Mid Devon District Council.

https://www.middevon.gov.uk/media/342647/mddc-annual-status-report-2016.pdf

Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues, because areas with poor air quality are also often the less affluent areas

The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion.

Mid Devon District Council has examined the results from its air quality monitoring in the district. Concentrations outside of the Air Quality Management Areas (AQMAs) in Crediton and Cullompton are all below the objectives at relevant locations.

Concentrations of nitrogen dioxide in Crediton (at the Exeter Road Station) during 2015 remained above the air quality objective (annual mean), however, the levels have dropped and there were no exceedances. Concentrations of particulate matter (PM₁₀) for 2015 in Exeter Road, Crediton have again shown a further improvement and the level of exceedances have also stayed well below the objective confirming the opening of the Lords Meadow Link Road has removed sufficient traffic to reduce levels of particulate matter. We will continue to monitor for a further 12 months in this location and should the levels stabilise or continue to drop, consideration will be given to changing the parameters of the current AQMA.

The non-automatic (diffusion tube) monitoring data indicates that all locations in Mid Devon are below the annual objective but High Street, Crediton and Fore Street, Cullompton do remain close.

The Manor Hotel, Fore Street, Cullompton, had extremely bad data capture as the tube has been regularly missing again so these results should be considered spurious and we have discontinued monitoring at this location. However, starting from January 2015 another tube was located 20m down the road and has returned similar levels which are close to the objective.

Mid Devon District Council

An assessment of all relevant transport, industrial, commercial and domestic sources has not identified any new or significantly changed sources that will result in any potential exceedances of the air quality objectives.

Mid Devon District Council's Air Quality Priorities and Drivers

1.1 Public Health Context

The Mid Devon District Local Public Health Plan is informed by the priorities set out in the Devon Joint Health and Well Being Strategy to address health inequalities and the district specific health surveillance data.

This data is set out in a range of clinical and health indicators measured against England, Regional and Devon averages and produced by Public Health England and Public Health Devon at Devon County Council. A summary of this information is shown on pages 7-10 of the Action Plan (add link to MDDC PH Plan). The full dataset for 2015/16 can be viewed at

http://www.devonhealthandwellbeing.org.uk/jsna/himp/.

Air quality in parts of Mid Devon District is a cause for concern, as poor air quality is recognised as being damaging to health and quality of life. The Devon Public Health Outcomes Framework (PHOF) 3.01 indicates that the fraction of mortality associated with PM2.5 is between 3.2 -4.0 (excluding Unitary Authorities). A mortality factor of 3.5 against a total of 8,333 deaths in the Devon County area equates to 292 deaths per annum.

Mid Devon District Council has identified air quality as a local public health priority.

The Council designated the Air Quality Management Area for Crediton in September 2004 and an Air Quality Action Plan in 2006. The findings on air quality showed exceedances of Nitrogen Dioxide (NO2) in the High Street and exceedances of Nitrogen Dioxide (NO2) and particulates (PM10) along Exeter Road.

At Cullompton in 2006 the Council authorised making an Air Quality Management Order in respect of Nitrogen Dioxide (NO2) concentrations and formally designate an Air Quality Management Area (AQMA). Exceedances of an UK Air Quality Objective for nitrogen dioxide are currently being detected in parts of Station Road, Higher Street and Fore Street.

Mid Devon is a predominantly rural district and as such many of its residents are reliant on the car as the only mode of transport. This creates a challenge in terms of offering alternative options and sufficient incentives. The uptake of electric vehicles in

rural areas such as Mid Devon will be slower than major urban centres though the Council will increase charging locations to facilitate their growth.

Agriculture is among the main sources of air pollution and becoming more important as industry and transport are generally subject to tighter controls. In particular, ammonia (NH3) emissions from agriculture contribute to airborne particulate matter with serious impacts on human health; it also causes eutrophication and acidification of ecosystems. Though not within the scope of this plan Council is committed to working with regulatory bodies and farming communities to mitigate air pollution through good farming practice.

1.2 Planning and Policy Context

The National Planning Policy Framework (2012) notes that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants taking into account the presence of Air Quality Management Areas and cumulative impacts on air quality from individual sites in local areas. The Mid Devon Local Plan currently includes:

- Core Strategy 2006-2026 (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Development Management Policies (adopted 2013)

https://www.middevon.gov.uk/residents/planning-policy/mid-devon-local-plan/

This adopted plan includes planning policies which support improvements to local air quality levels including through the provision of infrastructure, managing travel demand, and enhancing walking and cycling opportunities throughout the District.

Within Mid Devon there are two Air Quality Management Areas, Crediton and Cullompton. Planning policies ensure developments within, adjoining or affecting these Air Quality Management Areas provide measures to meet air quality objectives, taking into account the cumulative development impacts.

To improve the air quality in Cullompton Mid Devon District Council (MDDC) and Devon County Council (DCC) are supporting the implementation of a relief road. The relief road links the B3181/Millenium Way roundabout with the Duke Street / Meadow Lane junction and is located between Cullompton town centre to the west and the M5 to the east. It has been assessed as having a very high impact on air quality in the

MDDC Air Quality Management Area Action Plan 2009. Other benefits include reduction in traffic noise along town centre routes and reduced congestion. The relief road has also been included in the MDDC Core Strategy 2026 (adopted 2007) and the Devon and Torbay Local Transport Plan 3 2011 – 2026. Policy AL/CU/14 of the Allocations and Infrastructure Development Plan Document adopted 2011 requires the provision of a Relief Road linking Station Road to Meadow Lane. The provision of the relief road is identified as a measure that will have a very high benefit to improving air quality within the Cullompton Air Quality Management Area Action Plan 2009, a copy of which is on the Council's website.

https://www.middevon.gov.uk/media/103608/cullompton-air-quality-action-plan-2009.pdf

Since the development of the air quality action plan for Crediton a new link road, between Exeter Road southwest of Crediton to Lords Meadow Industrial Estate has diverted significant HDV/LDV traffic movements and some car traffic away from Exeter Rd.

Exeter Road is characterised by a narrow carriageway and a street canyon with properties and other street features very close to the kerbside. The result is frequent congestion, especially when large vehicles meet combined with poor dispersion conditions for pollutants. The fact that the road is on an incline also results in an increase in vehicle emissions due to increased engine workloads and reduced efficiencies.

Due to the narrow carriageway and historic buildings there are no traffic management options along Exeter Road. As a result, the link road offered a direct route into the Lords Meadow Industrial Estate for HGVs and other traffic thereby effectively bypassing Exeter Road within the town and other roads along the access route. Concentrations of nitrogen dioxide in Crediton (at the Exeter Road Station) during 2015 remained above the air quality objective (annual mean), however, the levels have dropped and there were no exceedances. Concentrations of particulate matter (PM10) for 2015 in Exeter Road, Crediton have again shown a further improvement and the level of exceedances have also stayed well below the objective confirming the opening of the Lords Meadow Link Road has removed sufficient traffic to reduce levels of particulate matter.

Tiverton does not have an AQMA however significant housing development is proposed to the east of the town with the potential to have an impact on air quality within the town. The Allocations and Infrastructure Development Plan Document of 2011 (Policy AL/TIV/5) is committed to ensuring the impact of development through the delivery of the Tiverton EUE does not result in poor air quality. Mitigation measures are required through Policy AL/TIV/5 that are further supported by Policy DM6 of the Local Plan Part 3 (dated 2013). A guiding principle (C7e) of the Adopted Tiverton Eastern Urban Extension Masterplan ensures air quality will not be detrimentally affected and mitigation measures (as appropriate) are incorporated.

As such, planning conditions currently attached to outline planning consents require measures to demonstrate compliance with the carbon footprint targets as set in the adopted Policies AL/IN/6 and AL/TIV/5. The legal agreements associated with these applications require each dwelling to connect to a District Heating Facility subject to a number of factors including the availability of a facility.

https://www.middevon.gov.uk/media/178384/air-quality-report-final-2014.pdf
https://www.middevon.gov.uk/media/103606/crediton-air-quality-action-plan-2006.pdf

In 2008 Mid Devon District Council adopted an Air Quality and Development
Supplementary Planning Document which provides additional guidance on the way in which air quality and air pollution issues will be dealt with through the planning system https://www.middevon.gov.uk/media/85182/air_quality_spd-adopted.pdf

The Mid Devon Local Plan is in the process of being reviewed and is reaching the final stages in its preparation and development. The Local Plan Review continues to support improvements to local air quality levels and prevents significant harm to air quality with particular consideration for Air Quality Management Areas. Once adopted the Local Plan Review will supersede the existing Local Plan and will be an up-to-date plan based on the latest evidence and government guidance. The Council aims to adopt the new Local Plan in January 2018.

https://www.middevon.gov.uk/residents/planning-policy/local-plan-review/

1.3 Source Apportionment

The AQAP measures presented in this report are intended to be targeted towards the predominant sources of emissions within Mid Devon's area.

A source apportionment exercise was carried out by Mid Devon District Council in 2016. This identified the percentage source contributions within the AQMAs.

Mid Devon District Council has examined the results from its air quality monitoring in the district. Concentrations outside of the Air Quality Management Areas (AQMAs) in Crediton and Cullompton are all below the objectives at relevant locations.

Concentrations of nitrogen dioxide in Crediton (at the Exeter Road Station) during 2015 remained above the air quality objective (annual mean), however, the levels have dropped and there were no exceedances. Concentrations of particulate matter (PM10) for 2015 in Exeter Road, Crediton have again shown a further improvement and the level of exceedances have also stayed well below the objective confirming the opening of the Lords Meadow Link Road has removed sufficient traffic to reduce levels of particulate matter. We will continue to monitor for a further 12 months in this location and should the levels stabilise or continue to drop, consideration will be given to changing the parameters of the current AQMA.

The non-automatic (diffusion tube) monitoring data indicates that all locations in Mid Devon are below the annual objective but High Street, Crediton and Fore Street, Cullompton do remain close.

The Manor Hotel, Fore Street, Cullompton, had extremely bad data capture as the tube has been regularly missing again so these results should be considered spurious and we have discontinued monitoring at this location. However, starting from January 2015 another tube was located 20m down the road and has returned similar levels which are close to the objective. Full details are available at:

https://www.middevon.gov.uk/media/342647/mddc-annual-status-report-2016.pdf

1.4 Required Reduction in Emissions

The table below shows the required reduction in NO₂ concentrations, based on the 2016 measured levels at those monitoring locations where the objective was exceeded.

Table 3.1 Required Reduction in Road NOx Emissions to meet the NO₂ Annual Average Objective.

	NO ₂ concentrations	Road NOx Emissions	
Location	2016 measured concentration	Required Reduction	Percentage Reduction Required
Fore Street, Cullompton	42 ug.m ³ ±5%	Between 2-4 ug.m ³	Up to 10%
High Street, Crediton	40 ug.m ³ ±5%	Between 0-2 ug.m ³	Up to 5%

1.5 Key Priorities

The focus over the next 5 years will be to ensure we have adequate monitoring of our key growth areas and that Council work with all stakeholders to implement the development management policies (Sustainable Development Principles/Local Plan Part 3).

We will seek to reduce emissions at our 2 AQMAs to within the permitted levels and will then apply to remove the areas from AQMA register.

Development and Implementation of Mid Devon District Council AQAP

1.6 Consultation and Stakeholder Engagement

In developing/updating this AQAP, we have consulted with other local authorities, agencies, businesses and the local community to improve local air quality. Schedule 11 of the Environment Act 1995 requires local authorities to consult the bodies listed in Table 0.1. In addition, we have undertaken the following stakeholder engagement:

- Town Council meetings
- Member briefings
- Devon District Councils (incl. Greater Exeter group) meetings
- Devon County Transport and Planning
- Devon County Public Health

The response to our consultation stakeholder engagement is given in Appendix A.

Table 0.1 - Consultation Undertaken

Yes/No	Consultee
No	the Secretary of State
No	the Environment Agency
Yes	Exeter City Council officials
Yes	Devon County Public Health officials
Yes	Mid Devon Town Councils
Yes	Devon County Council officials (Transport, Planning and Environment Service)
Yes	Mid Devon District Council Forward Planning and Development Teams

1.7 Steering Group

In preparing this report a steering group was not formed due in part to the logistics of pulling together the necessary range of partners. MDDC's Community Policy Development Group provided the oversight for officers and the reporting mechanism.

AQAP Measures

Table 0.1 shows the Mid Devon District Council AQAP measures. It contains:

- a list of the actions that form part of the plan
- the responsible individual and departments/organisations who will deliver this action
- estimated cost of implementing each action (overall cost and cost to the local authority)
- expected benefit in terms of pollutant emission and/or concentration reduction
- the timescale for implementation
- how progress will be monitored

Future ASRs will set out regular annual updates on implementation of these measures

Table 0.1 – Air Quality Action Plan Measures

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Planning Phase	Impleme ntation Phase	Key Performance Indicator	Target Pollution Reduction in the AQMA	Progress to Date	Estimated Completion Date	Comments
	Title	Select from the categories in blue box	Select from the subcategories in blue box		Date	Date		Impact		Date	
1	Community Car sharing schemes	Alternatives to private vehicle use	Car and lift sharing schemes	MDDC	2017/18	2017-21	Number of car share schemes delivered in new developments Usage rate	Low	s106 contribution allocated and included in new housing travel plans	Pending full release of funds and commencement of development	District wide
Page	Community run and/or private E-bikes schemes	Alternatives to private vehicle use	Other	MDDC and Local Town Councils	2017/18	2018-21	E-Bikes accepted and utilised as an alternative mode of transport by residents	Low	Pending securing funding from s106 or other funding source		Crediton and Cullompton AQMAs
3 44 3	Secure cycle parking facilities in Town Centres and at key transport hubs	Promoting Travel Alternatives	Promotion of cycling	MDDC Rail Network DCC	2018/9	2018-21	Initial facility installed in Crediton	Low	s106 allocated for Crediton railway station and Town centre Included in Cullompton Master planning	Pending release of s106 funds	Crediton and Cullompton AQMAs
4	Marketing campaign to reduce high street parking/promote car parks/raise awareness	Public Information	Leaflets, social media, internet, street posters	MDDC and Town Councils	2017/18	2018-20	Increase in level of awareness of local air quality issues/change in behaviour	Low	Planning stage	2018/19	Consultation with DCC and Town Councils required
5	Develop EV charging network	Promoting Low Emission Transport	Alternative refuelling infrastructure	MDDC	2017/18	2017-21	7 units to be installed across the district in the first phase	Medium	Contract with supplier signed	End of 2018	Further charging points to be installed as funding is allocated (see 18) District wide

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Planning Phase	Impleme ntation Phase	Key Performance Indicator	Target Pollution Reduction in the AQMA	Progress to Date	Estimated Completion Date	Comments
6	Taxi Licensing conditions	Promoting Low Emission Transport	Low emission policy	MDDC	2017	2017-21	Policy review undertaken to develop ULEV taxi fleet and infrastructure	Low	Current policy updated 2017	Ongoing	District wide
7	Eastern Relief Road Cullompton and additional M5 junction	Traffic Management	Strategic highway improvements	MDDC DCC Highways	2017/18	To be determined	% reduction in traffic flows through Cullompton Reduction in congestion on minor roads	High	Local Plan submission Land allocated and preliminary design work undertaken	Pending funding and adoption of Local Plan	Major infrastructure funding required Cullompton AQMA
∞ Page	Coordinated approach to enforcement of anti-idling, illegal parking	Traffic management	Anti-idling enforcement and illegal parking	MDDC DCC	2017/18	2017/20	Improved traffic flow at key pinch points Delivery of awareness raising campaign with drivers	Low	Initial consultation held with Town Councils	2018	Crediton and Cullompton AQMAs
je 45	Kings Mill Industrial site traffic management Cullompton Junction 28	Traffic management	Congestion management	MDDC DCC Highways	2017/18	To be determined	Improved traffic flows to/from industrial site	Low	Local Plan submission	Ongoing	Site is due for major expansion Cullompton AQMA
10	Parking and traffic flow measures	Traffic management	Congestion management	MDDC DCC	2017/8	2018	Improved traffic flows Decrease in main street parking Increase use of MDDC car parks	Medium	Measures identified by Town Councils and MDDC	Ongoing	Includes resident car parking rates, traffic light changes, enforcement Crediton and Cullompton AQMAs
11	Cullompton/ Wellington Rail link feasibility study	Transport Planning and Infrastructure	Public transport improvements- interchanges stations and services	MDDC and Taunton Deane	2017	2017/18	Feasibility study completed	Medium	Joint project £100K committed to study Local Plan submission	2018	Cullompton AQMA

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Planning Phase	Impleme ntation Phase	Key Performance Indicator	Target Pollution Reduction in the AQMA	Progress to Date	Estimated Completion Date	Comments
12	ECO Stars fleet management and recognition scheme	Transport Planning and Infrastructure	Vehicle efficiency	MDDC	Completed	Current	% Increase in number of companies in the scheme	Low	Continuing program	Ongoing	National scheme aimed at improving vehicle efficiency
13	Bus stop infrastructure	Transport Planning and Infrastructure	Public transport improvements- interchanges stations and services	MDDC DCC	2017/18	2017-21	Change to mode of transport Increase in patronage	Medium	S106 contribution allocated	Pending full release of funds	Copplestone Village Crediton AQMA
14	Review of bus stop locations and routes	Transport Planning and Infrastructure	Public transport improvements- interchanges stations and services	MDDC DCC	2017-18	2017-21	Improved Traffic flow through centre of towns	Medium	Town Council consultation	2021	Pending agreement with DCC and Bus operators District wide
Page ¥6	Improving footpath and cycling paths In major towns	Transport Planning and Infrastructure	Cycle and walking network	Town Councils MDDC DCC	2017/18	2017 -21	Connected pathway network Improved accessibility Reduction in short car journeys	Low	Initial network improvements identified in Neighbourhood plans and s106 projects	Ongoing	Implementation plan required to identify sources of funding and priorities District wide
16	Road surfacing	Transport Planning and Infrastructure	Consideration given to lower polluting road surfacing within AQMA areas as opportunities arise	DCC	2018/19	2018-21	Areas of existing or new road network resurfaced	Low	Review phase	Ongoing	
17	Mid Devon Local Plan	Policy guidance and development control	Air Quality Planning and Policy Guidance	MDDC	Development Management Policies	Until Dec 2017	Local Plan adopted	High	Review phase completed	January 2018	Includes planning policies which support improvements to local air quality levels including technical guidance on emissions assessment work and low emission strategies (Policy DM6)

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Planning Phase	Impleme ntation Phase	Key Performance Indicator	Target Pollution Reduction in the AQMA	Progress to Date	Estimated Completion Date	Comments
18	Culm Valley Garden Village development and major infrastructure projects	Policy guidance and development control	Air Quality Planning and Policy Guidance	MDDC DCC Highways	2017-21	2017-30	Public Health considerations incorporated in Master planning cycle	High	Culm Village funding awarded by Central Government Steering group formed Site and land secured	Ongoing	
19	Planning Policy DM8 Parking	Policy Guidance and Development Control	Other Policy	MDDC	2017	2017-21	Standards adopted for electric vehicle infrastructure	Medium	Revised in Local Plan review 2017	Ongoing	
Page	Planning Policy DM6 Transport and Air Quality	Policy Guidance and Development Control	Other Policy	MDDC	2017	2017-21	Low Emission and Transport Assessments completed Travel Plans completed	iviedium	Revised in Local Plan review 2017	Ongoing	
47 21	Planning Conditions on Tiverton Eastern Urban Extension	Policy Guidance and Development Control	Air Quality Planning and Policy Guidance	MDDC	2017/18	2017-30	Air Quality Emissions Noise	N/A	Review phase	Ongoing	

Table 0.2 – Air Quality Action Plan Measures Detail

Measure No.	Measure	Detail
1	Community Car sharing schemes	Local Plan Part 3; Development management Policies – Policy DM6 identifies car club and car sharing schemes as a mitigation measure. Locations and s106 funds identified: Crediton (£30K), Cullompton (£30K)
2	E-bikes scheme	Initially looking at major centres to link new developments with town centres and transport hubs. Concept and design based upon Co-Bikes scheme in Exeter though could also include community run schemes. Awaiting s106 allocation or alternative funding source such as ERDF.
3	Secure cycle parking facilities in Town Centres and at key transport hubs	Locations and s106 identified: Crediton (£8K), Cullompton (£30K). Location in Tiverton under consideration to join town centre with Tiverton parkway railway station.
4	School and community travel routes	Will follow similar study carried out in Newton Abbot (Teignbridge Council). Looking to implement initially in Cullompton. S106 funds have been identified but not yet allocated.
5	Develop EV charging network	Policy DM8 of the Local Plan Part 3 identifies a minimum standard for the provision of EV infrastructure as recommended by the Low Emissions Strategic Partnership for 3-phase or accelerated electricity supply. Individual properties within new housing developments will have their own charging points. Currently there are s106 allocations for improving the EV charging network in Crediton (£100K) and Cullompton (£150K). A contract to install 7 charging points has been signed between MDDC and a private operator with installation due in 2017.
6	Taxi Licensing conditions	Policy to be updated again in 2018.
7	Eastern Relief Road Cullompton and additional M5 junction	Major infrastructure will be required to mitigate current high levels in the town centre and accommodate the increased traffic volumes arising from Cullompton's proposed growth. Consideration could be given to pedestrianizing the High Street.
8	Coordinated approach to enforcement of anti-idling	Concern identified by Town Council.
9	Kings Mill Industrial site traffic management Cullompton Junction 28	As the site will increase in size thus increasing volumes trying to leave/enter the M5 a range of initiatives are proposed to deal with the problem including no7 (ERR)
10	Explore alternative parking and traffic flow measures	Consultation with Town councils has identified a number of smaller measures that could alleviate congestion at Both Crediton and Cullompton. Further consultation with DCC/Highways will be required to look at feasibility.

Measure No.	Measure	Detail
11	Cullompton/ Wellington Rail link feasibility study	Land has been identified that will accommodate this infrastructure. A 'bus' hub built next to the Rail Station that links with new developments is proposed.
12	ECO Stars fleet management and recognition scheme	This program has good membership in Mid Devon but does require further expansion into Devon.
13	Bus stop infrastructure	S106 allocations in place for Copplestone bus infrastructure improvements that affects Crediton AQMA.(£177K)
14	Review of bus stop locations and routes	Review of Cullompton and Crediton services – includes frequency, location of bus stops, routes.
15	Improving footpath and cycling paths In major towns	Improved footpath and cycleway links between Cullompton town centre and Kingsmill Industrial Estate; Cromwells Meadow to Leisure centre in Crediton;
16	Road surfacing	Design consideration for relevant road links within both Cullompton and Crediton AQMAs. Could be managed on a contract by contract basis.
17	Mid Devon Local Plan	Waiting final approval by Inspector.
18	Culm Valley Garden Village development and major infrastructure projects	Includes planning policies which support improvements to local air quality levels including technical guidance on emissions assessment work and low emission strategies (Policy DM6).
19	Planning Policy DM8 Parking	Includes EV charging network, provision for cyclists and minimum parking limits.
20	Planning Policy DM6 Transport and Air Quality	Development proposals should be accompanied by an Integrated Transport Assessment, Travel Plan and Traffic Pollution Assessment, and Low Emission Assessment and any impact on the AQMA.
21	Planning conditions on Tiverton Eastern Urban extension	Major extension to the east of Tiverton requiring detailed Low Emission strategies from developers.

Appendix A: Response to Consultation

Table A.1 – Summary of Responses to Consultation and Stakeholder Engagement on the AQAP

	Consultee	Category	Response
	Public Health Devon County Council	Health	The Public Health Outcomes Framework (May 2017 update) estimates that the proportion of mortality in the Devon County Council area associated with air pollution in 2015 was 3.8%. This would equate to a 335 deaths associated with air pollution out of 8,817 total deaths in 2015. (Update on Page 5).
			Agree on plans to extend the network of EV points. MDDC may be interested to know that Torbay Council have included the need for EV charging points at all new domestic buildings.
א שטמט			Support the use of monitoring equipment to influence behaviour change. We would also encourage consideration of other behaviour change and social media campaigns.
Š			With regards to the potential railway station at Cullompton we would expect to see appropriate infrastructure for cycle routes to connect residents to the station as the main mode of transport. Additional consideration should also be given to the impact on noise and tranquillity.
			We support the plan to create a cycle route between Shobrooke and Lords Meadow Leisure Centre, we would also encourage extending the link into a loop that would facilitate walking, running and cycling for recreation.
	Crediton Town Council representatives	Local Council	Feasibility study – High Street bus, zones for idling vehicles, possible alternatives for the bus turning around
			Review Bus stop opposite Crown hotel outside old post office
			Crediton Neighbourhood Plan feedback – Improvements to foot/cycling paths, Crediton Rail Station Park and Ride, buses not convenient, too far to walk to

			a bus-stop, convenient footpaths making walking a more positive experience
			Road sweeping – noted it reduces pollutants from tyres
			Review School bus run – when the High Street was closed it worked better
	Cullompton Town Council	Local Council	The Eastern Relief Road links the B3181 / Millennium Way roundabout with the Duke Street / Meadow Lane junction and is located between Cullompton town centre to the west and the M5 to the east. The building of this road before or at the same time as housing development begins was seen as essential in avoiding a further deterioration in air quality.
			The additional Junction further south on the M5 was roundly supported and would also greatly reduce the impact on the town centre.
Page 51			Issues still exist at Junction 28 particularly for HGVs accessing the motorway from Kings Mill Industrial estate. Given the expected expansion of Kings Mill further traffic lights that manage access to the motorway from the industrial site should be considered. The number of cars being parked at Gregorys by their staff indicated a lack of non-car alternatives for accessing the industrial site.
			The proposed new Cullompton train station had much support. It could also facilitate a bus station next to it to link the network more effectively. A 'Loop' bus service would be a desirable asset that linked the new rail station with the rest of the town, including the new developments on both sides of the motorway.
			Consideration should be given to providing amenities (corner shop, take-away/restaurant, hairdressers) on the new development areas to reduce the number of short car journeys into town for basic supplies. Where possible,

housing for the elderly should be located close to these amenities.

New developments should be designed with accessible shortcuts that make it easier for residents to walk or cycle more directly into town.

An electric bike network across the new developments and within the town could reduce short car journeys into town significantly and have some health benefits for residents.

Access for students between the new primary school in East Cullompton and the senior school in (West) Cullompton should be made a priority consideration when the new relief road is built. Existing pathways could be improved to join the two schools. Minimising children's exposure to pollution caused by the motorway needs some innovative solution.

Fore Street – several ideas were raised to mitigate the air quality problem/traffic congestion in the centre of town as follows:

- 1) Enforcement of delivery times, current restrictions mainly ignored.
- 2) Residents of Fore Street (and surrounds) to be given reduced overnight rate at Forge Way car park to discourage using Fore Street. Currently only about 8 residents using this facility.
- Staggered traffic light system through Fore Street allowing only one direction at a time.
- 4) Tiverton Rd/Fore Street junction is problematic and creates traffic congestion and unsafe manoeuvres. Consider 3-way traffic light system, with the Tiverton road light placed much further back to make it safer for vehicles turning into/out of Tiverton road sufficient

		room to make the manoeuver. A Pelican crossing may be required in Fore Street.
Devon County Council Transport and Planning	County Authority	It remains to be the case that Devon County Council does not have any in principle objection to the AQAP, but has some advisory comments regarding the measures outlined in table 5.1. These are outlined below. • It is noted that e-bikes are mentioned but it is doubted whether there are plans to install these in Crediton as it is doubted as to whether there is either the demand or the destinations that would make them a success. Usage of e-bikes in Exeter is low, so Devon County Council would urge caution with this measure.
		 The responsibility for school travel plans should sit with the schools themselves Reading Council has done some work around anti-idling which gives some sensible proposals around what may be possible. http://www.reading.gov.uk/media/6353/ltem09-Idling-Nov16-Report-to-SEPT/pdf/Item09_Idling_Nov16_Report_to_SEPT.pdf. The legal position is unclear, but this may include issuing fixed penalty notices.
		 A review of parking/traffic management on High Street in Crediton has been looked at several times in the past with no obvious solution as locals like to keep going up and down until they find a space right outside the shops rather that use the car park. They always say that locals don't like walking up the hill to the car park. If MDDC were minded to add more ideas, perhaps a more innovative approach would be to have a marketing campaign approach in terms of
	<u>▼</u>	

AQMA towns – e.g. signage (i.e. displayed on P&D Machines), telling people
they are contributing towards poor air quality in Crediton by parking on High
Street. Having people travel two or three times up and down the high street at
a slow pace looking for a car parking space must be having a huge impact.
On the other hand, this could be more of a positive marketing approach – i.e.
encouraging people to park and stride (from St Saviour's Car Park) – selling
the health benefits to your town and yourself by reducing traffic flows on High
Street whilst increasing heart rate to improve health and wellbeing.

Appendix B: Reasons for Not Pursuing Action Plan Measures

Table B.1 – Action Plan Measures Not Pursued and the Reasons for that Decision

Action category	Action description	Reason action is not being pursued (including Stakeholder views)
	St Lawrence Green Bus lay-by Crediton	Would require removal of a section of the historic green which would not be supported by local residents
	Improving School Travel Plans	Not specifically within the remit of MDDC – to be worked out by schools and Devon County Council

Glossary of Terms

Abbreviation	Description	
AQAP	Air Quality Action Plan - A detailed description of measures, outcomes, achievement dates and implementation methods, showing how the local authority intends to achieve air quality limit values'	
AQMA	Air Quality Management Area – An area where air pollutant concentrations exceed / are likely to exceed the relevant air quality objectives. AQMAs are declared for specific pollutants and objectives	
AQS	Air Quality Strategy	
ASR	Air quality Annual Status Report	
Defra	Department for Environment, Food and Rural Affairs	
EU	European Union	
LAQM	AQM Local Air Quality Management	
NO ₂	Nitrogen Dioxide	
NO _x	Nitrogen Oxides	
PM ₁₀	Airborne particulate matter with an aerodynamic diameter of 10µm (micrometres or microns) or less	
PM _{2.5}	Airborne particulate matter with an aerodynamic diameter of 2.5µm or less	

References

¹ Environmental equity, air quality, socioeconomic status and respiratory health, 2010

² Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006

³ Defra. Abatement cost guidance for valuing changes in air quality, May 2013



Agenda Item 5.

COMMUNITY POLICY DEVELOPMENT GROUP 28 NOVEMBER 2017

TOWN AND PARISH CHARTER REVIEW

Cabinet Member(s): Cllr C R Slade – Community Well-Being **Responsible Officer:** Sally Gabriel - Member Services Manager

Reason for Report: To present to the Policy Development Group the findings of a review into the Charter between Mid Devon District Council and the Town and Parish Councils in Mid Devon

RECOMMENDATION: That the Charter be approved for a further three years subject to the amendments highlighted in Appendix 1

Relationship to Corporate Plan: Strengthening the relationships with Town and Parish Councils assists in the delivery of the 'empowering our communities' policy.

Financial Implications: None

Legal Implications: Community engagement and empowerment is one of the key implications of the Localism Act 2011. Good working relationships with the parish and town councils will build mutual trust and support, leading to more effective local government. By contrast, poor relationships may lead to a breakdown in trust, communication and ethical standards.

Risk Assessment: Failure to work effectively with Town and Parish Councils could lead to a breakdown in the relationship which could ultimately impact on our community.

Equality Impact Assessment: No equality issues have been identified.

1.0 Introduction

- 1.1 The Town and Parish Charter was originally approved in December 2010, following this the Charter was circulated to Parishes for adoption at the Annual Meeting of the Town and Parish Council Clerks in March 2011. As of May 2012 of the 48 Town and Parish Councils in Mid Devon 37 had adopted the Charter.
- 1.2 As agreed at that time, the Charter was to be reviewed after 12 months and thereafter on a 3 yearly basis.
- 1.3 In May 2012, a review duly took place and amendments were made to the document providing clarity and in line with changes to legislation.

2.0 Further Reviews

2.1 Due to reorganisation within the Council, the 3 yearly review was delayed. The Council's Member Services Department took over the Parish Liaison role

- in October 2016 with a view to supporting the Town and Parish Council's alongside the District Councillors.
- 2.2 The Member Services Manager spoke to the Annual Town and Parish Clerks Meeting in December 2016 stating that she intended to review the Charter, and send it out for consultation. At the same time the Scrutiny Committee had a Working Group in place looking into Parish Liaison and it was hoped that Members would also have an input into the revision of the Charter.

3.0 2017 Review

- 3.1 The consultation period lasted from 9 March until 4 May 2017, Councils were asked to consider whether the Charter was meeting its objectives and whether there were any suggested changes that should be considered.
- 3.2 9 responses were received; the table below sets out the main comments raised along with a response and if appropriate how these will be addressed within the revised Charter:

Comment	Response
Bradninch Town Council do not have any further comments on the Charter at this time.	
Thelbridge Parish Council accepts the local council undertakings and welcomes the MDDC commitments to support its work. It is suggested that it would be helpful to have a schedule for a year ahead providing dates, times and venues for the annual district-wide meeting of clerks and the briefing and training sessions on planning and ethical standards.	Request noted, it is hoped that the annual clerks meeting and training sessions will take place in the autumn of each year.
Just to let you know, details have been given to all councillors in Kentisbeare and Culmstock and following the last meeting of both there were no comments.	
Cullompton Town Council has now reviewed the draft Town & Parish Council Charter and would like to make the following comments:	
Strong on general wellbeing but concerns that MDDC does not always listen to local councils and local opinion. As the town goes into the Garden Village process would like an assurance that a vision will be agreed by the town, concern that the town has been let down by MDDC and will be	The Garden Village Governance Structure and Arrangements were approved by Cabinet on 6 July 2017. Cullompton Town Council has seats on the Delivery Board and the Stakeholder Forum

 again. e.g. design of second section of Swallow Way. Would like to see more of the town's District Councillors at Council meetings, written reports are fine but helpful to have Councillors present to listen to the Town Council's views and take back to Mid Devon. Better feedback when views are not upheld/acted upon. The Council looks forward to receiving the approved Charter in due course. 	Noted, Ward members will be informed. Noted
Burlescombe Parish Council have no comments to make regarding these two consultations.	
Holcombe Rogus Parish Council have no comments to make regarding these two consultations.	
Communication	
3. I think it's called 'Local Council Awards Scheme' these days???	Noted, document will be amended
Planning Document 16 - what does this mean please? doesn't apply to householder appeals? is this saying that only appeals by developers are applicable???	Appeals for Householder applications are dealt with in a different way.
11 - what is the planning working group? Finally, my biggest issue with planning is downloading the individual documents for viewing at a parish council meeting. It is very time consuming to download individual docs - as there is no wifi at certain venues. Not sure how this can be improved - a download all button???	The Planning Working Group is a sub group of the Planning Committee who are sent out to site to look at particular issues with regard to an application Comment noted.
The final sentence of the introductory paragraph of the Charter is out of date and needs to be revised now that we are well past the introductory 'one year'. It would probably be sufficient to say that the Charter will be reviewed on a three yearly basis.	Document will be amended.
That same sentence refers to the fact that the Charter will be reviewed at the annual meeting of the Town and parish councils. We suggest that, if it is the intention to review the Charter at the annual meeting	This paragraph will be amended to state that consultation will take place with Town and Parish Councils prior to consideration by the Community Policy Development Group.

with Town and Parish Clerks, that should only be after consultation so that elected members of those councils have the opportunity to have some input - in the same way that District Councillors, rightly, expect to be involved in the process.

Paragraph 6 of the 'Planning Section' of the Charter has been amended to agree to hold separate meetings in the three main towns (rather than the previous version which guaranteed consultation meetings in the four main towns) where matters affecting the Local Development Framework are being considered. We assume that to mean that consultation meetings will not be held in Bampton. Whilst understanding the financial constraints affecting all local authorities we are disappointed that this change will leave this part of the District disadvantaged.

Paragraph 7 could usefully be amended to reflect that the District Council have agreed to consult on applications in neighbouring parishes (see comments below on the Planning Charter). We would also refer to Council Motion 530 which, in part, referred to the importance of consultation with local councils in respect of prior notification for certain agricultural buildings. In response to the District Council's representations to the Minister the Department for Communities and Local Government pointed out that 'It is open to local authorities to consult more widely on the application for prior approval if they so wish'. Having regard to the concerns expressed in Motion 530 the parish council hope that the District Council will wish to consult local councils on prior notification applications and that the Town and Parish Charter will be amended to reflect that.

As it stands, the adopted core strategy currently identifies Bampton as a small market town under policy COR16, acting as a focal point for housing and employment etc to serve the local rural area. It is therefore dealt with differently from a village, which under policy COR17 are limited to minor proposals within settlement limits and allocations.

The approach to Bampton has changed within the Local Plan Review. It is now proposed to become a village suitable for small scale housing, employment, leisure and tourism within draft policy \$13 and so would lose its town status in planning terms.

The Statement of Community Involvement as agreed by the Council on 26 October 2016 outlines the consultation process. The Charter will be amended accordingly.

As there was no clear direction from the DCLG this has not been progressed

Comment noted, and document amended

rather than all applications within a particular Parish or Town. That paragraph would benefit from some clarification and also to reflect the fact that, since the Charter was drafted, the District Council have agreed to consult on applications in neighbouring parishes. In this parish we have become aware of a lack of consultation with parish councils (or, at least, our parish council) about the use of S.106 funds. We would suggest that the Charter could usefully be amended to ensure consultation with Parish and Town Councils so that S.106 monies are directed towards the most appropriate schemes.	Comment noted, and document amended.
 The general tone and content of the Charter is practical and workable The Parish Council welcome improved liaison however, MDDC must recognise that attendance at meetings by our clerk and councillors will need to be on a voluntary basis The reference to including a training budget within the precept is a difficult issue for this parish Consultation documents need to 	Comments noted.

- 3.3 A Working Group of the Scrutiny Committee was formed in the summer of 2016 to look into the work of the previous Parish Liaison role following concerns regarding:
 - Two way communication and the need for local Councils to keep the District Council informed regarding changes to their Membership;
 - The need for District Councillors to ensure that their local council was kept informed;
 - The Parish Matters newsletter, which had been discontinued following reports that it was not read.

The Working Group met over a period of a couple of months assisted by the current Parish Liaison Officer and the Member Services Manager. The Parish Liaison Officer had proposed some means of improving communication with Towns and Parishes and some of these had been implemented. The Town and Parish Newsletter had been reinstated and the towns and parishes had been asked to contribute good news stories. Some joint training had taken place with regard to iPads and social media.

be brief.

The Working Group made the following recommendations to the Scrutiny Committee on 22 May 2017:

- Parish Councils be asked to share 'good news' with other towns and parishes via the newsletter:
- Silverton Parish Council be asked to share information regarding their Neighbourhood Plan with others via the newsletter:
- Uffculme Parish Council be asked to share good news regarding their 'café in the square';
- A Parish Clerk be invited to write a 'profile of a clerk';
- A couple of Members had been identified as not attending or cascading information to their Parish Councils and the Member Services Manager would speak to them regarding this;
- An item be placed in WIS to remind all Members of the importance of liaising with towns and parishes;
- It now seems that liaison with Town and Parish Councils has recommenced 3.4 as set out in the Charter.

4.0 Summary of suggested amendments to the Charter

- (i) Under Communications and Liaison, amend (3) by removing 'Quality Council' status and adding Local Council Awards Scheme.
- Under Planning amend (7) to read "Consult with the local councils on (ii) planning applications with Town and Parish Councils in accordance with statutory procedures and on applications in neighbouring parishes where appropriate and inform the local council which Planning Officer is dealing with the application. (NB: Plans with only minor changes are not subject to re-consultation).
- (iii) Again under Planning, add a new (8) stating: Consult with local councils with regard to the use of S106 monies and request that schemes are put forward that would enhance the local area.
- Renumber the following paragraphs under that subject. (iv)

5.0 Conclusion

- 5.1 It is felt that communication with the Town and Parish Councils is working The presence of the Parish Liaison Officer within Member Services allows Town and Parish Councils to be able to be supported alongside District Councillors. The Parish Liaison Officer is appreciated by local councils providing a necessary link and gateway for the exchange of information.
- 5.2 Consideration of the points made by local councils through the consultation have been noted and appropriate amendments made to the document.

Contact for more Information: Sally Gabriel, Member Services Manager, 01884 234229, sgabriel@middevon.gov.uk

Circulation of the Report: Cabinet Member, Head of Planning, Economy and Regeneration, Legal and Internal Audit.

List of Background Papers: Town and Parish Charter dated May 2012, consultation responses, Scheme of Delegation to the Head of Planning.





Charter

Mid Devon District Council

and

Town and Parish Councils in Mid Devon

FEBRUARY OCTOBER 2017 (V24)

CHARTER BETWEEN MID DEVON DISTRICT COUNCIL AND THE TOWN AND PARISH COUNCILS IN MID DEVON

Partnership working between town and parish councils (local councils) and the district council will only be successfully achieved if both partners recognise, understand and respect the role that the other plays and work to promote those roles. This Charter has been agreed following consultation between Mid Devon District Council and the local councils and sets out a framework to enable this to happen. This Charter will be reviewed after one year and on a three yearly basis thereafter at the annual meeting of the town and parish councils. The Charter will be reviewed on a three yearly basis, consultation will take place with Town and Parish Councils prior to consideration by the Community Policy Development Group.

The District Council will work in partnership with local councils in its area to promote sustainable social, economic and environmental development for the benefit of local communities.

Mid Devon District Council recognises that local councils:

- Are an important part of local government representing their communities at the most local level.
- Are a primary source of information about the community's opinions and aspirations.
- 3 Provide an opportunity to develop greater engagement with the local community.
- 4 Are heavily reliant on volunteering and goodwill. The differences between smaller and larger local councils in terms of ability to handle information and resources will be respected.

Local Councils recognise that Mid Devon District Council:

- 1 Whilst conscientiously taking account of local views also has to take into account community interests across the Mid Devon District.
- 2 Has strategic roles and responsibilities and has to work within Government financial and other constraints.
- 3 Is able to work most effectively with parishes that are well organised, proactive, informed and willing.

Communications and Liaison

Mid Devon District Council will undertake to:

- Arrange and host on at least an annual basis a district-wide meeting of clerks to discuss matters of mutual concern and also to periodically arrange meetings for Town and Parish Councillors.
- 2 Provide a liaison officer(s) who will act as the point of contact for local councils, providing support and information, directing enquiries, advising and ensuring that issues are followed up and dealt with in a timely manner.
- Work with the Devon Association of Local Councils to provide more information to towns and parishes about obtaining 'Quality Council' 'Local Council Award Scheme' status and the 'General Power of Competence'.
- 4 Continue to send the Town and Parish newsletter electronically, in order to keep local councils informed and share information.
- 5 Encourage District Councillors to attend their local council meetings and ensure that issues raised by District Councillors acting in support of local councils will be responded to.
- Formally add to the role of Chairman of the District Council that of being 'Local Council Lead Member' who will encourage better working across the district by attending local council meetings and providing feedback on any issues of local concern or interest.
- 7 Encourage officers to attend local council meetings and speak on issues of concern/interest.
- 8 Ensure District Council key documents, where appropriate, contain a short executive summary or an explanation of their terms relevance.
- 9 Use plain English in written communications.

Local Councils will undertake to:

- 1 Be represented at the annual meeting of clerks.
- Use the Council's <u>Liaison Officer</u> for contact with the District Council in the first instance where the name of the appropriate officer is not known, unless responding directly to consultations.
- Contribute to the Town and Parish newsletter when there is an item that other local councils will find of interest.

- Welcome District Councillors to town and parish meetings and send them agendas and minutes and invite reports.
- 5 Utilise the services of Customer First where appropriate.
- 6 Invite relevant officers to meetings where there are issues of concern or interest to the local council.

Consultation

Mid Devon District Council will undertake to:

- 1 Consult local councils on all issues which are likely to affect their area.
- Allow five weeks for local councils to respond to consultation. If this is not possible the local council will be given an explanation. (This does not apply to planning applications. These are covered in the attached annexe).
- 3 Provide briefing sessions/workshops to groups of local councils on complex consultation issues.
- 4 Make specific arrangements for consultation on planning (see Annexe 1).
- 5 Have regard to the views of the local councils when making decisions.
- 6 Keep under review the level and quality of consultation.

Local Councils will undertake to:

- 1 Take part in consultation exercises and respond within the given period.
- Notify Mid Devon District Council if they cannot respond to a consultation within the given period, but will be making a response.
- Work with Mid Devon District Council to seek the views of residents on issues of common interest.

Planning

Mid Devon District Council will undertake to:

- 1 Have due regard to the views of local councils in determining all planning applications.
- 2 Ensure planning notices are prominent for all planning applications and A3 size notices are used for major applications.

- 3 Ensure notices in connection with planning policy public consultation meetings are placed prominently and at least 14 days in advance of meeting dates.
- 4 Be willing to advise in the creation of Neighbourhood / Parish Plans.
- Notify the relevant local council(s) of any public meetings and exhibitions organised by Mid Devon District Council about policies and plans affecting the parish.
- Hold separate meetings in the three main towns where matters affecting the Local Development Framework and specific sites only are being considered.
- Consult with the local councils on all-planning applications within the Town or parish area in accordance with statutory procedures and on applications in neighbouring parishes where appropriate and inform the Local Council which Planning Officer is dealing with the application.
 - (NB. Plans with only minor changes are not subject to re-consultation)
- 8 Consult with local councils with regard to the use of discretionary S106 monies and request that schemes are put forward that would enhance the local area.
- 9. Allow a representative of local councils to attend and speak at meetings of Mid Devon District Council's Planning Working Group in respect of any planning application within that parish/town and to address the Planning Committee in accordance with the Council's scheme of public participation.
- 910 Explain the reasons for planning decisions within the Officer report and decision notice.
- 101 Endeavour to make officers available to attend meetings of local councils to clarify the details of significant or controversial applications.
- 142 Endeavour to ensure that the 'PublicAccess' facility on the website is available at all times.

<u>Please note</u>: A more detailed Planning Charter between MDDC and Town and Parish Councils is attached to this document. The Planning Guide has not been included in this version as fundamental changes are expected to the planning system via the Housing White paper

Local Councils will undertake to:

- Acknowledge that Mid Devon District Council will not always be able to accede to the views of parish/town councils.
- 2 Respond to all consultations on planning applications within the District Council's deadlines, even if it is a 'no comment' response.
- 3 Comment on planning applications on planning grounds, and specify as fully as possible the reasons for an objection to, or support for, a particular application.

- 4 Ensure that all councillors are made aware of the contents of planning decision notices sent to the local council by reference to the reasons for approval / refusal.
- Assist Mid Devon District Council by reporting perceived local breaches of Town and Country Planning Legislation.
- Attend relevant meetings, briefings and training to gain a better understanding of the planning process.
- 7 Consider preparing a Parish/Neighbourhood Plan. If they have made one, consider offering their assistance and experience to other councils that have not.

Training and Support

Mid Devon District Council will undertake to:

- 1 Continue to provide regular and ongoing planning and ethical standards training to local councils with particular emphasis on the guidance already provided.
- 2 Endeavour to provide website advice where requested.
- 3 Share training where appropriate.

Local Councils will undertake to:

- 1 Use the services of Customer First and the Parish Liaison Officer.
- 2 Examine the wide range of training and best practice sources available, particularly through the Devon Association of Local Councils.
- 3 Ensure, where possible, the training needs of their councillors, clerks and chairmen are met.
- 4 Consider training requirements when setting their precepts.

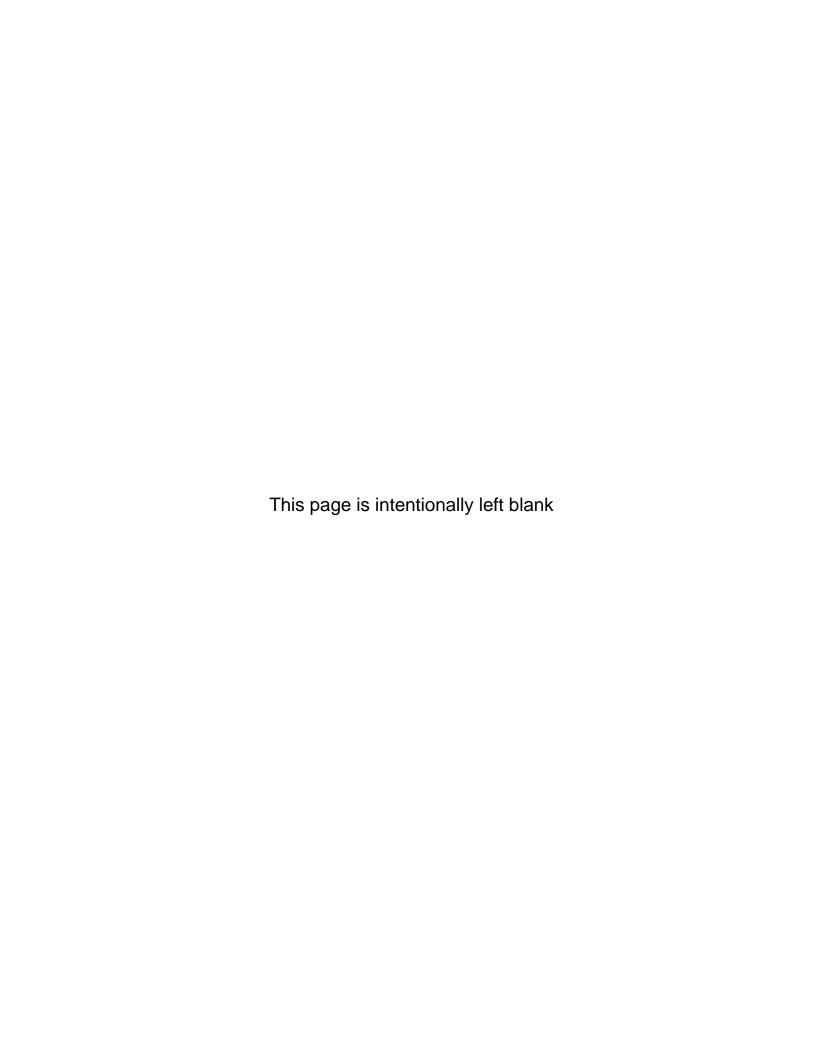
Partnership and Financial Arrangements

Mid Devon District Council will undertake to:

- 1 Collect and pay in a timely manner any precept levy requested by the local councils.
- 2 Operate and keep under review the financial arrangements with local councils in respect of services such as public conveniences and street cleaning.

Local Councils will undertake to:

1 Make any precept requests within the timescale set by Mid Devon District Council.





PLANNING CHARTER FOR TOWN and PARISH COUNCILS (TPC's)

- 1. The Planning Unit of Mid Devon District Council will consult with its constituent Town and Parish Councils on all applications for planning permission, Advertisement Consent, Listed Building Consent, Conservation Area Consent, deemed applications from Devon County Council and Government Departments, and some notifications (for example, telecommunications).
- 2. In order to aid the decision making process, we will make every effort to forward full and adequate details of applications to Town and Parish Clerks within three working days of their validation, together with copies of accompanying application drawings and other relevant information. All information will be provided in electronic format. Weekly email alerts of new applications can be sent to Parish and Town Clerks if an email address is provided.
- 3. The Planning Section is continually developing the electronic delivery side of its service. We will be considering ways of enhancing access to information, receipt of consultation responses from Town and Parish Councils, development of its web site, and e-mail communications. In addition, officers will attend local Council meetings if requested to advise on current procedures and working practices if staff resources allow.
- 4. Planning will consider any reasonable requests for additional information from Town and Parish Councils whilst having regard to the statutory, fifty-six day period (8 weeks) for determining most planning applications., ninety-one days (13 weeks) for Major applications and one hundred and twelve days (16 weeks) for applications accompanied by an Environmental Impact Assessment (EIA).
- 5. The Planning Section will wait twenty-one days for receipt of Town and Parish Councils views on the above noted applications (a week in excess of the fourteen day period provided by statute) before determining applications and issuing the relevant Decision Notice.
- 6. Any reasonable requests to delay consideration of applications so as to allow full comment to be made by Town and Parish Councils will be at the discretion of the Head of Planning, Economy and Regeneration. In the majority of cases, Town and Parish Councils will be expected to respond to notification on planning applications within twenty-one days of receipt of an application.
- 7. Representations received from Town and Parish Councils will be considered in accordance with the Council's Planning Scheme of Delegation.
- 8. The 'Weekly List' advising all new planning applications will be sent to all Town and Parish Clerks. The list will give the case officer contact details for information and advice. It also identifies the expected decision level i.e. 'DEL' Delegated and 'COMM' Committee.

An electronic alert of your Planning Application(s) on Weekly List will automatically be sent every Friday (if an email address is provided) with web links to associated documents.

- 9. The Planning Section will continue to advertise details of applications in the local press on a weekly basis. In addition, the Planning Section will continue to advertise every planning application on site (A3 size if Major application) and notify the occupiers of properties that share a boundary with the application site in accordance with the Statement of Community Involvement (SCI). Further neighbour notifications may be sent according to the case officer's assessment of who may be affected materially and directly by the development following a site visit.
- **10**. At the discretion of the Head of Planning, Economy and Regeneration, Town and Parish Councils will be notified of planning application revisions (unless of a minor nature), and copies of revised plans will be forwarded.
- 11. We will ensure that the opportunity is given for Town and Parish Councils to attend and speak at Planning Committee. A representative of the Town or Parish Council may also attend and speak at meetings of the Planning Working Group on site.
- 12. We will report, in full, representations received from Town and Parish Councils on applications that are presented to Planning Committee. The views will be included on the agenda report, but if received after printing, views will either be tabled or verbally reported.
- **13.** The Section will advise Town and Parish Councils of the relevant date it is anticipated a deferred application will be presented back to Planning Committee.
- 14. The Planning Section will provide full, unrestricted access to all public information held on planning application files and on the Council website www.middevon.gov.uk/index.aspx?articleid=113 via the https://planning.middevon.gov.uk/online-applications/ link for Planning an on-line service that allows you to view Mid Devon applications. You can also search and view property details, submit comments (within 21 days) on individual applications, view weekly lists of applications, the decision, reasons for the decision and a copy of the officer report. We will provide photocopies of relevant documents (subject to copying charges applicable at the time).
- 15. Within <u>five</u> working days of issuing the decision to the applicant, we will notify Town and Parish Councils of that decision and by email alert on a weekly basis if subscribing to the service.
- 16. The Planning Section will undertake full consultation where appeals are lodged in order to provide Town and Parish Councils with an opportunity to make their views known or to be taken into account by the Planning Inspectorate. (Please note this does not apply to Householder Appeals where only the comments made at application stage can be taken into account).
- 17. The Planning Section will respond to all reasonable requests for appropriate officers to attend Town and Parish Council meetings to discuss planning matters or development proposals where resources allow.

- 18. We will act promptly on receipt of information from Town and Parish Councils regarding alleged unauthorised development, and will keep them informed of the progress and outcome of subsequent enquiries and action proposed.
- 19. The Planning Section will seek to involve Town and Parish Councils regarding matters which could have implications on land use, community development and environmental / enhancement initiatives, etc. This will include the preparation of Supplementary Planning Documents and Conservation Area Appraisals.
- 20. The Council will consult with and take into account all views received from Town & Parish Councils in the preparation and review of the Local Development Scheme (LDS) and Local Development Documents (LDD) in accordance with details set out in the Statement of Community Involvement (SCI). The current Local Plan and Local Development Scheme are available for viewing at Reception, or on the Councils web site, www.middevon.gov.uk
- **21.** Copies of the Local Development Framework are available for purchase. Again, please see the web site noted above, or visit the Reception for further details.
- 22. The Planning Section will continually review the information it holds on its web pages to improve access to information by all its customers including Town and Parish Councils. This includes its Planning Handbook, formal Supplementary Planning Documents, and informal advice leaflets. We are also looking to extend this to include other relevant information.
- 23. Should Town and Parish Council's have any suggestions for items which could be introduced on to the web site or as new leaflets / information sheet then please do not hesitate to feed this back to the Planning Section.

Contacting Us:

If visiting, the Reception is on the Ground Floor, and Development Control is on the First Floor of Phoenix House.

Our postal address is:

Direct Line(s) into Planning Section 01884 234260 / 01884 234262 Generic email address: devcon@middevon.gov.uk

MID DEVON DISTRICT COUNCIL - PLANNING SECTION

GUIDANCE NOTE 1 (Ver 1.1)

Treatment of Town and Parish Council Responses on Planning Applications

Schedule 1 (paragraph 8) of the Town and Country Planning Act 1990 (as amended) states that Parish Councils (or Town Councils) may request District Councils to send them details of planning applications for their areas. Mid Devon District Council aim to work closely with the community and will formally consult the appropriate Town and Parish Council on <u>all</u> applications.

This Section will use its best efforts to ensure that consultations are carried out within three working days of validation of the application.

The Planning Section is continually trying to develop the delivery of its service. To this end, we will consider ways of improving electronic access to information by Town and Parish Council's through e-mail and its web site www.middevon.gov.uk, in addition to officers attending council meetings (if requested) to advise on procedures and developments, etc.

Article 21 of the Town and Country Planning Act – General Development Procedure Order 1995 states that District Councils do not make a decision on a planning application until after fourteen days have elapsed from the date of notification to Town and Parish Councils. This Unit has extended the consultation period to twenty-one days from the date of notification in order to provide Town and Parish Council's an opportunity to consider planning applications for a time greater than the statutory minimum period.

The twenty-one day period starts from the date of consultation with Town and Parish Council's as recorded on the application file and electronic planning application database.

Town and Parish Councils are encouraged to discuss applications with the Case Officer who will be pleased to clarify any details necessary.

The Planning Section will consider any reasonable requests for additional information for Town and Parish Council's whilst having regard to the statutory fifty-six day period for determining planning applications.

The twenty-one day period ends on receipt of post on day twenty-two (to enable any last minute responses to be cleared).

A written response; telephone message; fax; e-mail or verbal communication will all be considered as a valid consultation response. In the case of verbal and e-mail responses, the officer in receipt of the message will note the respondent, date, time and the response and place this information on the application file. All consultation responses are posted on our website (Public Access) in line with the Local Government (Access to Information) Act 1985 which requires that such correspondence be available for public inspection.

If the application is not a Delegated item (can be processed without the need for Committee approval), all Town and Parish Councils responses will be noted on the application file and reported to the Councils Planning Committee

Scheme of Delegation to the Head of Planning, Economy and Regeneration

To exercise all the powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, (unless expressly delegated to another officer) except where:-In the case of all Applications:

- 1. In the opinion of the Head of Planning, Economy and Regeneration or the Area Planning Officer, the application is of a significant controversial or sensitive nature;
- 2. The application has been submitted by or on behalf of the Council;
- 3. The application is from an Elected Member or Officer
- 4. The application is accompanied by an Environment Impact Assessment (EIA);
- 5. The application is a significant or major departure and is recommended for approval;
- 6. The Ward Member; Chairman or Vice-Chairman of Planning Committee requires that the Committee consider an application having given clear planning reasons;
- 7. Applications will be delegated to the Head of Planning, Economy and Regeneration to refuse if Section 106 Agreements are not signed and completed within 8 or 13 week time-scale.

In the case of re-negotiations on a planning obligation (S106 Agreements and Undertakings);

- 1. The Ward Member, Chairman and Vice-Chairman of Planning Committee and Cabinet Member for Housing (the latter in the case of amendments to affordable housing only) requires that the Committee consider the proposed changes having given clear planning reasons
- 2. In the case of renegotiations on another planning obligation issue the Ward Member, Chair and Vice Chair of Planning requires that the Committee consider the proposed changes having given clear planning reasons, otherwise they be delegated to the Head of Planning, Economy and Regeneration

In the case of Enforcement:

1. Formal enforcement action is proposed other than a Breach of Condition Notice or in the case where urgent action is required to commence enforcement proceedings, consisting of the service of a Temporary Stop Notice, Enforcement Notice, Stop Notice

- or commence Injunction proceedings. These proceedings to only be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.
- Other than in consultation with the Legal Services Manager prosecution proceedings regarding any unauthorised advertising/fly posting.
 (Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information)

In the case of the Community Infrastructure Levy Regulations (CIL) and associated enforcement

 Formal CIL enforcement action comprising CIL Stop Notice or in the case where urgent action is required to commence enforcement proceedings consisting of the service of a CIL Stop Notice or commence CIL Injunction proceedings. These proceedings only to be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.

In the case of Conservation:

- 1. It requires the issue of repair and urgent work notices
- 2. It involves the submission of funding bids or schemes that have budgetary implications

In the case of the Local Plan:

Local Plan proposal's and policies with reasoned justification for publication and consultation or adoption at the following stages (other than where minor modifications and other minor changes are made).

- Local Plan options consultation
- Publication and consultation of the 'submission' Local Plan
- Local Plan adoption

(or the equivalent stages of processes of successors to Local Plans).

In the case of Planning Policy:

- Representations to strategic plans and policies at a larger than district scale are to be made.
- Supplementary Planning Documents dealing with Mid Devon wide guidance and sites/areas for publication prior to consultation and for adoption (other than where minor modifications and other changes are made).

(Not including updating contributions sought through S106 Agreements to reflect changes in the cost of provision of facilities).

BUILDING CONTROL AND SAFETY:

To exercise all the Council's powers under the Building Act 1984 or regulations made there under except where:-

In the case of charges

• The annual review of charge results in increases greater than the rate of inflation.

OTHER PROVISIONS

- 1. To authorise caravan rallies in accordance with the requirements of CS and C of DA 1960.
- 2. 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. To make representations where appropriate and with the agreement of the Chairman and/or Vice Chairman of the Committee and Ward Member's (as appropriate) in respect of new Applications for Goods Vehicles Operators' Licenses, or when a significant variation of an existing licence is proposed.
- 4. To caution offender where there was evidence of a criminal offence and the offender admitted the commission of the offence but the public interest did not require a prosecution.

Notes

The above procedure should be read alongside the Town and Parish Council Charter which is available from the Planning Section.

Training workshops in the operation of the Planning System will continue to be offered to Town and Parish Councils.

August 2017

Agenda Item 6.

CABINET 26 OCTOBER 2017

DRAFT 2018/19 GENERAL FUND AND CAPITAL BUDGETS

Cabinet Member Cllr Peter Hare-Scott

Responsible Officer Andrew Jarrett, Director of Finance, Assets & Resources

Reason for the report: To consider options available in order for the Council to set a balanced budget for 2018/19 and agree a future strategy for further budget reductions for 2019/20 onwards.

RECOMMENDATION: To consider the draft budget proposals for 2018/19 and start to plan for additional savings as identified in the Medium Term Financial Plan.

Relationship to the Corporate Plan: To deliver our Corporate Plan's priorities within existing financial resources.

Financial Implications: The current budget for the General Fund shows a deficit of £617k. In addition we have predicted a funding deficit of £1.2m on our General Fund by 2021/22. This highlights the need to take steps to plan for further reductions to our ongoing expenditure levels.

It is a statutory requirement for the Local Authority to set a balanced budget each year.

Risk Assessment: Service Managers and Finance staff have assessed volatility in income and large contractor budgets, taking account of current and estimated future demand patterns. In addition prudent levels of reserves will also continue to be maintained.

Equality Impact Assessment: It is considered that the impact of this report on equality related issues will be nil.

1.0 Introduction

- 1.1 2018/19 will be the third year of a four year fixed funding settlement which will see a further reduction of £318k and then the complete removal of the remaining Revenue Support Grant of £179k by 2019/20.
- 1.2 It is worth reflecting that our budgets are affected in a number of ways:
 - a) The funding received from central government.
 - b) Devon County Council (DCC) and other public bodies' budgets being cut leads to them cutting funding to us and others, in a variety of ways.
 - c) Government departments such as Department of Work and Pensions and Department for Communities and Local Government also have lower budgets and reduce grants.
 - d) Changes in customer demand/expectations in the context of the local/national economy.

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- 1.3 Although the priority is to balance next year's budget, strategic decisions will need to be made to accommodate reduced funding going forward. So far senior managers will have produced a draft budget based upon "business as usual."
- 1.4 Based on seven years of public sector austerity many services can no longer continue to reduce cost and still expect "business as usual". It is important to remember that some services are statutory and in some cases must breakeven. i.e. we cannot generate a profit. This restricts where savings/cuts can be imposed and section 7 below provides more details.
- 1.5 The proposed savings embodied in the draft budget will need to be agreed by Members, as every proposed saving that is rejected will need to be matched by a suggestion of where a similar saving could be made. Members will be aware that the budget is an evolving process. We have already made a range of assumptions relating to: pay awards, inflation, fees/charges, demand for services, property increases, etc. More information may well change/alter our assumptions in the months leading up to February, when the budget has to be finalised. So the current budget gap of £617k will be revised over the next few months, but it is based on the most current information, in conjunction with professional guidance, that is available.
- 1.6 The Council continues to look into opportunities to further reduce operational costs without immediately reducing service levels. However it remains a real possibility moving forward that some difficult decisions will have to be made relating to what the Council can and can't afford to deliver/support in the future.

2.0 The Draft 2018/19 Budget

- 2.1 The initial aggregation of all service budgets (which also includes assumptions surrounding predictions of interest receipts, contributions to our capital programme, transfers from/to reserves and Council Tax levels) currently indicates a General Fund budget gap of £617k (see Appendix 1).
- 2.2 At this point it is worth summarising how we have arrived at this deficit. The table shown below shows the main budget variances affecting the 2018/19 draft budget.

Table 1 – Reconciliation of Major 2018/19 Budget Variances

Variances	Amount £k
External items outside of our control	
Reduced formula grant settlement	318
Decrease in Housing Benefit Grant and increase in	57
associated costs	
Pay award and pension increases	239
Rural Services Delivery Grant	86
Transition Grant	32
Subtotal	732
Other changes	_
Increase in service cost pressures	317

Not utilising New Homes Bonus to balance the	89		
budget			
Increase in property sinking funds	100		
Interest payments on loans for new Leisure	45		
equipment			
Service cost reductions	(108)		
New or increased income identified by service	(272)		
managers			
Increase in Council Tax income (£5 rise + 370 new	(212)		
properties)			
Net recharge to HRA	(108)		
Minor changes	34		
Draft budget gap for 2018/19	617		

- 2.3 In compiling the 2018/19 draft budget we have also examined budget performance during 2017/18 and then made any relevant budget corrections for staffing changes, levels of income, changes in legislation, increases in inflation, etc.
- 2.4 Due to the need to get budget information to all of the PDG and Cabinet meetings during October and November there are still a few key issues that have not been resolved or are still to be fully evaluated. These issues may either improve or worsen the summary budget position currently reported and can be summarised as follows.
 - Application by the Devon Pool to become 100% Business Rates Pilot
 - Impact of new Homeslessness legislation from 01/04/18
 - Impact of full rollout of Universal Credit from 01/04/18
 - Autumn Statement announcement in November 2017
 - Finalisation of Formula Grant settlement
 - Ongoing service reviews (including changes to fees/charges)

3.0 The Past

- 3.1 Just to remind members of the financial journey the Council has been on since the austerity programme in 2010/11, here is a list of some of the challenges that have been presented to MDDC in balancing budgets during recent years.
 - Net loss of £4m in Formula Grant
 - Loss of funding for Housing Benefit admin and Regional Housing Pot removed circa £0.6m
 - Council Tax freezes accepted for a number of years
 - Increased costs associated with Local Land Provision
 - Tax and pension related pressures totalling £350k as follows
 - National Insurance change
 - Increased pension back-funding costs
 - Government mandated auto-enrolment to the Pension Scheme
 - Apprentice Levy of £50k introduced
- 3.1 The following lists just some of the actions taken by MDDC to mitigate these funding reductions.

- Significant efficiency agenda has led to service reductions amounting to
- Increased income has been generated by a number of services
 - Waste shared savings agreement with DCC
 - o Garden Waste Scheme
 - Improved recycling scheme
- Increased commercialisation
 - £200k profit from market Walk and Fore Street properties
- Business Rates Devon Pool participation
- Profit from the Special Purpose Vehicle will return to the General Fund, along with a margin on interest received
- Increasing CCLA holding to £5m
- Colocation with Department for Work & Pensions (DWP)
- Revised Car Parking Strategy in 2016/17
- Rationalising our property estate, including depots, parks, toilets and
- Joint working with North Devon DC as part of the Building Control **Partnership**
- DCC Transfer Station located at Carlu Close

4.0 The Future

4.1 It is clear that a lot of work has already been undertaken in order to deliver a draft budget gap of £617k, i.e. further efficiency savings of circa £250k included in the service appendices. We now are set with two tasks: firstly, to deliver a balanced General Fund budget by February 2018 in order to formally set the Council Tax and secondly, and of equal importance, begin to plan how our future spending plans can be financed. The work with town and parish councils will continue.

5.0 **Capital Programme**

- In addition to this revenue funding pressure, is our ongoing commitment to 5.1 future capital programmes, not helped by the current low levels of capital receipts. Even greater pressure may be placed on future programmes if additional borrowing was made to fund new Council Houses, Depots, Sport Centre enhancements, Town Centre enhancement works, vehicle replacements, etc.
- 5.2 The draft Capital Programme for 2018/19 is attached at Appendix 5. Excluding the new commitments to fund town centre regeneration or further commercial/land acquisitions, the size of our current and future capital programmes remains very small, due to the reductions in funding and level of sale receipts and now only includes material projects that are essential maintenance, or asset replacement or income generating/cost reducing.

6.0 The Autumn PDGs and Cabinet meetings

6.1 The first round of draft budget meetings will allow discussions with Members, Senior Management, Service Managers and Finance Officers in order to review the proposed draft 2018/19 budget – see Appendix 2. This will include udget 2018/19

MDDC: Budget 2018/19

scrutinising and challenging the initial position (and confirming acceptance of all proposed savings put forward) and discussing any other budget areas that Members would like to see additional savings from.

6.2 Before the next round of PDGs and Cabinet in January the Council will receive formal confirmation regarding its; Formula Grant other emerging legislative changes, more information regarding the 2017/18 budget performance etc. At this point if any of the initial assumptions/estimates significantly worsen, then we will need to bring further savings options forward for consideration.

7.0 Public Consultation

- 7.1 Earlier year's consultations have consistently highlighted the three most valued services:
 - REFUSE COLLECTION & RECYCLING First
 - PARKS, OPEN SPACES & PLAY AREAS Second
 - ENVIRONMENTAL HEALTH Third

The three services valued the lowest comprised:

- COMMUNITY GRANTS First
- PUBLIC CONVENIENCES Equal second
- COMMUNITY SAFETY Equal second
- 7.2 With the Council having to make more challenging decisions with regard to service prioritisation these views and our Corporate Plan should be foremost in determining changes to the base budget.

8.0 Statutory, Discretionary Services and the Level of Service Provision

- 8.1 Whilst the Council has a legal obligation to perform some activities, others are at the discretion of the elected members, subject to funding. Although some undertakings are clearly statutory and others clearly discretionary, there are some service areas that have elements of both.
- 8.2 The main *discretionary* services of the Council comprise:
 - Business development (although a corporate priority)
 - Community development (includes community group grants)
 - Leisure facilities
 - Parks and open spaces (identified as important to the public at 6.1)
 - Shops and industrial units

What can we do to balance the budget?

- 8.3 An activity's net cost could be changed by one or more of these factors:
 - a) Changing the frequency
 - b) Changing the quality, instead of a "Platinum service" we may be forced to offer a "Silver service"
 - c) Increasing fees or start charging for a service

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- d) Reducing the overheads
- e) Stopping the activity entirely
- f) Different models of service delivery (including partnership)
- 8.4 Over the last five or six years the Authority has concentrated its efforts in maintaining frontline service levels across all sectors by reducing overheads. It is now clear that following those budgetary cuts some service areas are struggling to deliver their service plans, within their existing budgets. Indeed in a few cases external reviews have necessitated increasing the resources in a particular service area to meet our legal obligations.

What options are available if something is statutory?

- 8.5 Although we cannot stop the function, we may be able to approach it differently in terms of frequency or quality.
- 8.6 Some of our income streams are influenced by external market forces and in setting prices we have to be mindful of the going market rate. Aside from Council tax, the main income streams are:
 - Building control fees
 - Burial fees
 - Car park charges
 - Industrial unit rent
 - Leisure centre fees
 - Licence fees
 - Market tolls
 - Shop rents
 - Planning fees
 - Trade waste fees
 - Garden waste
- 8.7 Any multi million pound business employing staff and utilising assets needs teams to support them and our frontline services are no different.
- 8.8 The key components, some statutory, others essential, include:
 - Audit
 - Accountancy
 - Customer First
 - Procurement (Buying goods and services)
 - Human resources (Includes health and safety)
 - IT
 - Legal services
 - Property services
- 8.9 For example our waste service has to have vehicles and depots to operate from, both of which need to be maintained. The staff need to be managed, to be paid, and legislation provides for health and safety considerations. Depots and buildings such as Phoenix House are fixed costs, although even here we have created savings by renting out some space. The "back office" activities are therefore intrinsically linked to the "frontline" and savings from both areas have continued to be made.

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9.0 Conclusion

9.1 The feedback from all of the PDGs and Scrutiny will be reported to the January Cabinet for consideration in order to set a balanced 2018/19 budget and agree a forward plan. Group Managers will be working with Leadership Team and elected members in order to determine ways in which savings of £1m can be achieved over the next three years, based on the priorities identified in the Corporate Plan. Having identified possible savings, there will need to be careful consideration of their potential impact, probable lead times for delivery of that saving and any associated disengagement costs or possible 'spend to save' implications that would arise.

Contact for more information: Andrew Jarrett

Director of Finance, Assets & Resources

01884 234242

ajarrett@middevon.gov.uk

Circulation of the Report: Leadership Team

Elected Members Group Managers



HOMES PDG 2018/19 Service Unit Budgets

SES15 Private Sector Housing C

Group	Description	2016/17 Actuals	2017/18 Budget	2018/19 Budget	Movement
1000	Employees	156,731	155,280	0	(155,280)
3000	Transport	5,457	6,880	0	(6,880)
4000	Cost Of Goods And Services	2,571	2,240	2,390	150
7000	Income	(270,593)	(500)	(25,000)	(24,500)
	Sum:	(105,834)	163,900	(22,610)	(186,510)

Cost Centre	Cost Centre Name	2018/19 Budget
ES354	Private Sector Housing Team	(22,610)
	TOTAL	(22,610)

Major cost increases

No major changes.

Major cost decreases and changes in income
Employee costs have been moved to Public Staff Staff unit ES733.

SHG03 Homelessness Accomm

Group	Description	2016/17 Actuals	2017/18 Budget	2018/19 Budget	Movement
1000	Employees	191,430	207,260	204,460	(2,800)
2000	Premises	3,698	5,300	5,470	170
3000	Transport	11,421	11,840	11,700	(140)
4000	Cost Of Goods And Services	192,350	199,640	192,340	(7,300)
7000	Income	(313,788)	(172,700)	(171,800)	900
	Sum:	85,111	251,340	242,170	(9,170)

Cost Centre	Cost Centre Name	2018/19 Budget
HG320	Housing & Homelessness Ad	42,970
HG373	Housing Options Staff	199,200
	TOTAL	242,170

Major cost increases No major changes.

Major cost decreases and changes in income

No major changes.

SPS05 Administration Buildings

Group	Description	2016/17 Actuals	2017/18 Budget	2018/19 Budget	Movement
1000	Employees	2,180	20	20	0
2000	Premises	337,486	298,630	272,710	(25,920)
3000	Transport	2	0	0	0
4000	Cost Of Goods And Services	62,982	34,480	32,990	(1,490)
7000	Income	(100,086)	(75,820)	(73,800)	2,020
	Sum:	302,563	257,310	231,920	(25,390)

Cost Centre	Cost Centre Name	2018/19 Budget
PS800	Civic Suite	0
PS810	Phoenix House	218,390
PS820	Dcc Library	(2,880)
PS830	Town Hall	0
PS840	Crediton Office Building	16,410
	TOTAL	231,920

Major cost increases

No major changes.

Major cost decreases and changes in income
Specific project revenue budget requirement has reduced for 18-19.

SPS06 Mddc Depots

Group	Description	2016/17 Actuals	2017/18 Budget	2018/19 Budget	Movement
2000	Premises	61,626	53,830	57,170	3,340
4000	Cost Of Goods And Services	2,494	1,440	1,360	(80)
7000	Income	(11,153)	(27,150)	0	27,150
	Sum:	52,966	28,120	58,530	30,410

Cost Centre	Cost Centre Name	2018/19 Budget
PS850	Old Road Depot	58,530
PS860	Station Yard Depot	0
PS870	Lords Meadow Depot	0
	TOTAL	58,530

Major cost increases

No major changes.

Major cost decreases and changes in income

Income budgets for the rental of Station Yard and Lords Meadow Depot have been taken out due to the sale of both assets.

SPS08 Office Building Cleaning

Group	Description	2016/17 Actuals	2017/18 Budget	2018/19 Budget	Movement
1000	Employees	38,668	41,250	41,470	220
3000	Transport	(22)	0	0	0
4000	Cost Of Goods And Services	20,725	12,240	12,740	500
	Sum:	59,371	53,490	54,210	720

Cost Centre	Cost Centre Name	2018/19 Budget
PS970	Office Building Cleaning	54,210
	TOTAL	54,210

Major cost increases No major changes.

Major cost decreases and changes in income No major changes.

SPS09 Property Services Staff L

Group	Description	2016/17 Actuals	2017/18 Budget	2018/19 Budget	Movement
1000	Employees	281,773	361,520	381,250	19,730
2000	Premises	0	0	0	0
3000	Transport	21,194	17,960	21,800	3,840
4000	Cost Of Goods And Services	14,304	6,130	5,200	(930)
7000	Income	(685)	(8,400)	(4,200)	4,200
	Sum:	316,586	377,210	404,050	26,840

Cost Centre	Cost Centre Name	2018/19 Budget
PS980	Property Services Staff Unit	404,050
	TOTAL	404,050

Major cost increases

Estates and Open Spaces Officer salary costs have moved into this costs centre.

Major cost decreases and changes in income

No major changes.

CABINET 4 JANUARY 2018

HEART OF THE SOUTH WEST - JOINT COMMITTEE

Cabinet Member(s): Clive Eginton (Leader) and Richard Chesterton (Planning

and Economic Regeneration)

Responsible Officer: Stephen Walford, Director for Growth and Chief

Executive

Reason for Report: To consider and approve the establishment of a Joint

Committee and the arrangements to support its future working as set out in the Report and the documents

referred to within it.

RECOMMENDATION: that the Cabinet recommends to Full Council that it:

1. Approves the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West;

- 2. Approves the Arrangements and Inter-Authority Agreement documents set out in appendices A and B for the establishment of the Joint Committee with the commencement date of Monday 22nd January 2018;
- 3. Appoints the Leader of the Council and the Cabinet Member for Planning and Economic Regeneration as the Council's named representative and substitute named representative on the Joint Committee;
- 4. Appoints Somerset County Council as the Administering Authority for the Joint Committee for a 2 year period commencing 22nd January 2018;
- 5. Approves the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year subject to approval of any expenditure by the Administering Authority;
- 6. Approves an initial contribution of £1,400 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
- 7. Agrees that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);
- 8. Authorises the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy; and

9. Agrees the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14 of the attached Background Report.

Relationship to Corporate Plan: In the Corporate Plan, the Council commits to working "in partnership with the Heart of the South West Local Enterprise Partnership, Devon County Council and Exeter, East Devon and Teignbridge on projects that will support and grow the local economy". The Joint Committee will extend such working to a wider area.

Financial Implications: These are considered in Part 9 of the Background Report. The Council, if it approves the recommendations, will commit to the level of funding in recommendation 6 above for 2018/19 and future financing of the Joint Committee will be subject to a separate report at a later date.

Legal Implications: Part 8 of the Background Report and the previous report considered by members in February 2017 looks at the legal implications. The Monitoring Officer has liaised with her counterpart in Somerset County Council and previously provided legal advice on powers and arrangements whilst herself a lawyer at Somerset County Council.

Risk Assessment: Part 7 of the Background Report addresses risk.

Equality Impact Assessment: Part 5 of the Background Report addresses Equalities issues. The Productivity Strategy itself identifies 'inclusive growth' as a key principle behind productivity growth in which everyone has the opportunity to benefit from, and contribute to, our productivity growth, regardless of status or location

1.0 Introduction

- 1.1 On 22 February 2017, the Council approved "in principle" the establishment of a Joint Committee with other authorities lying within the area of the Heart of the South West Local Enterprise Partnership ("the LEP"). Work has since continued on preparing the formal arrangements under which the Joint Committee would operate.
- 1.2 This report is an overview and summary of the key points explained in more detail in the attached Background Report, together with Appendix A (Arrangements) and Appendix B (Inter-Authority Agreement) to the Background Report. The latter is a standard report which has been prepared by the Monitoring Officer for Somerset County Council in consultation with the monitoring officers of the constituent authorities. Subject to a few changes and some further discussions with Exeter City Council, the draft report was agreed at a meeting of the Shadow

Joint Committee in September 2017 as the basis for circulation to the constituent authorities for a decision.

2.0 Key purpose, aims and objectives

- 2.1 The key purpose of the Joint Committee is to increase productivity across the area. It aims to do this by providing a single strategic partnership between local authorities and public sector partners which will produce and deliver the Productivity Strategy (see 2.2). The overarching objectives are that such a strategy, when implemented, will:
 - (a) improve the economy and the prospects for the region by bringing together the public, private and education sectors;
 - (b) increase our understanding of the economy and what needs to be done to make it stronger;
 - (c) improve the efficiency and productivity of the public sector; and
 - (d) identify and remove barriers to progress and maximise the opportunities /benefits available to the area from current and future government policy
- 2.2 The Productivity Strategy is "a common vision for increased prosperity through economic growth informed by a local evidence base and engagement with local stakeholders. It will also link to Government policy initiatives, particularly in relation to the Industrial Strategy, and will form the basis for developing our collective 'ask' of Government'.
- 2.3 The draft Productivity Strategy is currently out to consultation, due to end on 30 November 2017. It was considered by the Economy Policy Development Group on 9 November 2017 (Minute 49/17). The outcome of the discussion was:

"In conclusion, it was **AGREED** that officers would respond to the consultation with comments from the Group summarised as follows:

- It was important not to miss out on opportunities for spins offs from economic growth taking place in other areas of the region.
- Improving skills was crucial to achieving greater productivity.
- Digitalisation was a key factor.
- Fostering and encouraging aspiration and ambition was vitally important and seen as fundamental to the success of the region"

3.0 Very limited delegation

- 3.1 It is important to note that the only matter which is formally delegated to the Joint Committee is responsibility for approving the Productivity Plan. Everything else (see 3.2) is 'referred' this means that whilst the Joint Committee is tasked with taking the referred matters forward, a final decision on such matters rests with the constituent authorities.
- 3.2 The referred matters are the following:
 - Ensure delivery of the HotSW Productivity Strategy in collaboration with the LEP and the Constituent Authorities.
 - Continue discussions /negotiations with the Government on the possibility of achieving devolved responsibilities, funding and related governance amendments to assist with the delivery of the Productivity Strategy. Joint Committee proposals arising from these discussions /negotiations would require the formal approval of the Constituent Authorities / partner agencies.
 - Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government's strategic infrastructure commitments, e.g., strategic road and rail transport improvements
 - Work with the LEP to identify and deliver adjustments to the LEP's
 democratic accountability and to assist the organisation to comply
 with the revised (November 2016) LEP Assurance Framework. This
 includes endorsing the LEP's assurance framework on behalf of the
 Constituent Authorities as and when required. However, this is
 subject to the Framework being formally approved by the LEP's
 Administering Authority.
 - Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the above matters to be delivered.
- 3.3 It is important therefore to note that the Joint Committee has a much more limited role than a Combined Authority giving the go-ahead to the Joint Committee does not commit the Council to a path which leads inevitably to a Combined Authority. Any proposal for a Combined Authority which may emerge in future will be for the Council to consider entirely on the merits of the case at that time.

4.0 Administration of the Joint Committee

- 4.1 Somerset County Council has agreed to act initially as the Administering Authority. SCC has considerable expertise in such roles acting as such for the LEP, Somerset Rivers Authority, Somerset Waste Partnership and a number of other similar partnerships over the years. The Administering Authority provides legal, democratic services, financial and communications support to the Committee.
- 4.2 The Joint Committee's Forward Plan of business and papers for its meetings will be published on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and partner organisations.
- 4.3 The Arrangements document (Appendix A) and the draft Inter-Authority Agreement (Appendix B) provide more detail on how the day-to-day arrangements of the Joint Committee will be run. For example, Members may wish to note Part 12 of the Arrangements which sets out who can put items on the agenda of the Joint Committee.
- 4.4 The meeting dates for 2018 are set out in paragraph 2.14(b) of the Background Report.

5.0 Funding

- 5.1 It is estimated that the operating cost of a Joint Committee will be £89,000 in 2018/19 (and to cover the remainder of 2017/18) excluding any in-kind support. Members are referred to paragraph 2.11 of the Background Report. If £42,000 of the remaining budget for the Combined Authority is put into the Joint Committee, this leaves a shortfall of £47,000. The proposed contribution for district councils for 2018/19 is £1,400.
- 5.2 The future budget will be a matter for agreement in line with the Arrangements and the Inter-Authority Agreement following a recommendation of the Joint Committee.

6.0 Options

6.1 The Council should always consider the alternative options available to them. The Background Report contains an assessment of the options at paragraph 10.

7.0 Getting in (and getting out)

- 7.1 In order to participate in the Joint Committee, the Cabinet is asked to recommend to Full Council the recommendations 1-9 above. These are the same recommendations that each Constituent Authority is considering, subject to local changes in the amount of the financial contribution and the identity of the representatives. If the Council approves the recommendations, the first meeting of the Joint Committee is scheduled for Friday 26th January 2018.
- 7.2 As with any such arrangements (if approved), whilst the Cabinet and the Council will no doubt be fully committed to making the Joint Committee successful, it remains open to Members to scrutinise the arrangements from time to time to see whether they are delivering desired outcomes and remain in the best interests of the Council. If the Council concludes in future that it no longer wishes to participate, a minimum period of 6 months' notice in writing is required. However, given the positive purpose of the Joint Committee and its limited remit, there seems to be very much a lot to gain by participation.

Contact for more Information:

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Circulation of the Report: Cllr C Eginton (as Leader of the Council), Cllr R Chesterton (as Cabinet Member for Planning and Economic Regeneration) and the Chief Executive

List of Background Papers: Reports to and minutes of the following meetings:

Cabinet – 2 February 2017

Council – 22 February 2017 (in principle decision)

Economy Policy Development Group – 9 November 2017 (draft productivity plan)



Heart of the South West – Joint Committee

Report of the Director for Growth and Chief Executive

Recommendations: That Cabinet recommends that the Council:

- 1. Approve the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West;
- 2. Approve the Arrangements and Inter-Authority Agreement documents set out in appendices A and B for the establishment of the Joint Committee with the commencement date of Monday 22nd January 2018;
- 3. Appoint the Leader of the Council and the Cabinet Member for Planning and Economic Regeneration as the Council's named representative and substitute named representative on the Joint Committee;
- 4. Appoint Somerset County Council as the Administering Authority for the Joint Committee for a 2 year period commencing 22nd January 2018;
- 5. Approve the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year subject to approval of any expenditure by the Administering Authority;
- 6. Approve an initial contribution of £1,400 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
- 7. Agree that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);
- 8. Authorise the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy; and
- 9. Agree the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14.



1. Introduction

- 1.1 Since August 2015, Devon and Somerset County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership (LEP) and the three Clinical Commissioning Groups have worked in partnership to progress towards securing a devolution deal for the HotSW area focusing on delivering improved productivity. Since that time the partnership has continued to progress its objectives in spite of policy shifts at a national level.
- 1.2 On 22 February 2017 (Minute 130(2)) the Council gave 'in principle' approval to the establishment of a HotSW Joint Committee, subject to approving the Joint Committee's constitutional arrangements and an inter-authority agreement necessary to support the Joint Committee. This report sets out the necessary documents which, if agreed, will enable the Joint Committee to be formally established.
- 1.3 Since then the General Election has further shifted the national policy position. On the 13th October representatives of HotSW (from the Somerset, Devon, Plymouth and Torbay upper tier authorities) met Jake Berry MP, Minister for devolution to clarify the position of the Government and the HotSW Partnership on the devolution issue. The meeting was very positive and although no agreements were reached at the meeting, the partnership's representatives were given a clear message that the Government would welcome a bid from the partnership to progress our productivity ambitions by identifying areas where we can work together with Government. Importantly the Minister indicated that there would be no requirement to have an elected mayor for Devon and Somerset as a condition of any deal. This statement has removed one significant blockage to moving our ambitions forward and we now need to agree what we want from this initiative and then find practical ways to work with the Government on delivery.
- 1.4 There is now no doubt that the Government is keen to engage with wider areas that can demonstrate:
 - Unity, clarity of purpose and a shared, ambitious vision built on local strengths
 - Strong partnership between business and the public sector with solid governance arrangements that provide assurance in capacity to deliver
 - Compelling ideas that can help to deliver Government objectives
 - Clarity about the offer to Government in terms of savings and is prepared to take hard decisions based on a robust analysis of risk and benefits.



The Joint Committee will provide the ideal governance framework at this stage to take forward this dialogue with Government.

1.5 The key role of the HotSW Joint Committee is to develop, agree and ensure the implementation of the Productivity Strategy. This can only be achieved by working, where appropriate, in collaboration with the individual constituent authorities and the LEP. The Strategy will agree a common vision for increased prosperity through economic growth informed by a local evidence base and engagement with local stakeholders. It will also link to Government policy initiatives, particularly in relation to the Industrial Strategy, and will form the basis for developing our collective 'ask' of Government.

2. HotSW Joint Committee Proposal

- 2.1 The detail of the proposed functions of the Joint Committee and how it will operate are set out in appendix A attached the Arrangements document. Appendix B attached sets out an Inter-Authority Agreement for consideration which details how the Joint Committee will be supported and sets out the obligations of the Council if it agrees to become a constituent member.
- 2.2 The documents detail 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.
- 2.3 At this stage the Arrangements and Inter-Authority documents have been 'scaled' to fit the functions of the Joint Committee and the limited liabilities that each authority faces in signing up to be a Constituent Authority. In the event that the remit of the Joint Committee expands to take on more decision-making responsibilities and functions of the constituent authorities, the Arrangements and Inter-Authority agreement will be revisited to ensure that they remain fit for purpose and proportionate. Any expansion of the functions and responsibilities would require the approval of the Constituent Authorities.
- 2.4 The Joint Committee has a much more limited role than a Combined Authority. It does not have the statutory or legal status of a Combined Authority and cannot deliver the full range of benefits that a Combined Authority can, but it does have the potential to provide cohesive, coherent leadership and a formal governance structure. Its role will focus on collaboration, negotiation and influencing with full decision making responsibilities limited to developing and agreeing the Productivity Strategy. The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions to deliver the Productivity Strategy and decisions necessary as a result of



the other functions of the Joint Committee being taken at the most local and appropriate level.

- 2.5 The aim of the Joint Committee through the delivery of the Productivity Strategy will be to:
 - Improve the economic prosperity of the wider area by bringing together the public, private and education sectors;
 - Work together to realise opportunities and mitigate impacts resulting from Brexit;
 - Increase understanding of the local economy and what needs to implemented locally to improve prosperity for all;
 - Ensure 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. This work will be supported by a Joint Committee budget based on an agreed work programme.
- 2.6 The creation of a single strategic public sector partnership covering the HotSW area will: facilitate collaborative working; help us to remove barriers to progress; as well as provide a formal structure to engage with Government at a strategic level on major areas of policy. It also has the potential to enable the Constituent Authorities and partners to have discussions with neighbouring Councils / Combined Authorities / LEPs on South West peninsula priorities and issues as well as the ability to move swiftly towards a Combined Authority model in the future (by potentially acting as a shadow Combined Authority) if the conditions are deemed acceptable to the Constituent Authorities.
- 2.7 Critically, the Joint Committee will also provide a formal mechanism for the Constituent Authorities to engage effectively with the LEP across common boundaries and agendas. District Council partners, in particular, might view this as an opportunity to engage more effectively with the LEP. The LEP, which will sit alongside the Joint Committee, has recently adopted new governance requirements to ensure greater transparency and accountability and wishes to further improve its democratic accountability in discussion with HotSW partners. The Joint Committee will provide a formal structure to take these discussions forward and for the Constituent Authorities to have greater influence over the activities of the LEP on our common agendas.



- 2.8 Although the Joint Committee is a cost-effective formal structure, some provision needs to be made to meet the support costs of what will be a fully constituted local authority joint committee. It is proposed that Somerset County Council (who have provided the lead for the governance workstream of the devolution project over the last two years) takes on the support role (with the option of rotating the role after 2 years of operation), to provide the financial, legal, democratic support to the Joint Committee from 22nd January 2018.
- 2.9 There is currently the remainder of the joint devolution budget raised from an initial contribution from all Authorities and the LEP in 2015. It is recommended that the remaining funds from this budget £42,000 are transferred to the Administering Authority and the budget is used to support the costs of the Joint Committee for the remainder of 2017/18 financial year and for some of 2018/19.
- 2.10 In addition, the Joint Committee will need a budget to undertake its work programme in order to oversee the implementation of the Productivity Strategy. The overall budget required to support the Joint Committee and enable it to undertake its work programme will be dependent, to an extent, on the level of 'in–kind' officer resources provided to the Committee by the constituent authorities. The Administering Authority will review the in-kind support which has been provided for the devolution project in consultation with the constituent authorities and bring forward revised budget figures as part of a budget and cost sharing agreement as necessary in due course to the Joint Committee for consideration and recommendation to the Constituent Authorities. The budget figures set out in this report in paragraph 2.11 are therefore provisional at this stage. The initial Joint Committee work programme is set out in section 3 below for approval.
- 2.11 Through work undertaken by the partners it is estimated that the operating cost of a Joint Committee will be £89,000 in 2018/19 (and to cover the remainder of 2017/18) excluding any in-kind support. This estimate is made up of the following:
 - £40,000 for the Administering Authority to undertake its duties. This is seen as a minimum cost and assumes that 'in-kind' officer resource remains in place at the same level; the Joint Committee meeting venues are provided by partners as 'in-kind' contribution
 - £25,000 (estimate) for work the Joint Committee would wish to commission
 - £24,000 for the Brexit Resilience and Opportunities Group Secretariat.
- 2.12 The Shadow Joint Committee recommends the budget is met by contributions from the Constituent Authorities. This would exclude the LEP and the CCGs from contributing as non-voting partners. As stated above it is estimated there will be a funding carry forward of £42,000 from the 2015 devolution budget. This would leave



a shortfall of £47,000 to meet the total estimated budget requirement of the Joint Committee in 2018/19. Using the formula of contributions agreed in 2015 to support the devolution project the contribution requested of each Constituent Authority for 2018/19 is set out below. This assumes that all authorities agree to become members of the Joint Committee and would have to be recalculated should fewer than 19 Authorities become Members.

- County Councils £10,500
- Unitary Councils £4,000
- District Councils and National Parks £1,400
- 2.13 Under this formula it is recommended this Council contributes £1,400 for 2018/19 as a Constituent Authority. Any expenditure against this budget would be subject to the formal approval of the Administering Authority.
- 2.14 In terms of the proposed meeting arrangements for the Joint Committee, it is recommended:
- (a) That the Joint Committee should meet formally immediately after the LEP Board meetings to assist with engagement and co-operation between the bodies and allow co-ordination of the respective work programmes.
- (b) That the following dates are reserved for meetings of the Joint Committee in 2018:
 - Friday 26th January
 - Friday 23rd March
 - Friday 25th May
 - Friday 20th July
 - Friday 28th September
 - Friday 30th November
- (c) That the Joint Committee meetings should start at 10am with the venues rotated throughout the HotSW area. The assumption will be that the host authority for that meeting will provide appropriate accommodation and facilities 'in kind'.
- 3. HotSW Productivity Plan and the Joint Committee Work Programme
- 3.1 The Partnership has, since its inception, been focused on working together to tackle low productivity as this is seen as the key to future economic growth. The



academic research undertaken in the HotSW Green Paper on Productivity - http://www.torbay.gov.uk/council/how-the-council-works/devolution/productivity-plan-green-paper/ highlighted that whilst Devon and Somerset have one of the highest employment rates in the country too many of those jobs are part-time and low paid. This means that our area has one of the lowest productivity rates in the Country and this is a major barrier to future prosperity.

- 3.2 The Partnership has continued to lobby Government to work more closely with our area in order to make good on its promise to spread economic growth across the Country and we now need to build on the recent meeting of the Minister and the momentum achieved. This work is urgently needed to ensure that areas such as the Heart of the South West don't get left behind as Government look to focus investment in areas where there are strong, cross boundary strategic partnership arrangements such as the six Mayoral Combined Authorities.
- 3.3 The Productivity Strategy is being developed through an academic evidence base and engagement with stakeholders and the community. The draft plan is currently out to consultation (http://www.torbay.gov.uk/devolution). The deadline for response is 30th November 2017. Members are encouraged to respond to the draft strategy.
- 3.4 In summary the Strategy proposes to deliver prosperity and productivity across the entire HotSW and to do so in an inclusive way. It proposes to build on existing strengths such as aerospace, advanced manufacturing, nuclear energy and agri-tech as well as exploiting new opportunities and releasing untapped potential.

The Strategy is built around three key objectives:

- Developing leadership and knowledge within businesses in our area;
- Strengthening the connectivity and infrastructure our businesses and people rely on; and
- Developing the ability of people in our area to work and learn in a rapidly changing economy.



	Leadership and knowledge	Connectivity and infrastructure	Working and learning				
Aspiration	To substantially improve the productivity of businesses in the area.	Improve our physical and natural assets to support wellbeing and economic opportunities.	Meet the potential of every individual within the area to work and contribute to our shared prosperity.				
High-level aim	Help develop innovative, ambitious, growing businesses that can compete internationally.	Create vibrant places that are attractive to skilled people and new investment, with infrastructure to support productivity growth.	Develop, attract and retain a highly skilled and adaptable workforce.				
Strategic objective	 Programmes Management excellence New markets, new opportunities Remove barriers to expansion Attract talent and investment 	 Programmes Clean energy infrastructure Connectivity and resilience Land for business and housing needs Natural capital to support productivity 	Programmes Skills for a knowledge-led economy Pathways to success Access to work and opportunities Skills for our 'golden opportunities'				

- 3.5 It is recommended that one of the first tasks of the Joint Committee will be to approve the Productivity Strategy early in the New Year;
- 3.6 The Partnership has been meeting as a Shadow Joint Committee since 22nd September 2017. Its focus is to ensure the Joint Committee can immediately move into action and take advantage of major funding streams, national policy debates and lobbying around the economy. The Partnership will be working with the LEP to deliver the Productivity Strategy and will be supporting a joint work programme which initially will involve:



- Developing and recommending a delivery and investment Framework, to implement the Productivity Strategy and demonstrating our capacity to deliver. This will complement the LEP's Strategic Investment Panel which oversees the LEP's investments:
- Investigating ways to complement existing work to draw out opportunities to attract infrastructure investment in line with the Productivity Strategy aims, building our track record for ambitious and compelling propositions;
- Investigating ways to complement existing work on improving the delivery of skills in line with the Productivity Strategy aims; and
- Investigating ways to complement existing work on strengthening leadership & knowledge within the area's SMEs in line with the Productivity Strategy aims;
- 3.9 Any Joint Committee expenditure on the joint work programme will be subject to approval by the Administering Authority.

4. Consultation, communication and engagement

- 4.1 Members, partners and the public have been kept informed of developments of the HotSW Devolution Partnership and the Productivity Strategy through press releases, newsletters, presentations, workshops and publications. This information flow will be maintained by the Joint Committee. In addition, all of the Authorities within the Partnership have taken formal decisions as required during the various stages of consideration of devolution proposals and the proposed creation of the Joint Committee.
- 4.2 A draft Productivity Strategy has been has been subject to public consultation. To complement the on-line consultation there have been; Council-based briefings and targeted key stakeholder events through 6 sub-regional roadshows held in Plymouth, Northern Devon, Cullompton/Exeter, Torbay, Taunton/Bridgwater and Yeovil/Shepton Mallet. The consultation ends on 30th November 2017 and feedback will influence the final strategy which is due for approval in early 2018. This Council's Economy Policy Development Group considered and agreed the draft Productivity Strategy on 9 November 2017, subject to providing a consultation response on certain matters minute 49 of the Economy PDC refers.

5. Equality Considerations



5.1 The Inter-Authority Agreement requires all Constituent Authorities to support, promote and discharge its duties under the Equality Act through the work of the Joint Committee. The Partnership is developing an Equality Impact Needs Assessment to inform the development of the Productivity Strategy. The Joint Committee will consider this assessment alongside the Productivity Strategy before adoption.

6. Public Health Considerations

6.1 There is a strong correlation between economic prosperity and health of the population. Public Health specialists will be key stakeholders within the consultation process and will be asked to advise on ways in which the Productivity Strategy could be connected to public health strategies to maximise the benefits to our communities.

7. Risk Management Considerations

- 7.1 The creation of a Joint Committee will place a formal governance structure around the preparation and implementation of the Productivity Strategy. The Strategy will be used as a tool to attract a greater share of Government funding around the Industrial Strategy to mitigate the risk of Devon and Somerset being left behind other areas of the country.
- 7.2 Without a Productivity Strategy and Joint Committee in place, the Council and its partners will lack credibility and be at a disadvantage in negotiating and lobbying Government on a range or policy initiatives including the growth agenda and are likely to miss out on potential funding streams.
- 7.3 The individual financial risk to the individual Constituent Authorities of establishing the Joint Committee is limited to their financial contributions to the running and operational costs of the Joint Committee. The risk is shared between all of the Constituent Authorities.

8. Legal considerations

- 8.1 Each of the partners' legal teams and Monitoring Officers have been involved in the development of the Arrangements and Inter-Authority documents set out as Appendices A and B. The documentation also aligns to the LEP's Assurance Framework.
- 8.2 This documentation sets out the functions, membership and operations of the Joint Committee and the requirements upon the constituent authorities in supporting it.



9. Financial considerations

- 9.1 The costs associated with the early work on the Productivity Strategy preparation largely relate to officer time which is being provided 'in kind' by the authorities and partners. Specifically the LEP has met some direct costs.
- 9.2 The establishment of the Joint Committee provides a low cost option compared to a Combined Authority model of governance. As part of the Inter-Authority Agreement the assumption is that the Constituent Authorities will continue to provide in-kind support although this will be reviewed by the Administering Authority to ensure that the levels of support are appropriate, sustainable into the future and acceptable to the authorities providing the support. The direct running costs of the Joint Committee will be limited to providing officer support for the meetings, if there is insufficient 'in-house' capacity, and the costs of the meetings themselves. At this stage direct support costs will be kept to a minimum and for 2017/18 and some of 2018/19 will be covered by the residual joint devolution budget established in 2015.
- 9.3 In addition to the direct costs of administering the Joint Committee there is also the issue of a budget to fund its Work Programme. Further details of the provisional budget requirements are set out in section 2 together with the proposed funding mechanism for contributions from individual Constituent Authorities.
- 9.4 In coming to their decision about a Joint Committee and whether the potential costs provide good value for money, Members might like to consider the potential cost/impact of not working in this way and the potential loss of influence with the Government and investment to the area. Through recent funding initiatives and policy including through the recent meeting with the Minister, it is clear that Government is looking for areas to come together in order to articulate their (the areas') vision and priorities wider than their organisational boundary or sub-regional areas.
- 9.5 The proposal put before Members sets out a low risk, low cost option to work in a more formal way to capitalise on opportunities arising from future Government strategies, funding announcements and in preparation for Brexit.

10. Options/Alternatives

10.1 There are two options and alternatives that Members might consider:



Option 1 – Do nothing and continue with informal arrangements within the Partnership. As set out above the feedback from Government is they prefer to work 'at scale' and are looking more favourably at areas that have a unity of vision and purpose.

Option 2 – move to a Combined Authority. The Partnership now need to review the option of establishing a Combined Authority at some point following the indication from the Minister that there will be no requirement to have an elected mayor in order to pursue our ambitions. Establishing a Combined Authority requires a substantial lead in time to allow for the Parliamentary approval process and would inevitably require the creation of a shadow Combined Authority to test and confirm the concept. The potential benefits of moving to a Combined Authority model will have to be judged against the implications of doing so, including the cost implications. The Joint Committee has the benefit of allowing the Partnership to move relatively quickly to establish a Combined Authority if that is the wish of the partners.

11. Reason for Recommendation/Conclusion

- 11.1 Working together will deliver better results if we are to help our businesses improve their productivity levels and deliver greater prosperity across the Heart of the South West. By collaborating across local geographies we will strengthen the area's voice to Government and strengthen the actions the area can take to improve productivity.
- 11.2 The Productivity Strategy will replace the Local Enterprise Partnership's Strategic Economic Plan. It will be the key strategic document for the partners to engage with Government and each other on a range of investment opportunities and powers emerging from the Industrial Strategy, Brexit and other policy opportunities.
- 11.3 The HotSW Joint Committee will provide a formal strategic partnership to complement and maximise the ability of individual authorities and sub-regional arrangements to deliver their aspirations. It will provide the formal arrangements for collaboration on productivity.
- 11.4 Through the Joint Committee the partners can test and improve their ability to work together as a potential precursor to the possible establishment of a Combined Authority at some point in the future. It will also provide a mechanism to further strengthen democratic input and influence with the LEP and align more effectively with the LEP's new model of governance and accountability.



11.5 Without a Joint Committee in place, the HotSW area will continue to struggle to position itself to be able to take advantage of Government policy initiatives and new funding opportunities compared to those areas that have and are establishing formal strategic partnerships.





APPENDIX A

HEART OF THE SOUTH WEST (HOTSW) JOINT COMMITTEE – DRAFT ARRANGEMENTS

1. Introduction:

- 1.1 <u>Legal status:</u> The HotSW Joint Committee is a Joint Committee of the local authorities listed in 1.5 below that comprise the HotSW area and established under Sections 101 to 103 of the Local Government Act 1972 and all other enabling legislation to undertake the functions detailed in section 2 of this Agreement.
- 1.2 <u>Key purpose:</u> The key purpose of the Joint Committee is to be the vehicle through which the HotSW partners will ensure that the desired increase in productivity across the area is achieved.
- 1.3 <u>Aims and objectives:</u> The aim is to provide a single strategic public sector partnership that covers the entire area and provides cohesive, coherent leadership and governance to ensure delivery of the Productivity Strategy for the HotSW area. The specific objectives of the Joint Committee are to:
- (a) Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
- (b) Increase our understanding of the economy and what needs to be done to make it stronger;
- (c) Improve the efficiency and productivity of the public sector;
- (d) Identify and remove barriers to progress and maximise the opportunities /benefits available to the area from current and future government policy.
- 1.4 <u>Commencement:</u> The Joint Committee will be established in accordance with the resolutions of the Constituent Authorities listed below in paragraph 1.5 with effect from the Commencement Date (22nd January 2018) and shall continue in existence unless and until dissolved by resolution of a majority of the Constituent Authorities.
- 1.5 <u>Membership:</u> Each of the Constituent Authorities listed below shall appoint 1 member and 1 named substitute member to the Joint Committee on an annual basis. Each member shall have 1 vote including substitute members. For the Councils, the member appointed shall be that Council's Leader except in the case of Torridge District Council where the member appointed by the Council shall have authority to speak and vote on matters on behalf of the Council. Political balance rules do not apply to the Joint Committee membership. The substitute member shall also be a cabinet member where the Council is operating executive arrangements. For the National Park Authorities the member appointed shall have authority to speak and vote on matters on behalf of the Authority:
 - Dartmoor National Park Authority
 - Devon County Council
 - East Devon District Council
 - Exeter City Council



for the Heart of the South West

- Exmoor National Park Authority
- Mendip District Council
- Mid Devon District Council
- North Devon Council
- Plymouth City Council
- Sedgemoor District Council
- Somerset County Council
- South Hams District Council
- South Somerset District Council
- Torbay Council
- Taunton Deane Borough Council
- Teignbridge District Council
- Torridge District Council
- West Devon Borough Council
- West Somerset Council.
- 1.6 In addition to the Constituent Authorities the partner organisations listed below shall each be invited to appoint 1 co-opted representative and 1 named substitute co-opted representative to the Joint Committee. Co-opted members shall not have voting rights:
 - Heart of the South West Local Enterprise Partnership (the LEP)
 - NHS Northern, Eastern and Weston Devon Clinical Commissioning Group
 - NHS South Devon and Torbay Clinical Commissioning Group
 - NHS Somerset Clinical Commissioning Group
- 1.7 The Joint Committee may co-opt further non-voting representatives from the private, public and/or voluntary sectors at any time.
- 1.8 Each appointed member / representative shall remain a member of the Joint Committee until removed or replaced by the appointing authority / organisation. Appointments to fill vacancies arising should be notified to the Joint Committee Secretary as soon as possible after the vacancy occurs.
- 1.9 <u>Standing Orders / Rules of Procedure:</u> Outside of the contents of this 'Arrangements' document, the Standing Orders and Rules of Procedure for the Joint Committee shall be those contained in the Constitution of the Administering Authority to the Joint Committee, subject, in the event of any conflict, to the provisions in the Arrangements document taking precedent.
- 1.10 Administering Authority: A Council shall be appointed by the Constituent Authorities as the Administering Authority for the Joint Committee and shall provide legal, democratic services, financial and communications support to the Committee. The Joint Committee's Forward Plan of business and papers for its meetings shall be published on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and partner organisations.



2. Joint Committee Functions:

- 2.1 The only delegated function of the Joint Committee relates to the approval of the HotSW Productivity Strategy. All other matters referred to in 2.3 are 'referred' matters where the Joint Committee will make recommendations to the Constituent Authority or Authorities for decision. Additional delegated or referred functions may be proposed for the Joint Committee in the future by the Joint Committee or any of the Constituent Authorities, but shall only be agreed if approved by all of the Constituent Authorities.
- 2.2 The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions being made at the most local and appropriate level on all matters to do with the delivery of the Productivity Strategy and in relation to the other functions of the Joint Committee.
- 2.3 The Joint Committee shall:
- (a) Develop and agree the HotSW Productivity Strategy in collaboration with the LEP.
- (b) Ensure delivery of the HotSW Productivity Strategy in collaboration with the LEP and the Constituent Authorities.
- (c) Continue discussions /negotiations with the Government on the possibility of achieving devolved responsibilities, funding and related governance amendments to assist with the delivery of the Productivity Strategy. Joint Committee proposals arising from these discussions /negotiations would require the formal approval of the Constituent Authorities / partner agencies.
- (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) Work with the LEP to identify and deliver adjustments to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP's assurance framework on behalf of the Constituent Authorities as and when required. However, this is subject to the Framework being formally approved by the LEP's Administering Authority.
- (f) Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the objectives in (a) to (e) above to be delivered.



3. Funding

- 3.1 The Constituent Authorities shall agree each year and in advance of the start of the financial year (except in the year of the establishment of the Joint Committee) a budget for the Joint Committee in accordance with a Budget and Cost Sharing Agreement to cover the administrative costs of the Joint Committee and costs incurred in carrying out its functions. All funds will be held and administered by the Administering Authority on behalf of the Constituent Authorities and spent in accordance with that Authority's financial regulations and policies.
- 3.2 In the Joint Committee's first year of operation, the budget will be approved by the constituent authorities on the recommendation of the Joint Committee as soon as possible after the establishment of the Joint Committee.
- 3.3 Joint Committee members' costs and expenses will be funded and administered by the respective Constituent Authority.

4. Review of the Joint Committee Arrangements

- 5.1 The Joint Committee may at any time propose amendments to the Arrangements document which shall be subject to the approval of all of the Constituent Authorities.
- 5.2 Any Constituent Authority may propose to the Joint Committee amendments to the Arrangements. Such amendments shall only be implemented if agreed by all of the Constituent Authorities on the recommendation of the Joint Committee.

5. Members' Conduct

- 5.1 All members of the Joint Committee shall observe the "Seven Principles of Public Life" (the 'Nolan' principles) and will be bound by their own authority's code of conduct in their work on the Joint Committee.
- 5.2 Joint Committee members / representatives shall be subject to the code of conduct for elected members adopted by the Constituent Authority that nominated them to be a Joint Committee member or to the conduct requirements of the organisation that appointed them. This includes the requirement to declare relevant interests at formal meetings of the Joint Committee.

6. Requirements of Joint Committee members

- 6.1 Joint Committee members shall:
- (a) Act in the interests of the Joint Committee as a whole except where this would result in a breach of a statutory or other duty to their constituent authority or would be in breach of their Constituent Authority's Code of Conduct.



for the Heart of the South West

- (b) Be committed to, and act as a champion for, the achievement of the Joint Committee's aims.
- (c) Be an ambassador for the Joint Committee and its work.
- (d) Attend Joint Committee meetings regularly, work with others to achieve consensus on items of business and make a positive contribution to the Committee's work.
- (e) Act as an advocate for the Joint Committee in any dealings with their organisation including seeking any approvals from their Constituent Authority/partner organisation to Joint Committee recommendations.
- (f) Adhere to the requirements of the 'Arrangements' document and maintain high ethical standards.

7. Appointment of Chairman and Vice-Chairman

- 7.1 The Joint Committee shall elect a Chairman and Vice-Chairman from amongst the voting membership as the first items of business at its inaugural meeting and at each Joint Committee Annual General Meeting thereafter. The appointments shall be confirmed by a simple majority vote of Constituent Authority members. If a deadlock occurs between two or more candidates a secret ballot shall immediately be conducted to confirm the appointment. If there is still deadlock following a secret ballot then a further meeting of the Joint Committee shall be held within 14 days and a further secret ballot shall be held to resolve the appointment.
- 7.2 A vacancy occurring in the positions of Chairman or Vice-Chairman between Annual General Meetings shall be filled by election at the next meeting of the Joint Committee. The person elected will serve until the next Annual General Meeting.
- 7.3 The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Joint Committee and subject to 7.5 below, continue in office until a successor is appointed.
- 7.4 In the absence of the Chairman and the Vice-Chairman at a meeting, the voting members of the Committee present shall elect a Chairman for that meeting.
- 7.5 The Chairman or Vice-Chairman may be removed by a vote of all of the Constituent Authority members present at a meeting of the Joint Committee.

8. Quorum

The quorum for any meeting of the Joint Committee shall be 9 Constituent Authority members. The Chairman will adjourn the meeting if there is not a quorum present. In the absence of a quorum, the meeting shall be adjourned to a date, time and venue to be agreed by the Chairman.



9. Voting

- 9.1 Wherever possible the elected and co-opted members of the Joint Committee shall reach decisions by consensus and shall seek to achieve unanimity.
- 9.2 In exceptional circumstances where a formal vote is required, the proposal will be carried by a simple majority agreement of the voting members present and voting by a show of hands. The Chairman of the Joint Committee shall not have a casting vote in the event of a tied vote.

10 Decision making Arrangements

- 10.1 Only the Joint Committee shall approve the Productivity Strategy.
- 10.2 The Joint Committee may at any time appoint working groups consisting of Joint Committee members and/or co-opted representatives / officers to consider specific matters and report back / make recommendations to the Joint Committee.

11 Formal Meeting Arrangements

- 11.1 The Joint Committee will hold an Inaugural Meeting within 30 days of the agreed commencement date and thereafter shall meet on a regular basis as agreed by the Joint Committee annually at its Annual General Meeting.
- 11.2 The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Joint Committee following consultation with the Chief Executives' Advisory Group to consider a matter that falls within the Committee's remit but cannot be deferred to the next scheduled meeting, provided that at least ten clear working days notice in writing is given to the Joint Committee membership.
- 11.3 Formal meetings of the Joint Committee shall normally be held in public, in accordance with the Access to Information Rules and the Standing Orders / Rules of Procedure of the Administering Authority.
- 11.4 Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

12. Who can put items on the Joint Committee's agenda?

- (a) The Joint Committee itself;
- (b) Any of the members of the Joint Committee appointed by the Constituent Authorities
- (c) A Constituent Authority by way of a formal resolution
- (d) The Chief Executives' Advisory Group
- (e) The Monitoring Officer and / or the Chief Finance Officer of the Administering Authority.



13. Reporting Arrangements

- 13.1 In addition to any ad hoc reports to the Constituent Authorities, the Joint Committee shall supply an annual report of its activities to the Constituent Authorities in May of each year.
- 13.2 The Joint Committee shall co-operate with the public scrutiny arrangements of the Constituent Authorities.

14 Record of attendance

14.1 All members present during the whole or part of a meeting are asked sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

Julian Gale Monitoring Officer Somerset County Council

30.10.17





APPENDIX B

HOTSW JOINT COMMITTEE DRAFT INTER – AUTHORITY AGREEMENT

1. Commencement and Duration:

1.1 This Agreement (and the obligation of the Constituent Authorities [CAs]) shall take effect on the agreed Commencement Date – Monday 22nd January 2018 - and shall continue until the Joint Committee (JC) is dissolved.

2. Formation provisions:

- 2.1 The CAs agree to form the JC from the agreed Commencement Date and to delegate / refer the functions specified to the JC from that date as set out in section 2.3 of the Arrangements document.
- 2.1 The JC shall operate in accordance with the Arrangements document and the Standing Orders and Rules of Procedure of the Administering Authority (AA).

3. Administering Authority (AA) arrangements

- 3.1 The AA shall be appointed by resolution of the CAs for a 24 month period (24 months is considered as appropriate to provide sufficient continuity but also to provide the option to rotate the role on a regular basis).
- 3.2 The AA shall provide:
 - Financial, legal, constitutional and administrative support to the JC and its meetings
 - An on-line presence for the JC via the AA website with links to the CAs / partner organisations websites.
 - Ensure it has appropriate insurance arrangements in place to cover the AA role.
- 3.3 The AA may resign from the role by giving 6 months' notice to the CAs.
- 3.4 The AA may be removed and replaced by a majority vote of the CA members at a formal meeting of the JC.
- 3.5 The JC shall cease to exist in the event that no CA or organisation can be identified to undertake the AA role.

4. JC Finance

4.1 The JC's budgetary arrangements shall be detailed in a budget and cost sharing agreement (to be drafted) to be agreed by all of the CAs annually on the recommendation of the JC and in advance of the financial year. The only exception



to this will be in the JC's first year of operation when the JC shall recommend a budget and cost sharing agreement to the CAs for approval at the first opportunity following its establishment.

- 4.2 The budget and cost sharing agreement shall cover:
- (a) The responsibilities of the CAs for providing funding for the JC
- (b) The anticipated level of expenditure for the JC for the year ahead
- (c) The cost sharing mechanism to be applied to the CAs
- (d) Details of how the budget will be set and agreed each year
- (e) Who is to be responsible for maintaining financial records on behalf of the JC (the 'accountable body');
- (f) What financial records are to be maintained;
- (g) What financial reports are to be made, to whom and when;
- (h) What arrangements and responsibilities are to be made for:
 - auditing accounts;
 - insurance including ensuring all partners have sufficient cover;
- (i) How any financial assets held by the JC on behalf of the CAs will be redistributed to the CAs in the event of the dissolution of the JC or in the event of a CA formally withdrawing from the CA.

5. Roles and responsibilities of the CAs

- 5.1 The CAs shall:
- (a) Appoint Members and named substitutes to the JC in accordance with the 'Arrangements'.
- (b) Undertake to share the costs of the JC in accordance with the budget and cost sharing agreement and pay their contribution to the JC to the AA in good time.
- (c) Make appropriate arrangements for recommendations of the JC to be considered and decisions made by the CA.
- (d) Support the work of the JC by offering services, resources or other 'in kind' support to assist with JC projects and activities.
- (e) Within the terms of the Inter-Authority Agreement, agree to share information to support the work of the JC.

6. Chief Executives' Advisory Group

- 6.1 The Group shall:
- (a) Ensure that the JC fulfils its functions and responsibilities and in accordance with all legal and constitutional requirements.
- (b) Plan and co-ordinate the JC's activities to ensure the achievement of its aims and objectives
- (c) Consider the performance and effectiveness of the JC on an on-going basis and make recommendations for changes for consideration by the JC and CAs as necessary.
- (d) Ensure that professional advice is available and provided as necessary to the JC to enable it to carry out its functions.
- (e) Rigorously monitor and scrutinise the JC's budget.



(f) Consider disputes between the CAs over the application or interpretation of this Agreement together with any potential breaches of this Agreement.

7. Withdrawal from / dissolution of the JC

- 7.1 A CA wishing to withdraw from the JC shall give a minimum of 6 months' notice in writing to the other CA via the AA. The CAs shall co-operate with any such request.
- 7.2 If two or more CAs give notice of withdrawal from membership of the JC in the same Financial Year, the JC shall consider and make recommendations to the remaining CA as to the future operation of the JC and, if appropriate, recommend any necessary amendments required to the JC's functions and operating arrangements.
- 7.3 Where a majority of the CAs at any time agree (via formal resolutions) that the JC should be dissolved or terminated on a specified date then the JC shall cease to exist from that date.

8. Accounts, Audit and Reporting arrangements

- 8.1 The AA's accounts and audit arrangements will apply to JC business.
- 8.2 The AA will ensure appropriate reporting arrangements are in place for the JC.

9. Review of Inter-Authority Agreement

- 9.1 At any time one or more of the CAs may seek a review of this agreement and the operation of the JC by giving notice to the CAs via the AA.
- 9.2 The review shall be undertaken by the Chief Executives Advisory Group for report to the JC. Any recommendations for changes to the agreement from the JC shall only be implemented if agreed by all of the CAs.

10. Insurance, Indemnities, and Conduct of Claims

- 10.1 The JC as a scrutiny and policy making group rather than a commissioning body undertakes administrative functions and therefore carries relatively little risk.
- 10.2 Each authority's insurance cover will automatically extend to provide protection for their members and officers participating in the work of the JC and in their capacity as officers or members of that authority.



11. Information Sharing, Data Protection, Confidentiality, Publicity and Freedom of Information (FOI) Requests

- 11.1 The CA shall share information about their organisations where that information is relevant to the aims and objectives of the JC.
- 11.2 Where such information is confidential or privileged, for example for reasons of commercial, customer or client confidentiality, the CA concerned shall seek to provide the information in such as form as to assist the JC whilst maintaining confidentiality, for example by the use of statistical and other non-identifiable forms of data. If confidential information is provided by a constituent authority to assist the work of the JC, then each CA will respect that confidentiality and shall not use or disclose such information without the permission of the authority that provided the information.
- 11.3 In respect of FOI requests, the AA will ensure that the requirements of the FOI Act 2000 are met in respect of the activities of the JC. In particular the AA will consult the officers of the CA as necessary regarding any potentially contentious enquiries and will then respond to them accordingly on behalf of the JC.
- 11.4 The JC and the CAs shall at all times abide by the requirements of the Data Protection Act.
- 11.5 A CA shall not make any public statement or issue any press release or publish any other public document relating to, connected with or arising out of the work of the JC without obtaining the other CAs' prior approval as to the contents thereof and the manner of its presentation and publication.

12. Promoting Equality, Diversity and Social Inclusion

12.1 All CAs will support and promote the principles of inclusiveness and equality for all through the work of the JC.

13. Extent of obligations and further assurance

13.1 Nothing in this Agreement is to require any of the CA to act in any way that is inconsistent with its obligations or duties as a local authority.

14. Variations of the Agreement

14.1 Subject to the express provisions of this Agreement, no variation of this Agreement will be valid or effective unless agreed by formal resolution of all of the CA.

15. Dispute Resolution / Breach of this Agreement

15.1 In the event of a dispute arising from the interpretation and operation of this Agreement or a breach of this Agreement by any CA or JC member, the matter shall



first be considered by the Chief Executives' Advisory Group. The Group shall seek to resolve the matter by discussion and mutual agreement and report to the JC and CA as necessary.

- 15.2 Where this fails to achieve a resolution, then the JC may give formal consideration to further action. Such action may include:
- (a) A request to a CA to replace a JC member;
- (b) A request to a CA to withdraw from the JC;
- (c) A recommendation to the other CAs for the termination of the participation of a CA.

Julian Gale Monitoring Officer Somerset County Council

30.10.17





HOTSW JOINT COMMITTEE DRAFT INTER - AUTHORITY AGREEMENT

Para 11.5 – original wording:

11.5 A Constituent Authority shall not make any public statement or issue any press release or publish any other public document relating to, connected with or arising out of the work of the Joint Committee without obtaining the other Constituent Authorities' prior approval as to the contents thereof and the manner of its presentation and publication.

AGREED revised wording.

11.5 All press releases and public statements to be sent out on behalf of the Joint Committee shall be the responsibility of the press office of the Administering Authority.

Julian Gale Monitoring Officer Somerset County Council

14.11.17



CABINET 4TH JANUARY 2018

DEVELOPMENT OF AFFORDABLE HOUSING AT SITE NEAR OAKFIELDS, BURLESCOMBE

Cabinet Member(s): Councillor Ray Stanley, Cabinet Member for Housing Responsible Officer: Andrew Jarrett, Director of Finance, Assets and

Resources

Reason for Report: To provide the Cabinet with information about the Council's interest and involvement in this development in advance of a decision in February 2018 to award the contract for the design and build.

RECOMMENDATION: that the Cabinet report be noted.

Relationship to Corporate Plan: One of the Council's key Corporate Plan priorities is the delivery of affordable housing numbers.

Financial Implications: A sum of £800k is included in the 2017/18 capital programme for the delivery of 6 affordable housing units at Oaklands, Burlescombe and £210k of funding has been committed by the Homes and Communities Agency (HCA) if work is started by the 31 March 2018. Section 5.1 of the Council's Financial Regulations makes allowance for a contract waiver process to be agreed if the formal process/timeline would result in additional cost to a project.

Legal Implications: The Council must comply with procurement laws and its own financial regulations. Compliance with EU procurement law is a requirement of the funding agreement with the HCA. The report outlines the process which will be followed. Additional advice on legal implications can be given if necessary and will also form part of the future report on contract award.

Risk Assessment: See Legal Implications. If the Council is unable to start on site by a given date in March 2018, it risks losing the HCA funding.

Equality Impact Assessment: None arising from this report, which is to be noted. The impacts will be reassessed for the contract award report.

1.0 **Introduction**

- 1.1 The Council has an award of funding from the Homes and Communities Agency (HCA) to put towards the development of 6 affordable dwellings on a site at Burlescombe. The amount of the funding is £210,000. The HCA has stated that work needs to start on site before 31 March 2018 and this needs to be a meaningful and material start. The risk of not making a start by that date is that the funding will no longer be made available. Time is therefore of the essence.
- 1.2 The Council already has an option to purchase the land, which will be exercised when the planning permission is issued the option sum is already accounted for in the budget. The Planning Committee resolved to

grant permission on 9th August 2017, subject to a Section 106 Agreement between the Council and the landowner to secure the land for affordable housing. The conclusion of the Section 106 Agreement is imminent. Once the planning permission is issued, there are a number of pre-conditions which will need to be discharged.

1.3 The main concern is the start-on-site date in order not to lose the HCA funding. In addition to the planning permission and formal acquisition of the land, a developer needs to be appointed under a design and build contract. The intention for some time has been that the Council's own housing development company, 3 Rivers Developments Limited, undertakes the development. This has the advantage of keeping close control of the development of this 100% affordable housing site, but also, and importantly, enables a quick progression with the scheme at this crucial stage. Nevertheless, the Council needs to be clear and comfortable about the process to be followed. This is set out in part 2 to this report below.

2.0 Procurement of design and build contract

- 2.1 The proposal is to bring a report to the next meeting of the Cabinet on 1 February 2018. This will be a contract award decision for a design and build contract, a mixed procurement where the dominant purpose and value is in the build stage. The details will be set out in the next report; however, for completeness of understanding, the value is expected to be significantly below the EU threshold for works currently set at more than £4 million. Although OJEU processes will not therefore apply, the Public Contracts Regulations 2015 will require the contract award decision to be published on Contracts Finder.
- 2.2 For contracts of the anticipated value, the Council's Financial Regulations would ordinarily require local advertisement. The waiver process set out in the Financial Regulations will therefore need to be applied, if the Council is to let the contract to 3 Rivers. As has previously been highlighted, time is of the essence and, in addition to the advantage of close control over the development, the reality is such that:
 - the procurement of a third party contractor would take time which is not available;
 - The timetable to bring together the planning permission, the acquisition, the design and build contract and start on site is exceedingly tight and being driven by the need to secure the HCA funding – this is an exceptional case; and
 - 3 Rivers is fully familiar with the site and is able to carry out some early preparatory work to facilitate a start on site in March 2018.

2.3 In terms of who has the power to make the decision to award the contract, for contracts of the anticipated value, this would be a Cabinet-level decision. There is provision in the budget for this financial year and also in the draft budget which would enable the contract to be awarded by Cabinet and finance the start of works in March 2018.

Contact for more Information: Andrew Jarrett – Director of Finance, Assets and Resources, 01884 234242, ajarrett@middevon.gov.uk

Circulation of the Report: Leadership Team, Cabinet Member for Finance and all Cabinet Members

List of Background Papers:

Committee report and Minute 21(d) Planning Committee 14 June 2017

Committee Report and Minute 46, Planning Committee 9 August 2017



Agenda Item 9.

CABINET

4th January 2018

Tax Base Calculation 2018/19

Cabinet Member: CIIr Peter Hare-Scott Responsible Officer: Revenues Manager

Reason for Report: This paper details the statutory calculations necessary to determine the Tax Base for the Council Tax. The calculations made follow a formula laid down in Regulations.

RECOMMENDATIONS:

1. That the calculation of the Council's Tax Base for 2018/19 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **28,297.74** which is an increase of 421.62 above last year's base of 27,876.12 band D equivalents. (see Appendix 1)

Relationship to Corporate Plan:

- 1. This report sets out how the Tax Base is calculated for 2018/19. This calculation is then used as a basis to set the Council's budget for the forthcoming year.
- 2. This report is in line with the Council's Corporate Plan objectives.

Financial Implications: Mid Devon District Council is a Statutory Billing Authority and must set its Council tax each year. If it were not to set a Council Tax then the Authority and all Precepting authorities would be unable to raise money to pay for all the services they provide.

Legal Implications: This is a statutory function and is a legal requirement. The Council must now set its budget annually using Council Tax information as at 30th November each year in accordance with The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012 calculating the relevant amount by applying the formula set out in the above regulations.

Risk Assessment: If the Council fails to carry this duty out then the Council Tax cannot legally be set. In accordance with the LGF Act 2012 above and SI 2914 of 2012 The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012, The Council Tax Base calculation includes a deduction for the CTR scheme within its Tax Base calculation.

- Introduction
- 1.1 Every year each billing authority is required to calculate and approve its Band D Equivalent Council Tax base. For 2018/19 this technical calculation is as follows:

The Collection Rate calculation (A)

It is necessary to estimate a 'collection rate', which is the proportion of Council Tax due that will actually be paid. It is recommended that a collection rate of 98.0% be estimated for the year 2018/19, which is consistent with previous years.

Any variation from the collection rate of 98% is pooled in a collection fund, which is distributed in the next financial year to all precepting authorities.

Calculation of the relevant amount (B)

Number of Properties per Valuation Band

The starting point will be the total number of properties within Mid Devon set out in the Valuation List.

Less Exemptions

Properties are exempt from Council Tax under certain circumstances. The calculated tax base uses the information currently held in deciding the level of exempt properties that are likely to apply for 2018/19.

Add Appeals, new properties and deletions from the Valuation List

The Valuation Officer has dealt with the vast majority of Council Tax appeals to date and so no further allowance is believed to be necessary at this time. At the **2nd October 2017** we have estimated a net increase in properties within Mid Devon of **100** Band D properties to go live on or before 1st April 2018 and a further **275** during the financial year, totalling (375) This estimate is based on the current number of reports outstanding with the Valuation Officer; the actual bandings may differ when the properties are eventually entered into the Council Tax Valuation list.

Disabled Allowance (move down a Band)

Where a disabled resident has made structural alterations to their property to help with their disability or they use a wheelchair internally at the premises, the property is entitled to a reduction and is afforded by moving the property to the next lowest band. Existing Band A properties are also entitled to a reduction by reducing the 6/9ths charge down to 5/9ths Charge.

Less 25% Discounts

Single Persons Discounts

If only one person lives in the dwelling as their main residence then a discount of 25% is allowed.

Less 50% discount

A discount of 50% is allowed where two or more persons who can be disregarded for Council Tax purposes occupy the property, e.g. care workers.

Second homes now pay full Council tax.

Long Term Empties

After a three month free period no further discount is allowed.

50% premium after 2 years

If a property remains empty of furniture and residents for two years or more, the Council will apply an additional 50% premium to the Council tax charge, so the Chargepayer will have to pay 150% of the Council Tax charge in in that area.

Estimated cost of the Council Tax Reduction Scheme (CTR)

Before we convert the properties to Net Band D equivalents we must reduce the total properties by the estimated cost of the CTR Scheme amount. This has been calculated in the following way:

Mid Devon's CTR scheme for 2018/19, is estimated to cost in the region of £3.965m, based on the existing schemes criteria. The average Band D Council Tax charge for 2017/18 was £192.15; divide Mid Devon's proportional cost of the CTR scheme by the total Band D equivalents, to arrive at 2,895.99 properties, equivalent to 2,241.95 Band D properties for 2018/19. The total Band D equivalents for the other precepting authorities will be calculated proportionally.

The cost of the CTR scheme must be reflected in the Tax Base calculation so the following calculation is carried out for each valuation band to arrive at the net chargeable Dwellings:

Calculation of the Relevant Amount

	2017/18	2018/19
Number of Properties per valuation list	35,384.00	35,768.00
Exemptions	-413.00	-411.00
Single Occupier and 25% Disregards	-2,744.00	-2,786.00
50% Discount	-35.50	-37.00
100% exempt 3 months only	-48.75	-59.25
Additional LTE at 150%	+66.00	+55.50
Additional net new properties	+300.00	+375.00
Class D 50% loss	-23.00	-36.00
Annexes (new)	-6.50	-7.50
Chargeable Dwellings before	32,479.25	32,861.75

Conversion to Band D equivalents

The net chargeable dwellings are then converted to Band D equivalents. This is carried out by multiplying the Net chargeable dwellings by the appropriate factor (A=6, B=7, C=8, D=9, E=11, F=13, G=15, H=18) for the band and dividing by that for Band D (9). The Table below details the Net Chargeable Dwellings converted to Band D equivalents.

The calculation shows the estimated annual cost of the CTR scheme, shown as the number of Band D equivalents. For the 2018/19 year this is estimated as 2,241.95 Band D equivalent properties.

The Tax Base is finally calculated by applying the collection rate to the total Band D equivalents when summarised below for the 2018/19 financial year. The properties within each band are as follows:

Ban	d Properties	CTR Properties	Revised Properties	Band D Equivalents
@	10.50	-5.63	4.87	2.70
Α	5,575.00	-1,306.71	4,268.29	2,845.52
В	8,040.00	-902.40	` 7,137.60	5,551.47
С	6,101.25	-402.39	5,698.86	5,065.65
D	5,700.00	-186.82	5,513.18	5,513.18
Ε	4,269.50	-61.26	4,208.24	5,143.40
F	2,217.00	-22.58	2,194.42	3,169.72
G	898.75	-7.74	891.01	1,485.02
Н	49.75	-0.46	49.29	98.58
	32,861.75	-2,895.99	29,965.76	28,875.24

Therefore, based on the above detailed calculations in accordance with SI 2914 of 2012 the Tax Base is to be calculated as: Total relevant amounts (A) **28,875.24** multiplied by the estimated collection rate (B) (98%)

Mid Devon District Council's Council Tax Base for 2018/19 will be 28,297.74

Contact for more information: John F Chumbley 01884 234301

Background Papers: CTB1 and supporting documentation

File Reference: JFC/G/CTB1

Circulation of Report:

Cabinet member for Finance Councillor Peter Hare-Scott.

APPENDIX 1	KEY		: Numbe	er of Propertie	es in each IT	ALIC column	1															J	F Chumbley ©	
		: Number of Band D Equivalents in each BOLD column							1															
								Calculation of the Tax Base																
			@		Α		В		С		D		Е		F		G		Н	Total	Band D	Band D	Band D	Collection
PARISH			5/9		6/9		7/9	 	8/9		9/9		11/9		13/9	ľ	15/9		18/9	Properties	EQUIVALENT	LCTS	After LCTS	RATE 98%
Bampton	1	0.00	0.00	90.75	60.50	198.75	154.58	172.00	152.89	127.75	127.75	131.25	160.42	77.50	111.94	35.75	59.58	2.00	4.00	835.75	831.67	64.03	767.64	752.28
Bickleigh	2	0.00	0.00	7.50	5.00	7.75	6.03	12.75	11.33	11.75	11.75	30.00	36.67	20.50	29.61	11.00	18.33	0.00	0.00	101.25	118.72	7.67	111.05	108.83
Bow	3	0.00	0.00	22.00	14.67	144.50	112.39	130.00	115.56	138.75	138.75	42.00	51.33	29.25	42.25	5.00	8.33	3.75	7.50	515.25	490.78	39.30	451.48	442.45
Bradninch	4	1.00	0.56	46.75	31.17	251.00	195.22	257.25	228.67	118.75	118.75	121.00	147.89	38.50	55.61	25.50	42.50	1.00	2.00	860.75	822.36	70.43	751.93	736.89
Brushford	5	0.00	0.00	0.00	0.00	0.00	0.00	1.75	1.56	8.00	8.00	5.00	6.11	4.00	5.78	2.00	3.33	0.00	0.00	20.75	24.78	0.57	24.21	23.72
Burlescombe	6	1.00	0.56	42.50	28.33	83.75	65.14	55.25	49.11	87.75	87.75	60.00	73.33	20.75	29.97	9.50	15.83	0.00	0.00	360.50	350.03	20.15	329.88	323.28
Butterleigh	7	0.00	0.00	5.75	3.83	3.75	2.92	2.50	2.22	8.50	8.50	8.50	10.39	14.75	21.31	4.00	6.67	0.00	0.00	47.75	55.83	1.46	54.37	53.29
Cadbury	8	0.00	0.00	2.50	1.67	2.00	1.56	11.25	10.00	8.75	8.75	9.50	11.61	10.50	15.17	11.00	18.33	0.00	0.00	55.50	67.08	0.65	66.43	65.10
Cadeleigh	9	0.00	0.00	5.50	3.67	5.50	4.28	8.00	7.11	17.50	17.50	18.75	22.92	14.50	20.94	9.75	16.25	0.00	0.00	79.50	92.67	0.39	92.28	90.43
Chawleigh	10	0.00	0.00	28.50	19.00	54.00	42.00	51.75	46.00	54.00	54.00	53.00	64.78	21.75	31.42	5.00	8.33	1.00	2.00	269.00	267.53	16.08	251.45	246.42
Cheriton Bishop	11	0.00	0.00	25.00	16.67	38.00	29.56	42.50	37.78	50.75	50.75	74.50	91.06	38.50	55.61	9.75	16.25	1.00	2.00	280.00	299.67	13.16	286.51	280.78
Cheriton Fitzpaine	12	0.00	0.00	30.00	20.00	30.25	23.53	65.75	58.44	89.25	89.25	76.75	93.81	32.75	47.31	14.00	23.33	0.00	0.00	338.75	355.67	11.45	344.22	337.33
Clannaborough	13	0.00	0.00	2.00	1.33	6.50	5.06	1.00	0.89	4.00	4.00	2.00	2.44	5.75	8.31	3.00	5.00	0.00	0.00	24.25	27.03	0.85	26.18	25.65
Clayhanger	14	0.00	0.00	0.75	0.50	4.50	3.50	9.75	8.67	12.75	12.75	15.50	18.94	7.00	10.11	3.50	5.83	0.00	0.00	53.75	60.31	0.00	60.31	59.10
Clayhidon	15	0.00	0.00	11.75	7.83	4.75	3.69	14.25	12.67	34.25	34.25	54.50	66.61	56.25	81.25	14.75	24.58	0.00	0.00	190.50	230.89	7.27	223.62	219.15
Coldridge	16	0.00	0.00	7.50	5.00	20.25	15.75	36.50	32.44	27.50	27.50	34.25	41.86	22.00	31.78	5.75	9.58	0.00	0.00	153.75	163.92	5.43	158.49	155.32
Colebrooke	17	0.00	0.00	4.50	3.00	10.75	8.36	37.25	33.11	26.25	26.25	37.50	45.83	35.50	51.28	9.00	15.00	1.25	2.50	162.00	185.33	4.50	180.83	177.22
Copplestone	62	0.00	0.00	79.75	53.17	134.25	104.42	123.75	110.00	125.75	125.75	34.00	41.56	27.25	39.36	3.75	6.25	1.00	2.00	529.50	482.50	33.19	449.31	440.32
Creditar	18	2.50	1.39	747.50	498.33	884.75	688.14	717.25	637.56	534.75	534.75	309.50	378.28	87.50	126.39	19.25	32.08	0.00	0.00	3,303.00	2,896.92	259.13	2,637.79	2,585.03
Credica Hamlets Cruwys Morchard	19	0.75	0.42	15.75	10.50	47.25	36.75	83.75	74.44	150.25	150.25	114.75	140.25	73.50	106.17	22.75	37.92	1.50	3.00	510.25	559.69	23.46	536.23	525.51
	20	0.00	0.00	14.75	9.83 513.83	27.00	21.00	11.00	9.78	38.50	38.50	45.00	55.00	40.25	58.14 120.61	12.75	21.25	1.00	2.00	190.25	215.50	4.95	210.55	206.34
Culmoton	21 22	0.75	0.42	770.75 46.25	30.83	1,232.25 53.50	958.42 41.61	815.50 58.25	724.89 51.78	708.50 84.25	708.50 84.25	395.25 69.00	483.08 84.33	83.50 35.50	51.28	37.25 19.25	62.08 32.08	5.00 0.00	10.00 0.00	4,048.75 366.00	3,581.83 376.17	260.03 16.72	3,321.80 359.45	3,255.37 352.26
Culms to ck Down St Mary	23	0.00 0.00	0.00	40.25 7.75	5.17	28.50	22.17	23.75	21.11	25.50	25.50	26.50	32.39	25.00	36.11	10.00	16.67	0.00	0.00	147.00	159.11	5.94	153.17	150.11
Eggesford	24	0.00	0.00	2.00	1.33	7.25	5.64	10.00	8.89	5.00	5.00	4.50	5.50	3.50	5.06	1.00	1.67	0.00	0.00	33.25	33.08	0.40	32.68	32.03
Halberton	25	0.00	0.00	70.00	46.67	111.25	86.53	77.75	69.11	105.25	105.25	127.00	155.22	89.25	128.92	40.00	66.67	2.00	4.00	622.50	662.36	37.45	624.91	612.41
Hemyock	26	0.00	0.00	91.50	61.00	111.25	86.53	235.50	209.33	182.75	182.75	143.25	175.08	94.50	136.50	25.25	42.08	0.00	0.00	884.00	893.28	36.50	856.78	839.64
Hittisleigh	27	0.00	0.00	8.50	5.67	2.75	2.14	5.00	4.44	9.75	9.75	17.50	21.39	8.50	12.28	5.75	9.58	0.00	0.00	57.75	65.25	2.77	62.48	
Hockworthy	28	0.00	0.00	5.50	3.67	2.00	1.56	14.25	12.67	14.25	14.25	14.25	17.42	17.25	24.92	7.75	12.92	1.00	2.00	76.25	89.39	1.19		
Holcombe Rogus	29	0.00	0.00	15.00	10.00	21.75	16.92	46.50	41.33	27.50	27.50	34.25	41.86	40.00	57.78	16.25	27.08	1.75	3.50	203.00	225.97	6.99	218.98	214.60
Huntsham	30	0.00	0.00	4.25	2.83	5.25	4.08	7.00	6.22	16.75	16.75	14.00	17.11	12.25	17.69	2.00	3.33	0.00	0.00	61.50	68.03	2.44	65.59	64.28
Kennerleigh	31	0.00	0.00	0.00	0.00	0.75	0.58	1.00	0.89	6.50	6.50	13.75	16.81	6.00	8.67	3.75	6.25	0.00	0.00	31.75	39.69	0.97	38.72	37.95
Kentisbeare	32	0.00	0.00	25.00	16.67	52.00	40.44	56.75	50.44	84.75	84.75	88.50	108.17	57.00	82.33	8.50	14.17	1.00	2.00	373.50	398.97	15.53	383.44	375.77
Lapford	33	0.00	0.00	55.00	36.67	130.75	101.69	92.00	81.78	90.00	90.00	54.50	66.61	28.75	41.53	10.50	17.50	0.00	0.00	461.50	435.78	46.12	389.66	
Loxbeare	34	0.00	0.00	5.50	3.67	2.75	2.14	7.00	6.22	8.75	8.75	19.50	23.83	13.75	19.86	9.50	15.83	1.00	2.00	67.75	82.31	3.13	79.18	77.59
Morchard Bishop	35	0.00	0.00	41.75	27.83	52.25	40.64	66.50	59.11	105.00	105.00	99.50	121.61	41.25	59.58	19.00	31.67	0.00	0.00	425.25	445.44	22.34	423.10	
Morebath	36	0.00	0.00	9.50	6.33	19.00	14.78	33.00	29.33	20.25	20.25	23.00	28.11	20.00	28.89	13.25	22.08	3.00	6.00	141.00	155.78	8.39	147.39	
Newton St Cyres	37	0.00	0.00	29.75	19.83	59.25	46.08	72.50	64.44	54.25	54.25	77.25	94.42	47.00	67.89	25.75	42.92	1.00	2.00	366.75		27.58	364.25	356.97
Nymet Rowland	38	0.00	0.00	3.50	2.33	5.50	4.28	5.50	4.89	9.75	9.75	9.75	11.92	8.75	12.64	4.75	7.92	0.00	0.00	47.50	53.72	2.55	51.17	50.15
Oakford	39	0.00	0.00	24.00	16.00	11.75	9.14	30.25	26.89	32.00	32.00	26.75	32.69	27.25	39.36	17.50	29.17	1.00	2.00	170.50	187.25	9.97	177.28	173.73
Poughill	40	0.00	0.00	7.25	4.83	16.25	12.64	10.25	9.11	11.00	11.00	20.25	24.75	12.00	17.33	3.00	5.00	0.00	0.00	80.00	84.67	3.19	81.48	
Puddington	41	0.00	0.00	1.50	1.00	9.25	7.19	6.75	6.00	28.25	28.25	29.50	36.06	7.75	11.19	2.75	4.58	0.00	0.00	85.75		4.14	90.14	
Sampford Peverell	42	0.00	0.00	54.75	36.50	83.75	65.14	131.00	116.44	95.50	95.50	91.50	111.83	47.75	68.97	13.75	22.92	0.00	0.00	518.00	517.31	19.24	498.07	488.10
Sandford	43	0.00	0.00	28.25	18.83	95.00 47.50	73.89	109.50	97.33	92.00	92.00	111.50	136.28	49.25	71.14	28.25	47.08	0.00	0.00	513.75		27.56 19.67	509.00	498.82
Shobrooke	44	0.00	0.00	11.50 51.50	7.67 34.33	47.50	36.94 176.56	43.75	38.89 169.33	36.25	36.25	33.00 125.75	40.33	28.50 60.75	41.17 87.75	11.50	19.17 69.58	2.00	4.00 1.50	214.00	224.42 832.97	18.67 43.86	205.75	201.63
Silverton	45	0.00	0.00	51.50	34.33	227.00	170.30	190.50	109.33	128.00	128.00	135.75	165.92	60.75	07.73	41.75	09.56	0.75	1.50	836.00	832.97	43.86	789.11	773.33

			@		Α		В		С		D		П		F		G		H	Total	Band D	Band D	Band D	Collection
PARISH			5/9		6/9		7/9		8/9		9/9		11/9		13/9		15/9		18/9	Properties	EQUIVALENT	LCTS	After LCTS	RATE 98%
Stockleigh English	46	0.00	0.00	2.75	1.83	0.00	0.00	2.75	2.44	3.00	3.00	6.75	8.25	7.00	10.11	1.00	1.67	1.00	2.00	24.25	29.31	0.00	29.31	28.72
Stockleigh Pomeroy	47	0.00	0.00	5.75	3.83	1.75	1.36	10.50	9.33	10.00	10.00	16.25	19.86	9.00	13.00	2.00	3.33	1.00	2.00	56.25	62.72	2.37	60.35	59.15
Stoodleigh	48	0.00	0.00	7.25	4.83	6.75	5.25	9.50	8.44	24.00	24.00	31.25	38.19	32.75	47.31	13.00	21.67	1.00	2.00	125.50	151.69	3.27	148.42	145.46
Templeton	49	0.00	0.00	1.75	1.17	8.50	6.61	7.75	6.89	8.00	8.00	14.50	17.72	12.00	17.33	4.75	7.92	0.00	0.00	57.25	65.64	0.72	64.92	63.62
Thelbridge	50	0.00	0.00	9.75	6.50	10.50	8.17	10.00	8.89	33.75	33.75	42.50	51.94	15.50	22.39	7.00	11.67	0.00	0.00	129.00	143.31	3.15	140.16	137.35
Thorverton	51	0.00	0.00	12.25	8.17	84.25	65.53	83.75	74.44	69.00	69.00	61.75	75.47	48.00	69.33	25.00	41.67	0.00	0.00	384.00	403.61	20.05	383.56	375.89
Tiverton	52	4.50	2.50	2,595.50	1,730.33	2,773.75	2,157.36	1,512.50	1,344.44	1,159.00		641.25	783.75	290.50	419.61	126.75	211.25	7.75	15.50	9,111.50	7,823.75	794.29	7,029.46	6,888.87
Uffculme	53	0.00	0.00	224.75	149.83	298.00	231.78	181.25	161.11	254.25		162.25	198.31	71.75	103.64	39.00	65.00	3.00	6.00	1,234.25	1,169.92	101.62	-	1,046.93
Uplowman	54	0.00	0.00	2.25	1.50	17.00	13.22	9.50	8.44	24.50		30.50	37.28	34.25	49.47	16.75	27.92	0.00	0.00	134.75	162.33	2.68		156.46
Upton Hellions	55	0.00	0.00	0.00	0.00	2.00	1.56	0.75	0.67	2.00		4.75	5.81	9.50	13.72	6.00	10.00	0.00	0.00	25.00	33.75	1.40	32.35	31.70
Washfield	56	0.00	0.00	6.50	4.33	15.75		13.25	11.78	28.50		37.75	46.14	22.50	32.50	19.50	32.50	1.00	2.00	144.75	170.00	2.36	167.64	164.29
Washford Pyne	57	0.00	0.00	2.00	1.33	3.00	2.33	3.50	3.11	13.50		9.50	11.61	6.50	9.39	3.00	5.00	0.00	0.00	41.00	46.28	1.17	45.11	44.21
Wembworthy	58	0.00	0.00	18.25	12.17	27.00	21.00	26.25	23.33	14.00		12.25	14.97	10.25	14.81	6.00	10.00	0.00	0.00	114.00	110.28	5.79	104.49	102.40
Willand	59	0.00	0.00	118.75	79.17	415.50	323.17	202.00	179.56	345.50		192.50	235.28	65.50	94.61	6.50	10.83	0.00	0.00	1,346.25	1,268.11	88.74	1,179.37	1,155.78
Woolfardisworthy	60	0.00	0.00	2.00	1.33	10.25	7.97	4.00	3.56	14.25		18.00	22.00	17.25	24.92	0.00	0.00	1.00	2.00	66.75	76.03	3.02		71.55
Zeal Monachorum	61	0.00	0.00	4.25	2.83	18.25	14.19	29.00	25.78	39.50	39.50	31.00	37.89	21.50	31.06	7.75	12.92	1.00	2.00	152.25	166.17	3.53	162.64	159.38
		10.50	5.83	5,575.00	3,716.67	8,040.00	6,253.33	6,101.25	5,423.33	5,700.00	5,700.00	4,269.50	5,218.28	2,217.00	3,202.33	898.75	1,497.92	49.75	99.50	32,861.75	31,117.19	2,241.95	20.075.24	28,297.74
		10.50	3.63	5,575.00	3,7 10.07	8,040.00	0,233.33	0,101.25	3,423.33	5,700.00	5,700.00	4,209.30	3,210.20	2,217.00	3,202.33	696.75	1,497.92	49.75	99.50	32,001.73	31,117.19	2,241.93	20,075.24	20,291.14
CTR		5.63	3.13	1,306.71	871.14	902.40	701.87	402.39	357.68	186.82	186.82	61.26	74.87	22.58	32.62	7.74	12.90	0.46	0.92	2,895.99	2,241.95			
Ţ		4.87	2.70	4,268.29	2,845.52	7,137.60	5,551.47	5,698.86	5,065.65	5,513.18	5,513.18	4,208.24	5,143.40	2,194.42	3,169.72	891.01	1,485.02	49.29	98.58	29,965.76	28,875.24			
age		-																						
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42																								

Parish	Band	Pensioner	CTR Amount		
1	A	N	-10,973.65		
1	A	Y	-30,211.73		
1	В	N	-15,698.73		
1	В	Y	-23,120.68		
1	С	N	-6,022.70		
1	С	Y	-11,264.87		
1	D	N	-2,396.79		
1	D	Y	-4,074.40		
1	E	Y	-5,459.81		
1	F	Y	-2,575.43		
1	G	N	-1,426.39	440.005.40	0.4.00
				-113,225.18	-64.03
2	Α	N	-592.18		
2	A	Y	-1,748.74		
2	В	Y	-2,040.20		
2	С	N	-932.66		
2	С	Υ	-1,554.44		
2	D	Υ	-744.46		
2	Е	N	-1,824.44		
2	Е	Υ	-1,603.01		
2	F	Υ	-2,525.96		
				-13,566.09	-7.67
3	Α	N	-2,807.92		
3	Α	Υ	-1,110.00		
3	В	N	-10,573.36		
3	В	Υ	-19,736.26		
3	С	N	-4,942.72		
3	С	Υ	-15,459.72		
3	D	N	-3,850.66		
3	D	Υ	-3,447.35		
3	Е	N	-1,881.25		
3	Е	Υ	-4,062.02		
3	Н	Υ	-1,625.14		
				-69,496.40	-39.30
4	Α	N	-5,164.12		
4	Α	Υ	-12,355.02		
4	В	N	-29,706.32		
4	В	Υ	-35,603.26		
4	С	N	-11,253.64		
4	С	Υ	-17,188.48		
4	D	N	-911.09		
4	D	Υ	-1,321.03		
4	Е	N	-2,392.55		
4	Е	Υ	-6,115.51		
4	F	Υ	-2,544.22		
			,	-124,555.24	-70.43
5	D	Υ	-1,005.78	·	
			·	-1,005.78	-0.57
				•	

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6	@	N	-776.91		
6	A	N	-4,618.94		
6	Α	Υ	-11,573.13		
6	В	Ň	-1,642.30		
6	В	Y	-4,165.79		
6	C	Ň	-1,484.01		
6	C	Y	-1,998.08		
6	D	N	-1,421.13		
6	D	Υ	-4,029.92		
6	E	N	-384.74		
6	E	Υ	-2,136.52		
6	F	N	-1,398.45		
Ü	•	.,	1,000.10	-35,629.92	-20.15
7	Α	N	-688.11	00,020.02	200
7	A	Y	-744.1		
7	C	Ϋ́	-1,146.85		
•	Ü	•	1,110.00	-2,579.06	-1.46
8	С	Υ	-1,150.32	2,373.00	1.40
O	O	'	-1,100.02	-1,150.32	-0.65
9	Α	N	-695.27	-1,150.52	-0.03
9	A	IN	-093.21	-695.27	-0.39
10	٨	N	2 152 12	-093.21	-0.39
	A		-3,153.42		
10	A	Y	-8,939.46		
10	В	N	-967.9		
10	В	Y	-2,301.84		
10	C	N	-1,256.66		
10	С	Y	-3,836.01		
10	D	N	-1,562.10		
10	D	Υ	-6,420.58	00 407 07	40.00
4.4	۸	N.I	•	-28,437.97	-16.08
11	A	N	0		
11	A	Y	-7,781.69		
11	В	N	-2,330.21		
11	В	Y	-2,570.17		
11	С	N	-1,055.60		
11	С	Y	-1,736.53		
11	D	N	-411.75		
11	E	N	-2,782.05		
11	Е	Υ	-4,601.60		
	_			-23,269.60	-13.16
12	Α	N	-3,286.81		
12	Α	Υ	-3,335.22		
12	В	Υ	-2,895.51		
12	С	N	-1,137.50		
12	С	Υ	-3,291.84		
12	D	N	-122.41		
12	D	Υ	-4,501.44		
12	Е	N	-621.78		
12	Е	Υ	-394.76		

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10	г	N I	669.72		
12	F	N	-668.73	-20,256.00	-11.45
13	Е	Υ	-1,497.43	-20,230.00	-11.43
10	_	•	1,707.70	-1,497.43	-0.85
15	Α	Ν	-1,403.26	1,101110	0.00
15	Α	Υ	-1,351.51		
15	В	Y	-971.07		
15	C	Y	-1,728.98		
15	Ē	Υ	-4,689.99		
15	F	Υ	-2,710.68		
			•	-12,855.49	-7.27
16	Α	Ν	-1,358.05	·	
16	В	Ν	-1,086.28		
16	В	Υ	-3,258.83		
16	С	Υ	-3,907.86		
16	Ε	Ν	0		
				-9,611.02	-5.43
17	Α	Ν	-1,484.51		
17	В	Ν	-776.83		
17	В	Υ	-343.18		
17	С	Ν	-1,160.77		
17	С	Υ	-1,179.46		
17	E	Υ	-3,007.58		
				-7,952.33	-4.50
18	Е	Υ	-4,440.26		
18	@	N	-39.47		
18	@	Υ	-703.59		
18	Α	N	-101,193.84		
18	Α	Υ	-93,154.47		
18	В	N	-81,875.41		
18	В	Υ	-67,388.88		
18	С	N	-33,383.71		
18	С	Υ	-39,826.83		
18	D	N	-7,186.07		
18	D	Υ	-27,531.69		
18	Е	N	-1,527.11		
				-458,251.33	-259.13
19	@	Υ	-721.18		
19	Α	N	-692.34		
19	Α	Υ	-814.42		
19	В	N	-94.55		
19	В	Y	-2,191.60		
19	С	N	-7,851.51		
19	C	Y	-8,664.39		
19	D	N	-2,809.85		
19	D	Y	-8,616.73		
19	E	N	-1,384.66		
19	E	Y	-1,529.65		
19	F	Υ	-5,024.41		

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19	G	Υ	-1,089.79		
				-41,485.08	-23.46
20	Α	N	-1,843.86		
20	Α	Υ	-1,736.36		
20	В	N	-1,080.39		
20	В	Y	-233.1		
20	D	Ϋ́	-1,736.35		
	E	Ϋ́			
20	-	ľ	-2,122.21	0.750.07	4.05
0.4			750.40	-8,752.27	-4.95
21	@	Υ	-758.13		
21	Α	N	-68,779.33		
21	Α	Υ	-100,726.36		
21	В	N	-76,630.28		
21	В	Υ	-87,282.42		
21	С	Ν	-33,378.42		
21	С	Υ	-35,140.91		
21	D	N	-8,993.15		
21	D	Y	-36,684.68		
			-288.8		
21	E	N			
21	E	Y	-8,520.99		
21	F	Y	-382.4		
21	G	Υ	-2,274.39		
				-459,840.26	-260.03
22	Α	N	-3,475.21		
22	Α	Υ	-2,710.21		
22	В	Ν	-1,000.12		
22	В	Υ	-10,624.54		
22	C	N	-1,676.16		
22	C	Y	-2,585.84		
22	D	N	-1,070.68		
			•		
22	D	Y	-2,419.28		
22	E	N	-1,427.58		
22	F	Υ	-2,577.57		
				-29,567.19	-16.72
23	Α	N	-1,446.78		
23	Α	Υ	-870.84		
23	В	N	-5,656.50		
23	С	Ν	-983.85		
23	C	Υ	-1,548.16		
		-	.,0.0	-10,506.13	-5.94
24	С	Υ	-700.61	10,000.10	0.04
24	C	ı	-700.01	700.61	0.40
0.5	Δ.	N.I	44.004.00	-700.61	-0.40
25	A	N	-11,881.29		
25	A	Y	-11,364.32		
25	В	N	-10,211.80		
25	В	Υ	-8,455.04		
25	С	N	-2,258.36		
25	С	Υ	-9,312.52		
25	D	Ν	-1,390.24		
			•		

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25	D	Υ	-2,892.90		
25	Е	Υ	-4,567.55		
25	F	N	-1,390.24		
25	F	Y	-2,510.16		
20	•	•	2,010.10	-66,234.42	-37.45
26	Α	N	-18,379.28	00,204.42	37.43
26	A	Y	-10,946.48		
26		N	-3,712.21		
	В				
26	В	Y	-6,720.21		
26	С	N	-1,992.38		
26	С	Y	-12,613.47		
26	D	N	0		
26	D	Υ	-4,307.19		
26	E	Υ	-905.81		
26	F	Υ	-1,959.33		
26	G	Υ	-3,014.35		
				-64,550.71	-36.50
27	Α	Υ	-874.09		
27	С	Υ	-1,185.92		
27	D	Υ	-1,311.13		
27	Е	Υ	-1,534.41		
			,	-4,905.55	-2.77
28	С	N	-515.43	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
28	Ē	Υ	-1,586.52		
20	_	•	1,000.02	-2,101.95	-1.19
29	Α	N	-681.41	2,101.00	1.10
29	A	Y	-2,171.28		
29	В	N	-1,186.19		
29	C	N	-746.42		
29	С	Y	-2,547.81		
29	D	Y	-1,748.32		
29	E	Y	-1,602.63		
29	F	Υ	-1,683.57		
				-12,367.63	-6.99
30	Α	Υ	-762.04		
30	В	N	-824.98		
30	D	N	-96.92		
30	D	Υ	-2,622.91		
				-4,306.85	-2.44
31	D	Υ	-1,719.75		
				-1,719.75	-0.97
32	Α	N	-950.47		
32	Α	Υ	-2,970.23		
32	В	N	-396.65		
32	В	Y	-2,079.16		
32	C	N	-5,796.54		
32	C	Y	-7,729.99		
32	D	N	-7,729.99 -47.16		
32 32	D	Y			
32	D	ī	-5,860.70		

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32	Е	Υ	-1,633.63		
				-27,464.53	-15.53
33	Α	N	-7,927.31		
33	Α	Υ	-12,573.49		
33	В	N	-12,568.05		
33	В	Υ	-14,926.32		
33	С	N	-8,750.21		
33	С	Υ	-10,498.69		
33	D	Ν	-654.84		
33	D	Υ	-10,997.41		
33	Е	N	-1,396.80		
33	F	Υ	-1,261.00		
			,	-81,554.12	-46.12
34	С	Υ	-1,527.04	·	
34	Е	Υ	-4,001.22		
			,	-5,528.26	-3.13
35	Α	N	-6,476.24	-,	
35	Α	Y	-3,871.81		
35	В	N	-236.19		
35	В	Y	-3,958.08		
35	C	N	-3,203.46		
35	C	Y	-2,266.79		
35	D	N	-1,040.82		
35	D	Y	-10,029.85		
35	E	Ϋ́	-1,386.70		
35	F	Ϋ́	-1,252.84		
35 35	G	Y	-5,782.36		
33	G	1	-5,702.30	-39,505.14	-22.34
36	Α	Υ	-1,547.08	-09,000.14	-22.04
36	В	N	-1,941.54		
36	В	Y	-3,451.26		
36	C	N	-2,866.43		
	C	Y	-2,661.18		
36 36			•		
36 36	D	N	-1,052.48		
36	D	Υ	-1,319.21	14 020 10	0.20
27	٨	NI	1 662 10	-14,839.18	-8.39
37	A	N	-1,662.10		
37	A	Y	-12,492.21		
37	В	N	-5,657.35		
37	В	Y	-5,129.62		
37	С	N	-2,425.90		
37	С	Y	-2,678.05		
37	D	N	-1,025.52		
37	D	Y	-8,459.98		
37	E	Y	-3,097.88		
37	F	N	-13.44		
37	F	Y	-4,736.94		
37	G	N	-1,401.92	40.700.04	07.50
				-48,780.91	-27.58

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38	В	Υ	-2,358.82		
38	D	Ν	-1,074.82		
38	D	Υ	-1,070.86		
				-4,504.50	-2.55
39	Α	Υ	-2,321.21		
39	В	Ν	-222.63		
39	В	Υ	-3,897.82		
39	С	Ν	-946.55		
39	С	Υ	-3,482.55		
39	D	Ν	-2,089.54		
39	D	Υ	-1,741.28		
39	F	Υ	-757.59		
39	G	Υ	-2,176.60		
				-17,635.77	-9.97
40	Α	Υ	-871.12	,	
40	В	Ν	-2,006.26		
40	С	Ν	-50.91		
40	С	Υ	-2,710.17		
40	Ē	N	0		
-				-5638.46	-3.19
41	Α	Υ	-864.25		
41	В	N	-1,802.60		
41	D	N	-79.56		
41	D	Y	-876.17		
41	Ē	Ϋ́	-3,697.08		
	_	•	3,001.100	-7,319.66	-4.14
42	Α	N	-3,696.94	.,0.000	
42	Α	Y	-5,550.43		
42	В	N	-5,269.90		
42	В	Y	-9,571.73		
42	C	N	-1,235.33		
42	C	Y	-1,251.10		
42	D	N	0		
42	D	Y	-3,040.06		
42	E	Ý	-2,123.22		
42	G	Ý	-2,293.05		
12	O	•	2,200.00	-34,031.76	-19.24
43	Α	N	-2,957.38	04,001.70	10.24
43	A	Y	-5,817.44		
43	В	N	-6,644.80		
43	В	Y	-5,982.51		
43	С	N	-5,892.70		
43	C	Y	-11,682.63		
43 43	D	r N	-11,662.63 -536.84		
43	D	Y	-5,611.44		
43 43	E	Ϋ́	-3,608.43		
40	_	ī	-3,000.43	-48,734.17	27 56
11	٨	NI	1 COE C1	-4 0,134.11	-27.56
44	A	N	-1,625.61 5,150.70		
44	Α	Y	-5,159.79		

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44	В	N	-4,335.63		
44	В	Υ	-12,372.16		
44	С	Ν	-1,367.70		
44	С	Υ	-1,350.06		
44	D	Ν	-616.52		
44	D	Υ	-1,741.72		
44	E	Υ	-2,128.77		
44	F	Υ	-2,317.68		
				-33,015.64	-18.67
45	Α	Ν	-5,037.00		
45	Α	Υ	-6,466.13		
45	В	Ν	-14,299.31		
45	В	Υ	-23,965.13		
45	С	Ν	-9,671.72		
45	С	Υ	-13,508.08		
45	D	Ν	-930.75		
45	D	Υ	-3,065.72		
45	F	Υ	-613.54		
				-77,557.38	-43.86
47	В	Υ	-1,002.12	,	
47	D	Y	-1,288.44		
47	E	Y	-1,892.99		
••	_	•	1,002.00	-4,183.55	-2.37
48	Α	N	-698	1,100.00	2.01
48	C	Y	-1,362.14		
48	D	Ϋ́	-1,308.75		
48	F	Ϋ́	-2,420.97		
40	•	,	2,420.07	-5,789.86	-3.27
49	С	N	-1,265.54	0,700.00	0.21
40	O	11	1,200.04	-1,265.54	-0.72
50	Α	N	-1,289.85	1,200.04	0.72
50	A	Y	-864.16		
50	C	N	-921.77		
50	C	Y	-1,871.95		
50 50	E	Ϋ́	-619.25		
30	_	'	-013.23	-5,566.98	-3.15
51	Α	N	-708.28	-3,300.90	-3.13
51	A	Y	-1,770.70		
51	В	N	-4,216.92		
51 51	В	Y	-17,616.15		
51 51	С	N	-2,388.33		
	C				
51 51		Y	-4,182.58 1,020.35		
51	D E	Y	-1,029.35		
51		Y	-1,623.14		
51	F	Υ	-1,918.26	25452.74	20.05
5 0	@	N I	4 470 00	-35453.71	-20.05
52 52	@	N	-1,173.62		
52 53	@	Y	-1,363.29		
52	А	N	-376,980.69		

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52	Α	Υ	-351,090.94		
52	В	Ν	-173,593.28		
52	В	Υ	-243,028.97		
52	С	N	-60,531.11		
52	С	Υ	-101,803.56		
52	D	N	-17,563.49		
52	D	Υ	-49,812.55		
52	Е	N	-3,468.77		
52	Е	Υ	-15,883.20		
52	F	Υ	-4,976.33		
52	G	N	-424.43		
52	G	Υ	-2,934.02		
				-1,404,628.25	-794.29
53	Α	N	-22,298.66		
53	A	Y	-55,382.81		
53	В	N	-19,496.77		
53	В	Y	-28,415.78		
53	С	N	-11,612.63		
53	С	Y	-12,513.79		
53	D	N	-5,222.63		
53	D	Y	-18,948.38		
53	E	Y	-2,861.79		
53	F	N	-1,434.34		
53	F	Υ	-1,524.17		
	_			-179,711.75	-101.62
54	B	N	-1,080.65		
54	В	Y	-2,363.92		
54	С	N	-1,235.02		
54	D	Y	-54.44	4 70 4 00	0.00
	_	V	0.404.44	-4,734.03	-2.68
55	F	Υ	-2,481.44	0.404.44	4 40
50	•	V	00.4	-2,481.44	-1.40
56	A	Y	-69.4		
56	В	Y	-1,007.40		
56	C	N	-1,228.06		
56	F	Υ	-1,870.88	4 475 74	0.00
- -	0	N.I	202.22	-4,175.74	-2.36
57 57	С	N	-922.39		
57	E	Υ	-1,139.61	0.000.00	4 47
50	^	V	5 007 40	-2,062.00	-1.17
58 50	A	Y	-5,067.42		
58 50	В	N	-293.54		
58 50	В	Y	-2,375.71		
58	С	Y	-1,163.61		
58	D	Y	-1,309.06		
58	E	N	-30.43	10 220 77	E 70
E 0	٨	N I	40 204 42	-10,239.77	-5.79
59	A	N	-19,304.43		
59	Α	Υ	-38,426.33		

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			-3,964,669.26	-3,964,669.26	-2,241.94
				-58,686.41	-33.19
62	D	Υ	-3,483.08	E0 C0C 44	22.42
62	D	N	-1,531.30		
62	С	Y	-6,429.31		
62	С	N	-4,348.31		
62	В	Y	-8,510.89		
62	В	N	-8,685.86		
62	A	Y	-17,462.30		
62	Α	N	-8,235.36		
	_		<u>.</u>	-6,240.67	-3.53
61	D	N	-1,045.37		_
61	С	Υ	-1,548.69		
61	С	N	-1,032.88		
61	В	Υ	-1,529.64		
61	В	N	-1,084.09		
				-5,336.20	-3.02
60	Е	Υ	-2,107.55		
60	D	Υ	-519.86		
60	В	N	-2,545.01		
60	Α	N	-163.78		
				-156,931.05	-88.74
59	F	Υ	-2,136.43		
59	Е	Υ	-4,652.26		
59	E	N	-162.99		
59	D	Υ	-14,756.00		
59	D	N	-184.86		
59	С	Υ	-15,312.38		
59	С	N	-5,690.75		
59	В	Υ	-35,627.77		
59	В	N	-20,676.85		

Cabinet 4 January 2018

Budget 2018/19 - Update

Portfolio Holder

Cllr Peter Hare-Scott

Responsible Officer

Director of Finance, Assets and Resources

Reason for Report:

To review the revised draft budget changes identified and discuss any further changes required in order for the Council to move towards a balanced budget for 2018/19.

RECOMMENDATION:

To consider and agree the updated General Fund budget proposals for 2018/19 included in Appendix 1 and the

Capital Programme included in Appendix 2.

Relationship to Corporate Plan:

To deliver our Corporate Plan's priorities within existing

financial resources.

Financial Implications:

Now the Council has received notification of its Formula Grant Settlement it is imperative that it matches current and ongoing expenditure plans to estimated sources of in a constant of the standard sources.

income/funding.

Legal Implications:

It is a statutory requirement for the Local Authority to set a

balanced budget.

Risk Assessment:

Service managers and Finance staff have assessed volatility in income and large contractor budgets, taking account of current and estimated future demand patterns. This position has been revised based on an additional two months of financial monitoring information and the changes announced in the Formula Grant Settlement released on the 19/12/17. In addition prudent levels of

reserves will also continue to be maintained.

1.0 Introduction

1.1 On the 19 December 2017 the Council received formal confirmation of its Formula Grant Settlement. Our provisional formula grant award for 2018/19 amounts to £2.7m. However this figure includes the successful bid from the Devon Pool for the 1 year Business Rate Pilot and will require some more detailed analysis by finance officers over the next few weeks.

- 1.2 From the initial reading of the Settlement it appears previously proposed RSDG cuts are not being made in 18/19, however it appears likely that this is being assimilated in NNDR figures that require further review.
- 1.3 As part of the settlement the Council has also been given the freedom to raise its council tax by an additional 0.4% (from the current Budget draft approved on 26/10/17 at Cabinet) this means that rather than a maximum 2% or £5

(whichever the greater) Band D increase in Council Tax we can now increase by a maximum 3% without going to referendum. This additional 0.4% equates to an additional £22k for the authority in Council Tax Revenues.

2.0 2018/19 General Fund Budget - Revised Position

2.1 Since the first round Cabinet and PDG meetings the Finance team and service managers have been revisiting a range of budgets to deliver more savings or increase income levels. Please see summary table below:

Table 1 – Reconciliation of Major 2018/19 Budget Variances

Variances	Amount £k
18/19 Budget Shortfall (Cabinet Report 26/10/17)	617
Further Cost Pressures identified	570
Additional savings identified	(231)
18/19 Revised Budget Shortfall	956
2% Staff Pay award offer (1% previously built in)	116
Business Rate 100% Pilot bid accepted (1 year only)	(230)
Business Rate Growth (Solar & Benefit of Devon Pool)	(150)
Funding from sinking funds & reserves (ICT & Leisure)	(215)
Other additional savings identified	(174)
18/19 Revised Budget Shortfall	303
No reduction in Rural Services Delivery Grant	(86)
3% increase in C/Tax (2.6% previously built in)	(22)
Draft budget gap for 2018/19	195

3.0 The recent Funding Settlement

3.1 It would be fair to say that the settlement data received by the Council on the 19/12/17 is the most complicated set of figures received in recent years. The potential abolition of RSG (Revenue Support Grant), RSDG (Rural Services Delivery Grant) and significant revisions to Business Rate baseline funding levels, tariffs and levy rates which have been accompanied with detailed explanatory notes now makes finalising the funding element of the Council's budget far more challenging. Therefore the finance team is now undertaking further review of this data in conjunction with meetings with other Devon Authorities and the consultants who all worked on compiling the 100% Business Rate Pilot bid.

4.0 Conclusion

- 4.1 It is encouraging that the Council has managed to significantly close the budget gap of £617k discussed at earlier meetings, even after the potential pay award adding an additional £116k and new legislation relating to Homelessness Reduction adding circa £50k to the budget.
- 4.2 Moving forward Members and officers need to reflect on the Business Rate pilot only being a 12 month process and that we will potentially see the loss of a short term financial windfall when we return to the traditional grant settlement in 2019/20. Probably the biggest concern for the future is the new New Homes Bonus arrangements that have seen circa £0.7m removed from this funding source on an annual basis, coupled with the threat that further revisions may be made from 2019/20 onwards.
- 4.3 In order to conclude the statutory budget setting process, this updated draft budget position will go through Cabinet, another round of PDG's and Scrutiny, before being agreed at Full Council on the 21/02/18. During this period officers will continue to identify and examine further savings possibilities that can reduce the current budget gap.

Contact for more information: Andrew Jarrett – Director of Finance, Assets and

Resources

Background Papers: Draft 2018/19 Budget Papers

Grant Settlement Email

File Reference:

Circulation of the Report: Leadership Team, Members & Relevant Service

Managers



2018/19 General Fund Budget - Proposed changes since 1st draft

Cabinet report - 26/10/17 shortfall 617,460

PDG	Cost Centre	A/c Code	Cost Centre Description	Description of Change	£
Cabinet	LD600	1702	Legal Services	Agency staff, Salaries, Travel, Staff Subs, Books and Subs	22,800
Cabinet	LD300	1101	Member Services	Grade 9 instead of grade 6 (Scrutiny Officer 0.5 FTE)	7,400
Cabinet	IE260	4496	Interest Payable	EUE loan no longer required	-25,000
Cabinet	IE410	7471	Demand on C/Fund	JC draft band D 28,297.74*197.15 =£5,578,900 = £10,180	-10,180
Cabinet	HR200	Various	Training Budgets	Increase in request for training budgets from Group Managers	6,850
Cabinet	HR400	4105	Learning & Development	Nextus Training module and licences	10,700
Cabinet	IT500	4105	IT Software Support & Maint	Reduction in the software Licence - Re above Nextus Training Module	-3,000
Cabinet	Various	Various	Support Services	Recharge staff time and office accommodation to 3 Rivers Development	-15,000
Cabinet	Various	Various	Customer Services	out of hours phone contract DCC to TD	1,300
Cabinet	FP200	4450	Internal Audit (DAP)	Payment to DAP incorrect by £1,100, needs to be £89,100	1,100
Cabinet	IE439	4501	CTS Funding Parishes	cut CTR to nil by 19/20	-23,000
Cabinet	CS200	1100	Customer Services	Communications Manager post budget reduced to 0.6 FTE	-18,000
Cabinet	IE	Various	ICT new sinking funds	New sinking funds for ICT equipment (to fund capital programme)	189,500
Cabinet	IT800	4401	ICT	Printing costs as per saving schedule from LR	-3,000
Cabinet	IT600	Various	ІСТ	Salary adjustment - employees in pension scheme	11,000
Environment	WS725	various	Recycling income	2nd review of recycling material income	-3,250
Environment	WS	various	Waste	Review sinking funds to ensure adequate replacement values.	17,710
Environment	WS700	7282	Garden Waste	Allow £1.00 increase on 140L. Approx 2000 permits - proposed at ENV PDG working group 1-12-17	-2,000
Environment	WS700	7203	Bulky Waste	Increase bulky waste charges by £1.00 - proposed at ENV PDG working group 1-12-17	-2,000
Environment	GM960	2402	Grounds Maintenance	Rent for Carlu Close	20,000
Environment	GM960	2501	Grounds Maintenance	Business Rates for Carlu	5,500
Environment	GM960	3502	Grounds Maintenance	Increase in Plant Planned Maintenance in 17-18 needs to be reflected in 18/19 budgets	6,000
Environment	ES450	7441	Parks & Open Spaces	Reduction in sponsorship income to reflect current levels in 17/18	2,000
Environment	WS700	Various	Waste	Salary adjustment G6 > G5	-4,000
Environment	Various	Various	Various	10k cost of tender for vehicles - only a one-off	10,000
Environment	Various	various	various	Impact on streamlining vehicle sinking funds to an even spread	12,620
Environment	Various	various	Fleet Management	Procurement exercise for transport maintenance	16,000
Economy	ES450	7601	Parks & Open Spaces	Amory Park contributions are no longer being received from Amory Park Trust	4,800
Economy	CP540	4615	Paying Car Parks	Increase budget in second round for PCN income	-5,000
Economy	CP540	7000	Paying Car Parks	Reduction in P&D income to reflect 17/18 forecast (1st round reduced by £20k)	4,000
Economy	CP520	1106	MSCP	Overtime budget needs to be set for A Johns CCTV patrolling of the MSCP	3,500
Economy	IE	Various	Paying Car Parks	Sinking fund for Car Park Machine replacement	3,000
Homes	PS810	Various	Phoenix House	extra £10k to create EH document store	10,000
Homes	HG320	4804	Homelessness	£75k additional costs across the cost centre due to new legislation - part offset by new burdens funding of £25k	50,000
Homes	IE	Various	Market Walk	increase sinking funds for Market Walk	20,000
Homes	PS992	7503	Market Walk	Assume 1 Vacant unit in the budgeted income of Market Walk	12,300
Homes	PS990	7503	Fore Street	30 fore street income - £30k	-30,000
Homes	IE	Various	Fore Street	Sinking fund for Fore Street	5,000
Homes	PS990	2120	Fore Street	Removal of budget to upgrade 36 & 38 Fore Street as this has now been factored into the Capital Programme	-16,000
Homes	Various	Various	Recharges	As at 23/11/17 internal recharges to HRA less than round 1	-4,000

PDG	Cost Centre	A/c Code	Cost Centre Description	Description of Change	£
Community	RB100	3402	Council Tax	C/Tax visiting Officer vehicle - sinking fund £1.2k pa	-3,700
Community	RB300	7604	Housing Benefit	CTR & HB Admin grant DWP - final numbers. Will be notified in January 18	
Community	RB100	7442	Council Tax	Single Occupancy Disc penalties income reduction	3,500
Community	IE930	7709	Forward Plan	PR810 - Additional cost of Cullompton master planning & district design work.	75,000
Community	PR600	1100	Forward Planning	Additional temp PO as above - depends on VAF being agreed (bottom line impact will be on PR810 as fully rechargeable to them)	35,000
Community	PR100	1100 / 7000	Building Control	Building Control - info from NDDC suggests may be better than budget V1 - see Sally's email 24/11/17	-10,000
Community	RS	Various	Leisure	Budget for electric charging points income	-4,600
Community	CS	Various	Customer Services	Synertec price increase for postage	2,000
Various	Various	Various	Insurance	Insurance tender outcome	-43,780
Various	Various	Various	Across various services	legionella, fire, asbestos surveys by Env Health, HRA recharge & Property Services? Need to identify PS budget for this	-5,000

Total net additional cost/ (savings)	338,070
Revised 18/19 budget position	955,530
venised 10/13 pudget hosition	955,530
Staff Pay award (2% offered; 1% previously built in)	115,600
Grounds Maintenance recharge increase to HRA - based on a detailed costing process being undertaken	·
Business Rates Pilot	-60,000 -230,000
business rates Pilot	-230,000
Alarms - General Fund Housing looking at & offsetting the increased cost of the new Homelessness Reduction Act	-50,000
New Homes Bonus for ICT sinking fund requirement.	-189,500
Business Rate base increase - growth, solar, pool benefit	-150,000
Parking charges debit/credit card fee £18k less use of MS?? Or increase fees??	
Disabled Facility Grant admin	-18,550
Leisure sinking fund adjustment	-25,000 -35,000
Use of new capacity funding for new Planning Officer work on Greater Exeter Strategic Partnership Salary increase impact on recharges - HRA	-10,000
New Home Bonus transfer??	-10,000
Total	-652,450
Revised 18/19 budget position	303,080
3% C/Tax increase	-21,749
No cut to Rural Services Delivery Grant Still no figures on HB Admin/Subsidy!!!!	-86,430
Total	-108,17 9
Revised 18/19 budget position	194,901

50

75

120

100

345

Total

50

75

120

100

345

Provisional 2018-19 Budgeted Capital Programme		
- to the first to a subject to	1st Draft 18/19 Budget (Per 26/10/17 Cabinet)	2nd Draft 18/19 Budget (For 04/01/18 Cabinet)
Lords Meadow Leisure centre	£k	£k
Lords Meadow - Replace main pool filters Lords Meadow - Tennis Courts surface and lining	80 25	80 25
Exe Valley Leisure Centre EVLC pool tiling and balance tank repairs EVLC - Pool Cover	25 25	25 25
Total	al 155	155
Phoenix House Phoenix House - Electric water heater replacement Phoenix House- Toilet refurbishment flooring and units	25 30	25 30
MDDC Depot Sites Old Road Depot - Actions following condition report Grounds Maintenance relocation (subject to feasibility)	50 80	50 0
Play Areas Play area refurbishment District wide	50	50
Other Projects Land drainage flood defence schemes - St Marys Hemyock Land drainage flood defence schemes - Ashleigh Park Bampton Fore Street Flats refurbishment	25 87	25 87 60
General Fund Development Schemes * District Wide Redevelopment project - Asset acquisition	4,000	4,000
Tot	7-	4,327
* Note - unknown timing of Capital Expenditure, therefore Capital Financing excluded in be factored into Business Case as potential schemes come forward.	Revenue Budget bu	t will
Economic Development Schemes ** Tiverton Town Centre improvements	40	40
** Mills Electricity Project ** Broadband Project	100 100	100 60
Tot	al 240	200
** All Economic Development schemes are subject to acceptable Business Case		

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ICT Projects

CRM replacement

Desktop states replacement/refresh

Data centre hardware refresh servers/storage

Replacement Grounds Maintenance system

Affordable Housing Projects			
Grants to housing associations to provide houses (o	covered by Commuted Sums)	116	116
	Total	116	116
Private Sector Housing Grants	Total	110	110
Empty homes and enforcement		106	106
Disabled Facilities Grants–P/Sector		500	552
Disabled Facilities Statits 17000tol		300	332
	Total	606	658
Replacement Vehicles			
Grounds Maintenance			
Van Tipper		52	52
	Total	52	52
	TOTAL GF PROJECTS	5,861	5,853
HRA Projects			
Existing Housing Stock			
Major repairs to Housing Stock		2,101	2,101
Renewable Energy Fund		100	100
Disabled Facilities Grants - Council Houses		300	300
Housing Development Schemes		4.0=0	
Palmerston Park - Additional budget required		1,056	1,074
Birchen Lane - Additional budget required		143	446
	Total	3,700	4,021
	Total	3,700	7,021
HRA ICT Projects			
Housing mobile working and additional modules			130
Housing mobile working and additional modules			130
Housing mobile working and additional modules	Total	0	130 130
Housing mobile working and additional modules	Total	0	
Housing mobile working and additional modules HRA Replacement Vehicles	Total	0	
	Total	0 40	
HRA Replacement Vehicles		40	130
HRA Replacement Vehicles	Total Total		130
HRA Replacement Vehicles	Total	40 40	130 0
HRA Replacement Vehicles		40	130
HRA Replacement Vehicles	Total TOTAL HRA PROJECTS	40 40 3,740	130 0 0 4,151
HRA Replacement Vehicles Van Tipper 7T (Voids)	Total	40 40	130 0
HRA Replacement Vehicles	Total TOTAL HRA PROJECTS	40 40 3,740 9,601	130 0 0 4,151 10,004
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19	130 0 0 4,151 10,004 2018-19
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k	130 0 0 4,151 10,004 2018-19 £k
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636	130 0 0 4,151 10,004 2018-19 £k 688
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636 1,125	130 0 0 4,151 10,004 2018-19 £k 688 1,125
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve Earmarked Reserves	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636	130 0 0 4,151 10,004 2018-19 £k 688 1,125 1025
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve Earmarked Reserves New Homes Bonus Funding	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636 1,125 574 888	130 0 4,151 10,004 2018-19 £k 688 1,125 1025 828
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve Earmarked Reserves	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636 1,125 574	130 0 0 4,151 10,004 2018-19 £k 688 1,125 1025
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve Earmarked Reserves New Homes Bonus Funding Miscellaneous Funding	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636 1,125 574 888 2,338	130 0 4,151 10,004 2018-19 £k 688 1,125 1025 828 2,338
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve Earmarked Reserves New Homes Bonus Funding Miscellaneous Funding	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636 1,125 574 888 2,338	130 0 4,151 10,004 2018-19 £k 688 1,125 1025 828 2,338 6,004
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve Earmarked Reserves New Homes Bonus Funding Miscellaneous Funding Subtotal NEW FUNDS Borrowing	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636 1,125 574 888 2,338 5,561	130 0 4,151 10,004 2018-19 £k 688 1,125 1025 828 2,338
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve Earmarked Reserves New Homes Bonus Funding Miscellaneous Funding Subtotal NEW FUNDS Borrowing Revenue Contributions	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636 1,125 574 888 2,338 5,561 4,000 40	130 0 4,151 10,004 2018-19 £k 688 1,125 1025 828 2,338 6,004 4,000
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve Earmarked Reserves New Homes Bonus Funding Miscellaneous Funding Subtotal NEW FUNDS Borrowing	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636 1,125 574 888 2,338 5,561	130 0 4,151 10,004 2018-19 £k 688 1,125 1025 828 2,338 6,004
HRA Replacement Vehicles Van Tipper 7T (Voids) MDDC Funding Summary EXISTING FUNDS Capital Grants Unapplied Reserve Capital Receipts Reserve Earmarked Reserves New Homes Bonus Funding Miscellaneous Funding Subtotal NEW FUNDS Borrowing Revenue Contributions	Total TOTAL HRA PROJECTS	40 40 3,740 9,601 2018-19 £k 636 1,125 574 888 2,338 5,561 4,000 40	130 0 4,151 10,004 2018-19 £k 688 1,125 1025 828 2,338 6,004 4,000

Agenda Item 12.

CABINET 4TH JANUARY 2018

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

LOCAL ENFORCEMENT PLAN

Cabinet Member(s): Cllr Richard Chesterton

Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and

Regeneration

Reason for Report:

Following the decision taken at the Cabinet meeting on the 5th January 2017 to agree the content of the Local Enforcement Plan and agree it for public consultation purposes, this report outlines the comments received following public consultation undertaken together with resultant changes to the Enforcement Plan.

RECOMMENDATION: That Cabinet recommend to Council that the Local Enforcement Plan as attached at Appendix 1 to this report be adopted.

Relationship to Corporate Plan: The primary purpose of the planning system is to regulate the use and development of land in the public interest and be a positive force in protecting what is good in our environment and preventing what is unacceptable. The Planning Service is a statutory service, the effective operation of which is central to the delivery of Corporate Plan priorities of community, housing, economy and environment

Financial Implications: None

Legal Implications: The Planning Service, including the enforcement of planning control, must operate within the legal and performance parameters established through legislation, case law and Government performance indicators, but should also command public confidence in the system. The operation of the Planning System and its enforcement will, by its nature, often involve making difficult decisions that will not be universally supported within the community.

Risk Assessment: Local Planning Authorities are expected to operate in a reasonable way, in accordance with statutory requirements and Government guidance. There is an expectation that the Council will be able to justify its decision making.

Equalities Impact: There are no equality issues identified in this report. The Local Enforcement Plan sets out investigation timescales associated with different alleged breaches of planning according to prioritisation criteria. The application of such criteria gives greater transparency over the way planning enforcement complaints are investigated.

1.0 BACKGROUND.

1.1 A Local Enforcement Plan was considered in draft at Cabinet on 5th January 2017 and consulted upon between 13th March and 2nd May 2017. It was advertised by way of press release, notification of Parish and Town Councils and on the Council's website. Section 2 of this report summarises the responses from the consultation process and provides an officer response where required. Section 3 details the scope of the

revisions to the Enforcement Plan that are proposed following consideration of the comments and following discussion at two PPAG meetings on the 14th September and 13th December 2017. A copy of the Local Enforcement Plan is attached at **Appendix 1**

- 1.2 Sections 1.3 1.5 below provides a brief overview of the Planning Enforcement Process.
- 1.3 Planning enforcement is a statutory function of local government although the power to take formal action is discretionary. The Council as Local Planning Authority has responsibility for the investigation of reported breaches of planning control. Unauthorised development can be detrimental to the local environment and a source of community tension. Failure to investigate and enforce planning conditions or address unauthorised development can reduce the effectiveness of a Local Planning Authority and undermine public confidence in the planning system. The enforcement of planning control is not subject to national performance targets in the same way as the determination of planning and other applications.
- 1.4 In March 2012, the Government published the National Planning Policy Framework which replaced much of the previous advice contained in Planning Policy Guidance ('PPG's) and Planning Policy Statements ('PPS's). With regards to enforcement of planning control, Planning Policy Guidance Note 18 (Enforcing Planning Control) was replaced by the following single paragraph:

Enforcement

207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

- 1.5 In order to increase transparency and manage public expectations with regards to the resourcing, powers and tools available to the Local Planning Authority, a Local Enforcement Plan has been drafted in line with the advice set out in the National Planning Policy Framework.
- 1.6 It sets out the legislative framework that the Council enforces, defines what does and what does not constitute a breach of planning control, how reported breaches will be investigated and the procedures for commencing formal enforcement action. It sets out new performance targets and clearly indicates the priority given in terms of high, medium and low to the investigation of differing breaches of planning control and the response time that can be expected. This is considered important in order to prioritise resources and manage expectations.

2.0 CONSULTATION RESPONSES.

The public consultation produced 9 responses, of which 6 were from Parish Councils and 3 were from members of the public. The responses and officer comment upon them are set out below:

2.1 Parish Council responses

Bow Parish Council - no comment

Holcombe Rogus Parish Council – no comments

Burlescombe Parish Council - no comments

Bradninch Parish Council – no comments

Thelbridge Parish Council – Congratulate you on producing an easy to read and understand document. The flow chart and service targets table are particularly useful. Since much of the content is determined by statute, the council does not have any further comments to make.

Willand Parish Council – raised a number of queries which are identified below and after each query a response has been provided. A full copy of the consultation response is attached as **Appendix 2** to this report.

Query 1.The word expedient is often used but does not appear in Policy DM31 or paragraph 207 of the NPPF.

Response: The terminology 'expedient' is a common phrase used in enforcement practice, and relates to whether or not the impact arising from a breach of planning control is of a level of magnitude and harm that formal action should be taken to redress the breach. For instance if in the case of an extension to residential dwelling that has been constructed with a footprint that is deeper than shown on the approved plans, if it does not result in any harm (reference to the test at policy DM13 as set out below) then it would not be expedient to take enforcement action. However if it resulted in a situation of uncomfortable overlooking of the neighbouring garden because an addition window had been included in the build then it would be expedient to take formal action.

Query 2. Who decides what is 'appropriate' and 'in the public interest'?

Response: In terms of completing an enforcement investigation this is completed by the 3 enforcement officers. Once the investigation is completed and it is confirmed that a breach of planning control is committed, the enforcement officer and Area team Leader/Group Manager then agree an appropriate course of action. If the breach results in identifiable harm and the matter cannot be resolved through negotiations, formal notice would be served to redress the breach (refer to page 12 of the Plan). If such action is required there is a requirement to seek approval from the planning committee to take formal action after the officer team have decided that it would be appropriate and expedient to do so. This effectively ensures that there is a public interest check on all cases where formal action that is taken.

Query 3. The priority classifications and response times should be reviewed and amended to reflect a practical, proactive and effective response. High priority should be afforded a same day response if it is to be effective.

Response: Please refer to paragraph 3 of this report.

Query 4. The use of the term 'discretion' in the proportionality section causes conflict and loss of confidence in the enforcement process.

Response: Ultimately as with any case there is an element of professional judgement to be undertaken by the officer team in arriving at the way forward on a case. There

is the opportunity to complete this part of the process in discussions with the relevant elected members where their input is required.

Query 5. Last sentence of the section on retrospective planning applications should be reconsidered as if a decision is made to invite an application it must be considered that one is required.

Response: In some instances (i.e. if an unauthorised development/change of use) is considered to be policy compliant, is not causing any identifiable harm and is not required to be subject to any further controls then whilst a retrospective application would be invited no further action would be taken if one was not submitted. As stated in the Plan as drafted at paragraph 11 there will be instances where if a retrospective is not submitted the default course of action is to take formal action, serving either an enforcement notice and/or breach of condition notice.

Query 6. Concerned regarding the repeated emphasis on cost in the section regarding commencing formal enforcement action.

Response: The reference to the costs that any transgressor could be liable is factual information. This could be removed if members considered that to be appropriate.

Query 7. Consider more emphasis on ensuring that actions are taken and proper communication is maintained if Parish Councils report matters.

Response: Communication with Parish Councils on matters that are reported is considered to be an important and critical part of the process and now that the Enforcement Team is fully staffed and is operating with a single Area team Leader as the line manager with responsibility for the staff in the team, the staff group are confident that this will be standard practice going forward.

Query 8. The reference to: "Achieve a balance between protecting amenity and other interests and allowing acceptable development to remain, or to continue, in the absence of permission".

Response: This means that where a breach of planning control is not causing any harm and would be considered to be compliant with the relevant policies in the development plan then the course of action would be not to take any further action and to notify the land/property owner that it would be in their interest to submit an application to regularise the situation in planning terms. However in some cases this would not be enforced in the event the property/land owner elected not to make a retrospective submission (see also page 11 of **Appendix 1**).

2.2 Response from members of the public.

3 responses were received from members of the public which raised the following points :

- Technical terms with exact legal meanings should be capitalised.
- The document is supported.
- Need assurance that MDDC have sufficient resources to enable the policy to be put into practice.

The loop hole of retrospective planning permission needs closing.

3.0 PROPOSED CHANGES SINCE CONSULTATION.

- 3.1 The Plan as it was drafted for consultation sets out up to 15 working days for a first site inspection to be completed, depending on the nature of the breach that is alleged as clarified below:
 - For high priority cases (where the alleged breach is causing serious harm to the environment or serious disturbance or nuisance) the response time for the first site visit is confirmed as within 3 working days of registration.
 - For medium priority cases the response time for the first site visit is confirmed as within 10 working days of registration.
 - For low priority cases) the response time for the first site visit is confirmed as within 15 working days of registration.
- 3.2 Following the consultation undertaken and considering the comments of the members at the Planning Policy Advisory Group meetings (14th September and 13 December) the following revised arrangements for first site inspections are proposed and the draft Local Enforcement Plan updated accordingly. Members will note that a new category has been introduced for those cases of the highest priority as outlined below.

Highest Priority: (NEW CATEGORY)

A breach of planning control which is in the process of causing very serious harm to the environment or to public safety unless an immediate response is made

- The unauthorised works or use of land or buildings that present an immediate and serious danger to the public
- Unauthorised works that are in the process of being seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.
- Works that are currently taking place to protected trees or hedgerows.

Response time – 80% of first site visits within 2 working days of registration High Priority: (REVISED)

A breach of planning control which is causing, or is likely to cause serious harm to the environment or to public safety unless an urgent response is made

- The unauthorised works or use of land or buildings that present a danger to the public
- Unauthorised works that could be seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.
- Unauthorised development that causes serious harm, yet has gone undetected and the statutory time limit for taking enforcement action is imminent

Works to protected trees or hedgerows.

Response time – first site visit within 3 working days of registration Medium Priority: (NO CHANGE)

The priority level covers all cases that are not a high or low priority

- Unauthorised developments causing serious disturbance/ nuisance to residents or damage to the environment.
- Work to Listed Buildings which is not considered seriously detrimental to its character.
- Unauthorised advertisements in a conservation area or prominent locations which have the potential to cause serious harm to public safety or amenity.
- Unauthorised development where the statutory time limit for taking enforcement action may expire within the next six months.
- Untidy land which is causing serious harm to the amenity of the area
- Non-compliance with planning conditions which are having a significant adverse impact on the development, amenity or neighbouring properties
- Deviation from approved plans, which is having a significant adverse impact on amenity or neighbouring properties

Response time – first site visit within 10 working days of registration Low priority: (NO CHANGE)

- This priority level covers breaches of planning control that are causing limited or no harm to the environment or residential amenity e.g.
- Technical breaches of control for example works that are marginally above permitted development
- Installation of satellite dishes
- Unauthorised advertisements in less sensitive locations
- Minor variations from approved plans which are not having an adverse impact on amenity

Response time – first site visit within 15 working days of registration

3.3 The changes as outlined above have been made to the copy of the Enforcement Plan which is attached at **Appendix 1** and which is proposed for adoption.

4.0 Planning Policy Advisory Group.

4.1 Following consideration at the meeting on the 13th December the Planning Policy Advisory Group (PPAG) resolved to recommend that the local enforcement plan as it has been revised (refer to **Appendix 1**) and as summarised at section 3 be presented to Cabinet recommending that it is approved by the Council.

4.2 At this meeting the member group also raised the issue of out of hours cover in respect of planning enforcement and whether the Authority should be providing more out of hours cover for services on a 24 hour/7 days a week basis. Members requested that a note be added to this Cabinet report. An out of hours messaging service is currently provided through Taunton Deane Borough Council.

Contact for more Information: Mr Simon Trafford 01884 234369

> strafford@middevon.gov.uk Mr David Green 01884 234348 dareen@middevon.gov.uk

Circulation of the Report: Cabinet Members

List of Background Papers: National Planning Policy Framework

https://www.gov.uk/government/publications

/national-planning-policy-framework--2

Scrutiny Committee 22nd February 2016, 23rd May 2016, 10th October 2016. Cabinet 5th January 2017.







Local Enforcement Plan Mid Devon District Council

January 2017

MID DEVON DISTRICT COUNCIL LOCAL ENFORCEMENT PLAN

BACKGOUND

Mid Devon District Council has responsibility for the investigation of reported breaches of planning control. Unauthorised development can be detrimental to the local environment and be a source of social tension. Failure to enforce planning conditions or address unauthorised development can reduce the effectiveness of a Local Planning Authority and undermine public confidence in the planning system.

Policy DM31 of the Mid Devon Local Plan (MDLP) which was adopted in October 2013, states;

The Council will investigate unauthorised development, acting proportionately to the scale of the suspected breach of planning control. Enforcement action will be taken where it is appropriate to do so and in the public interest.

The MDLP, in paragraph 6.3 clarifies the need for a Local Enforcement Plan to set out the Council's approach to enforcement and states it will include timescales for action and detail on how the Council will respond to suspected breaches of planning control.

This Local Enforcement Plan has been developed in accordance with Government advice contained in the National Planning Policy Framework (March 2012) which was issued by the Department for Communities and Local Government. Paragraph 207 states;

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so."

Furthermore, the Local Government Ombudsman, who investigate complaints from the public when Councils have failed to take enforcement action, state in their report 'Not in my back yard:

Local People and The Planning Process' (December 2014);

"(Local Enforcement) Plans should set out how councils will investigate alleged cases of unauthorised development, the circumstances where they might take action, and the enforcement actions that they will consider. This will help officers make

consistent decisions and understand the legal tools available to them. It will also help local people understand what to expect when they make a complaint. The enforcement plan should be reviewed and updated on a regular basis."

Bearing this guidance in mind, this Plan will pursue the following objectives:

- Provide an accessible service that maintains public confidence in the planning system;
- Provide a service that is both reactive and proactive in its commitment to remedy undesirable effects of unauthorised development;
- Provide a service response that is prioritised according to the harm or the potential harm caused by the breach;
- Provide information on how breaches of planning control will be investigated and action taken where it is appropriate to do so;
- Monitor development in line with resources and prioritise according to the scale and complexity of the development permitted;
- Achieve a balance between protecting amenity and other interests and allowing acceptable development to remain, or to continue, in the absence of permission;
- Seek resolution of planning breaches through informal and formal action including prosecution of offenders to uphold the integrity of the planning system;
- Monitor performance of the service.

These objectives should be read within the context of the policies contained with the adopted MDLP and Mid Devon District Council's wider corporate aims as set out in the Corporate Plan 2016 -2020

- Economy
- Houses
- Community
- Environment

LEGISLATIVE FRAMEWORK

The statutory legislation that the Council enforces is based upon the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990. This legislation forms the fundamental basis of the planning system today in England and Wales.

Subsequent national planning legislation that is of particular relevance to Planning Enforcement includes the following:

The Town and Country Planning (General Permitted Development) (England)

Order 2015 which sets out what can be done under 'permitted development rights', i.e. without requiring specific planning permission from the Council.

The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) which sets out which advertisements benefit from deemed consent i.e. those advertisements which can be displayed without requiring express consent from the Council.

The Town and Country Planning (Use Classes) Order 1987 (as amended) which sets out the various categories that different uses of land fall into, and what comprises a material change of use requiring planning permission.

Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the regards a Local Planning Authority must have to preserving or enhancing the character and appearance of listed buildings and conservation areas

WHAT IS A BREACH OF PLANNING CONTROL?

The Town and County Planning Act 1990 (as amended) sets out that planning permission is required for development. Section 55 of this Act defines development as the "carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change of use of any buildings or other land."

Section 171A of the Act defines a breach of control as a) carrying out development without the required planning permission, or b) failing to comply with any condition or limitation subject to which planning permission has been granted.

The majority of complaints made to the Council allege that one of the following breaches has occurred:

- Operational development has taken place without planning permission
- A material change of use of land without planning permission
- Works have not been carried out in accordance with an approved planning permission
- Failure to comply with conditions attached to an approved planning permission

There are also other matters which fall under the scope of planning control, and therefore any reported breach would be investigated by the Council. These include:

- Advertisements which are being displayed without either deemed or express consent
- Works to a listed building which affect its character and setting without the necessary listed building consent
- Demolition in a conservation area, when planning permission is required
- Works to or removal of protected trees and hedgerows

WHAT IS NOT A BREACH OF PLANNING CONTROL?

We receive a number of complaints about matters which are not within the scope of planning control. They may fall within the remit of other Council departments, and where this is the case we will advise the complainant of where to seek further advice. Some examples of things that we cannot investigate include:

- Boundary wall and other land ownership disputes. These are civil matters between neighbours, and we do not keep records of land ownership
- Parking, traffic and obstructions on the Highway or verges. These are matters in which we cannot take action. Devon County Council are the highway authority and can be contacted on 0845 155 100 for further advice
- Fly tipping. This is investigated by the Council's Environmental Health Team. Reports
 can be made via the Council's website of by phone on 01884 255255. For very large
 quantities of fly tipped waste or incidents which might threaten to pollute a water
 course, the Environment Agency can investigate. Their hotline number is 0800
 807060.
- Dangerous structures. These may fall within the remit of the Building Control team who can be contacted on 01884 234345
- Complaints regarding noise and smell. These may be an issue which can be investigated by Environmental Health who can be contacted on 01884 255255.
- Stationing of a caravan within the grounds of a dwelling

Time Limits

Section 171B of the Act sets out the time limits for taking enforcement action. In the case of building, engineering, mining or other operations in, on, over or under land, normally no action can be taken after four years from where the works were substantially completed. Where there has been a change of use of any building to a single dwelling house, the limit is also four years, beginning with the date of the breach. In the case of any other breach of planning control no enforcement action can be taken once ten years has elapsed.

Works to listed buildings, protected trees and the display of advertisements fall within the remit of different legislation, and therefore these time limits do not apply.

INVESTIGATION OF REPORTED BREACHES OF PLANNING CONTROL

Receipt of complaints

There are several ways that members of the public can register a planning enforcement complaint:

- by email to devcon@middevon.gov.uk
- by telephone to the contact centre 01884 225 225
- by completing the online form at https://www.middevon.gov.uk/residents/planning/planning-enforcementreporting-alleged-breaches/
- by writing to us at Planning Enforcement, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP
- in person to the duty Planning Officer at Phoenix House from 9:00 to 12:00, Monday to Friday

Breaches of planning control are also reported to the Council by its Elected Councillors, Parish and Town Councils. The Council's staff also identify breaches for investigation.

Confidentiality

The details of the complainant are treated as confidential. However, in some circumstances this may not be possible particularly when matters progress to court in the event the complainant becomes a witness and gives evidence and/or details of the complaint must be disclosed. Representations received on a planning application are not confidential. Breaches reported by Parish and Town Councils where they are discussed in public at a meeting of the Council are a matter of public record and not treated an confidential.

Registration of complaints

When a complaint is received, it is recorded on our secure database and allocated a unique reference number. In order that we are able to investigate effectively it is important that we have the following information as a minimum:

- Full address of the site where the breach of control is suspected
- Details of the nature and extent of the suspected breach of control
- Name and contact details of the complainant so that we are able to update on progress made and advise of the outcome of our investigation. For convenience and in the interests of best use of resources, it is helpful for this to include an email address if the complainant is happy to be contacted in this manner. Generally we will not investigate anonymous complaints.

We will acknowledge all complaints made to us, and confirm the reference number and the investigating officer. This may be by telephone if the complaint is made in this manner.

All complainant details will remain confidential. Although a contravener may be able to guess the source of the complaint, this will not be revealed by the Council. All information is held securely in our database and is not accessible to the public.

Background checks

Once a complaint has been registered, we will carry out a check of the planning history of the site. This may include checking whether planning permission has been granted for the development, whether there are any relevant conditions or if the matter has been previously investigated. If appropriate, we may look at aerial photographs from different timescales and historic maps.

We may also liaise with other Council departments relevant to the case. This may include Building Control, Environmental Health, Licensing and Council Tax. This helps us establish a background to the case, and may help us to confirm whether works have already commenced or a change of use has occurred.

In order that we are able to use the resources available most effectively, we prioritise all cases received as follows:

Highest Priority:

A breach of planning control which is in the process of causing serious harm to the environment or to public safety unless an immediate response is made.

The unauthorised works or use of land or buildings that present and immediate and serious danger to the public.

Unauthorised works that are in the process of being seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.

Works that are currently taking place to protected trees or hedgerows.

Response time – 80% of first site visits within 2 working days of registration

High Priority:

A breach of planning control which is causing, or is likely to cause serious harm to the environment or to public safety unless an urgent response is made.

The unauthorised works or use of land or buildings that present a danger to the public.

Unauthorised works that could be seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.

Unauthorised development that causes serious harm, yet has gone undetected and the statutory time limit for taking enforcement action is imminent.

Works to protected trees or hedgerows.

Response time – first site visit within 3 working days of registration

Medium Priority:

The priority level covers all cases that are not a high or low priority.

Unauthorised developments causing disturbance/ nuisance to residents or damage to the environment.

Work to Listed Buildings which is not considered seriously detrimental to its character.

Unauthorised advertisements in a conservation area or prominent locations which have the potential to cause serious harm to public safety or amenity.

Unauthorised development where the statutory time limit for taking enforcement action may expire within the next six months.

Untidy land which is causing serious harm to the amenity of the area.

Non-compliance with planning conditions which are having a significant adverse impact on the development, amenity or neighbouring properties.

Deviation from approved plans, which is having a significant adverse impact on amenity or neighbouring properties.

Response time – first site visit within 10 working days of registration

Low priority:

This priority level covers breaches of planning control that are causing limited or no harm to the environment or residential amenity.

Technical breaches of control – for example works that are marginally above permitted development.

Installation of satellite dishes.

Unauthorised advertisements in less sensitive locations.

Minor variations from approved plans which are not having an adverse impact on amenity.

Response time – first site visit within 15 working days of registration

Initial site visit

Once the check of the history of the site has been undertaken, the investigating officer will normally visit the site. Sometimes for safety or operational reasons this may be by more than one officer, or with colleagues from other departments. It is standard procedure for the officer to visit the site where the alleged breach of control has been reported, and speak to the owner or occupier where they are present.

The timescale for the initial site visit when required of the site relates to the priority of the alleged breach (see above). Where the matter falls within the remit of more than one Council department, the initial visit may be carried out by an officer from another department.

As part of our investigation we may take photographs at the site. These will be stored in a secure manner and will not be accessible to the public but may be used in documents which the public will have access to in the event of them being required as evidence. Photographs enable us to have an accurate record of the situation on a given day and also facilitate discussions with other officers about what has been seen during the site visit.

Once the visit has been completed, the findings will be assessed and a view taken as to how the investigation will proceed. This may include obtaining legal advice about the case.

If no breach is established

A significant proportion of cases are closed as it appears to the Council that no breach of control has occurred. Examples of where this might take place include where:

- planning permission has been granted for the development
- there is no evidence that the alleged breach has taken place.
- specific planning permission is not required as the works fall under the scope of the Town and Country Planning (General Permitted Development) (England) Order 2015. This legislation grants deemed planning permission for certain works.
- evidence confirms that the development is now immune from enforcement action due to the passage of time

Where no breach is established and therefore no further action is to be taken, we will notify the complainant within ten days of the date of the initial site visit to explain the position and the case will be closed.

Where further investigation is required

In some circumstances it may not be possible to establish from our initial visit whether there is a breach of planning control. Examples of this may include:

- Alleged breaches of hours of operation conditions
- Domestic premises being used for business purposes where a material change of use is alleged
- Building works which the owner claims took place more than four years ago.

Further investigation will be required, and examples of this may include a more detailed study of Council records, liaison with other Council departments and external agencies and seeking further clarification from the alleged contravener.

In some cases, we may ask the complainant to provide us with more information. If they are unable to do so, this may result in the Council not being able to take further action due to insufficient evidence.

Obtaining additional information

To help us obtain more information and to ensure we correctly identify the breach of planning control and persons responsible, there are specific legal tools available to us. These are discretionary, and are not used in every case:

i) Planning Contravention Notice (PCN)

A PCN can be served on anyone with an interest in the property. It can only be served where it appears to the Council that a breach of planning control may have occurred and they want to find out more information before deciding what if any enforcement action to take. It allows

the local planning authority to require any information they need for enforcement purposes about any operations being carried out or any use of the land.

It can be used to invite its recipient to respond constructively to the Council about how any suspected breach of planning control may be satisfactorily remedied.

There is no right of appeal against a PCN and failure to respond within the required timescale is an offence.

ii) Section 330 Notice (Requisition for Information)

To enable the Council to exercise other powers, they may serve a notice under Section 330 of the Town and Country Planning Act 1990 requiring information as to interests in land, including ownership and occupier details. There is no right of appeal against a Section 330 Notice and failure to respond within the required timescale is an offence.

Where a breach of control is established

Where a breach is established, the first step is for a decision to be made whether it would be expedient to take formal action. Expediency is a test of whether the unauthorised activities are causing serious harm having regard to the Mid Devon District Council Local Plan policies and other material considerations. This decision will be made in conjunction with the relevant Planning Officer.

It may be the case that a technical breach of control has occurred, but that it is so minor in nature, and having little or no impact on the amenity of the local area, that it would not be expedient to take further action. An example of this might be a fence which is slightly higher than the height it could be erected without the need for planning permission, so is a technical breach of control. If it was not having any adverse impact on the amenity of the area, the Council may decide that it is so minor that it would not warrant any further action.

Proportionality

The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action. Government guidance advises that there is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, the Council will have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, as well as those who are affected by a breach of planning control.

Planning enforcement powers are discretionary, and it is not considered to be a good use of limited public resources to pursue enforcement action against any development where planning permission would normally be granted, except where the imposition of conditions would allow appropriate controls to be secured. It is important to be aware that enforcement is not intended to be a punishment for those who have breached planning control, but a necessary function to protect the environment.

Where a development is considered likely to be granted planning permission, or where the imposition of conditions would enable appropriate control, the Council will encourage the submission of a retrospective planning application. This enables affected neighbours and interested parties to have their say. Where the Council considers that there is no prospect of planning permission being granted, and there is an adverse impact on the built environment,

the Council will proceed to formal enforcement action where negotiations to resolve the matter informally are unsuccessful.

Negotiation

Where it is considered that the breach of planning control is unacceptable, the Council will initially attempt to negotiate a solution unless the breach is causing an irreparable harm to the environment or local amenity. This may include the reduction or cessation of an unauthorised use or activity or the modification or removal of unauthorised operational development.

In carrying out negotiations, officers will have regard to the specific circumstances of the case, and advise an appropriate timescale for any remedial works or relocation to be carried out. Where it is clear from the outset that negotiation will not be successful, or where a solution cannot be reached within a reasonable timescale, we will proceed with formal action.

Retrospective planning application

In circumstances where a breach of planning control has occurred and it is considered that the development could be made acceptable by the imposition of conditions, or where the submission of a planning application is likely to benefit the proper assessment of the impact of the unauthorised development, a retrospective planning application would be invited within a specified timescale. In such circumstances it will be made clear that the invitation is made without prejudice to any final decision the Council may make in the matter. If such an application is not submitted, the Council will consider whether or not it is expedient to take enforcement action.

COMMENCING FORMAL ENFORCEMENT ACTION

Where negotiations with the contravener are unsuccessful, or if the breach of control is considered to have such a detrimental impact that more immediate action is needed, there are a range of powers available to the Council, which are set out in the paragraphs below. The Planning Services Scheme of Delegation sets out which powers are delegated to the Head of Planning and Regeneration and which will require Planning Committee authority. Once a report has been prepared for committee approval, the contravener and complainant will be advised of the date in writing. The Planning Committee meeting will be held in Council's Tiverton office at Phoenix House and meetings usually commence at 2.15pm. The meeting is open to the public. There is an opportunity for both parties to address the Committee. Details of the procedure on how to register to speak will be contained within the letter.

A copy of the officer's report is available either from Phoenix House five working days prior to the date of the Committee or via the Committee Meetings and Minutes link accessed from www.middevon.gov.uk.

Enforcement Notice

This can be issued where development is being carried out without planning permission or where a condition is not being complied with. It requires action to be taken to rectify the breach within a specified timescale. A copy should be served on the land and anyone with an interest in the land. Once the notice has been served, there is a further minimum period of 28 days before the notice becomes effective. Any person in receipt of a copy of the notice has right of appeal to the Planning Inspectorate. Failure to comply with an enforcement notice is a criminal offence tried in the Magistrates' or the Crown Court. The maximum penalty in the Magistrates' Court is a fine not exceeding £20,000 but there is no limit on the fine that the Crown Court may impose.

Breach of Condition Notice

This can be issued where a condition on a planning permission is not being complied with. A copy of the Breach of Condition Notice, is not served on the land, but instead on anyone with an interest in the land and requires compliance with condition within a specified timescale. There is no right of appeal, but the validity of a breach of condition notice, and the appropriateness of the local planning authority's decision to serve it may be challenged by application to the High Court for judicial review. Summary prosecution can be brought in the Magistrates' Court for the offence of contravening a breach of condition notice. The maximum penalty on conviction is a fine, currently not exceeding £1,000.

Listed building Enforcement Notice

This is similar to an Enforcement Notice but used where works have been carried out to a listed building, either without the benefit of listed building consent or in contravention of a condition of such a consent. The notice can require the removal of the unauthorised works and reinstatement.

Stop Notice

This can be served with an Enforcement Notice or after we have served an Enforcement Notice if it is considered that continuing unauthorised development is causing irreparable

and immediate significant harm. The Stop Notice continues to take effect even if an appeal is lodged against the Enforcement Notice. It requires that activities cease to safeguard local amenity or public safety and to prevent serious or irreversible harm to the environment. There is a minimum three day period before it comes into effect. There is no right of appeal to the Secretary of State against the prohibitions in a stop notice. The validity of a stop notice, and the appropriateness of the local planning authority's decision to issue a notice, may be challenged by application to the High Court for judicial review. Where the associated enforcement notice is quashed, varied or withdrawn or the stop notice is withdrawn, compensation may be payable in certain circumstances and subject to various limitations.

Temporary Stop Notice

These can be served where we consider that there has been a breach of planning control, and it is necessary to stop the activity or development in question immediately to safeguard the amenity of the area. This differs from the normal Stop Notice powers as it is immediate and does not have to be accompanied by an Enforcement Notice, but it is only valid for a period of 28 days. There is no right of appeal when a Temporary Stop Notice is served, but a judicial review can challenge the validity and propriety of our decision.

Section 215 Notices

When the condition of land or buildings negatively affects the amenity of an area, a Section 215 Notice can be served. This requires the owners and occupiers of the land to take specific steps to secure an improvement in its appearance. Recipients of a Section 215 Notice have the right of appeal to a Magistrates' court. Failure to comply with the notice is an offence.

Where an appeal is lodged with the Planning Inspectorate against any notice issued by the Council, the complainants, the applicable Ward Councillors and the Town/Parish Council will be notified in writing and advised on how they may contribute to the appeal process, should they wish to do so.

Prosecution

We can commence Court proceedings where a formal notice has not been complied with. In addition, in some instances we can commence legal proceedings for unauthorised works without the need to serve any formal notices, e.g. unauthorised works to a listed building or a protected tree or an unauthorised advertisement.

We will apply two tests in cases where a prosecution appears likely, in consultation with our legal services department:

- i) The evidential test Is there admissible and reliable evidence that the offence has been committed, and that there is a reasonable prospect of conviction?
- ii) The public interest test Is it in the public interest to take action?

Direct Action

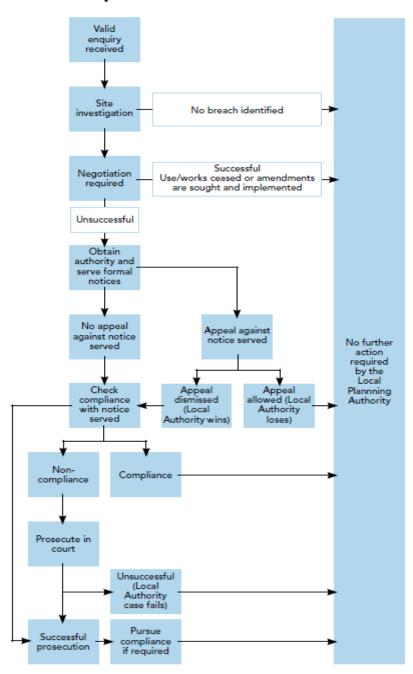
The Council has powers to enter land to carry out works and to make sure an Enforcement Notice or a Section 215 Notice is complied with by carrying out the required steps ourselves. The Local Planning Authority may also recover from the person who is then the owner of the

land any expenses reasonably incurred by them in doing so, either by direct billing or by registering. a charge on the property with the Land Registry. Direct Action is costly, and will only be considered when the level of harm being caused is sufficient to justify the use of limited resources.

Injunction

This is an order of the High Court or the County Court, which can be used to restrain an actual or anticipated breach of planning or listed building control. This power is used where nothing short of an injunction would be effective to restrain breaches. There are compensation implications for the LPA to consider. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.

How the process works



TARGETS FOR ACTION

The planning service aims to achieve the following targets. The Service will set performance targets depending upon the priorities and resources available to deliver the planning enforcement service:

ACTION	TARGET TIME
Register and acknowledge all written complaints	3 working days
Carry out initial site visit – Highest priority cases	80% of first site visits within 2 working days of registration
Carry out initial site visit – High priority cases	3 working days
Carry out initial site visit – Medium priority cases	10 working days
Carry out initial site visit – Low priority cases	15 working days
Initial response to complainant setting out progress or informing about a decision in cases where there is no breach	Within 5 working days of the date of the initial site visit
Notify complainant that Enforcement Notice has been served or decision that 'no action' will be taken	Within 5 working days of the issue of the notice or decision to take no further action.

When cases take a long time to investigate, for example where on-going monitoring is required, the Enforcement Officer will update the complainant at each significant stage of the process. This might include consulting if a retrospective planning application is submitted or advising of the compliance date within an issued enforcement notice.

The Enforcement Service will endeavour to resolve enquiries within three months of their receipt. However, where formal enforcement action is required, such as the issue of an enforcement notice, the timescales involved will not make this possible.

MONITORING THE IMPLEMENTATION OF PLANNING PERMISSIONS

It remains the responsibility of individual developers to comply with the terms and conditions set out in their planning permissions. However, failure to comply can affect not only the quality of the environment of the district or the amenity of the neighbourhood and also undermine the reasons and justification for granting planning permission in the first place.

There is no requirement for a developer to notify the Council of commencement of most developments once planning permission has been granted, however we ask that they do so. We are not always aware of when work commences on site and it is of assistance if this is brought to our attention. Due to limited resources, it is not possible for the Council to monitor every planning permission granted. We rely in part on nearby residents and the Town and Parish Councils to let us know if they notice things are not being built in accordance with the approved plans, or if a condition is not being complied with.

Where planning applications have attracted a high level of public interest we will endeavour to monitor the implementation of any permission granted.

REVIEWING THE PLAN

This Local Enforcement Plan will be reviewed every three years or sooner if there is a substantial change in the relevant legislation.





WILLAND PARISH COUNCIL

Local Enforcement Plan Mid Devon District Council

Consultation draft March 2017

Willand Parish Council has considered this document and has the following observations and questions.

1. Initial observations and comment:

- 1.1 The opening paragraph is sound, written in plain English and can be clearly understood. What comes afterwards and the possible way it is interpreted and implemented, together with historical experience, gives cause for concern and has the beginnings of affecting public confidence in the system as implemented by MDDC from this point.
- 1.2 It is appreciated that the NPPF at paragraph 207 gives advice and much of that is viewed as contradictory after a robust opening sentence which is then followed by words which if interpreted and actioned by a weak system allows no action to be taken in most cases. Words such as 'discretionary' and 'proportionately' are used but so are the words 'manage enforcement proactively' which seem to be ignored in practice in a number of instances. The word 'expedient' is often used but does not appear in Policy DM31 or paragraph 207 of the NPPF.
- 1.3 DM31 also includes the sentence "Enforcement action will be taken where it is appropriate to do so and in the public interest." What is not clear is who is to decide what is 'appropriate' and 'in the public interest'? Certainly, in the past the Parish Council have not felt that they, rather than an officer, have a view as to what is in the public interest. [One noticeable exception to this has been the working relationship established with one enforcement officer during the past year or so who has now left.]

2. The Objectives (page 2):

- 2.1 Most of the objectives are understandable, achievable and measurable. One objective as outlined in paragraph 2.2 below is considered to be open to misinterpretation and is not proactive. It is basically considered to be permissive and concessionary to those who through ignorance or deliberate action are non-compliant and could be seen to be permitted advantage over those persons who comply with the procedures and the planning system.
- 2.2 The objective subject to concern reads:-

"Achieve a balance between protecting amenity and other interests and allowing acceptable development to remain, or to continue, in the absence of permission;" This gives the impression that whatever breach or unapproved action or construction was taking place would be permitted to continue and no mention is made of regularising the position. It is suggested that the objective should be amended to read as follows: -

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"Achieve a balance between protecting amenity and other interests and allowing acceptable development to remain, or to continue, subject to the application and granting of permission or appropriate amendment of a current approval;"

- 3. LEGISLATIVE FRAMEWORK
 WHAT IS A BREACH OF PLANNING CONTROL?
 WHAT IS NOT A BREACH OF PLANNING CONTROL?
- 3.1 These sections appear factual and the content is clear.

4. INVESTIGATION OF REPORTED BREACHES OF PLANNING CONTROL

- 4.1 Paragraphs under the headings Receipt of complaints, Confidentiality, Registration of complaints and Background checks are clearly written and workable.
- 4.2 The three tables setting out **Priorities** could be debated as to whether or not the correct priority is accorded to the appropriate description of the alleged breach. It is argued that if no change is made to the classifications the **response times** are not practical. They should be reviewed and amended to reflect a practical proactive and effective response. **High Priority** should be afforded a same day response if it is to be effective.
- 4.3 **Example:** [extreme but makes a point] On a Friday afternoon at about 1700 hours a parish councillor becomes aware of a developer cutting down trees and digging out a hedge which is protected under a TPO and conditions of a planning approval. No one working in planning at that time of day on a Friday. An email is sent that evening but will not be read until the following Monday. Saturday and Sunday are non-working days. Three working days are allowed to register the complaint as it is busy Monday, Tuesday and Wednesday are gone before registration. It gets to a planning or enforcement officer on the Thursday morning. Three working days are then allowed to attend site. Thursday and Friday are missed Saturday and Sunday are non-working days and so it will be Monday before a visit will be made. Are there any trees or hedge to see?
- 4.4 Similar examples can be given for the lower priorities and a builder can build a lot of house wall in 18 working days plus 6 weekend days if he is really keen to get on with things.
- 4.5 It is suggested that priorities section be revisited and 'tightened up' with a much-shortened response time. The current Enforcement Policy Statement dated November 2005 under Clause 6 (Code of Practice) paragraph 5 clearly gives instances where a site visit should take place within ONE DAY of receipt of notification.
- 4.6 No observations are offered to the paragraphs headed **Initial site visit**; If no breach is established; Where further investigation is required; Obtaining additional information; Where a breach of control is established.
- 4.7 **Proportionality:** The words as written are understood and clear BUT it is the liberal interpretation and the use of 'discretion' which causes conflict and loss of confidence in the enforcement process. This is particularly so when the liberal interpretation is used to take no action where there is an obvious failure to comply with conditions used to justify a planning approval or a deliberate deviation from approved plans.

 Page 190

- 4.3 Negotiation: This process is clear and no change is recommended.
- 4.9 **Retrospective planning application:** The last sentence of this section needs reconsideration.

"If such an application is not submitted, the Council will consider whether or not it is expedient to take enforcement action."

Surely if a decision is made to invite a retrospective planning application it must be considered that one is required. If the person involved does not do so then, as written, it would appear that the system weakens and officers will find it expedient to take no action. Another example as to how the general public lose confidence in the process of enforcement.

5. COMMENCING FORMAL ENFORCEMENT ACTION:

- 5.1 This section factually sets out the relevant law and procedures. Of concern is the repeated emphasis on potential cost which may occur if certain actions are taken. The inference is that the overriding consideration is potential costs if positive action is taken and appealed or subjected to judicial review. This again is seen as a cause for loss of public confidence in the system.
- 5.2 The table on page 15 is self explanatory BUT the last boxes of 'Successful prosecution' to 'Pursue compliance if required' surely should not have an arrow to 'No further action required by Planning Authority' as they will surely be the authority to monitor compliance and report back to the court if not done.

6. TARGETS FOR ACTION:

- 6.1 Comment has been made as to the number of working days allowed for registration and visited in paragraphs 4.2 to 4.5 inclusive above.
- 6.2 In the table rows 2 to 4 under '**Target Time**' the words "of registration" should be added to be consistent with the tables on pages 7 & 8.

7. MONITORING THE IMPLEMENTATION OF PLANNING PERMISSIONS:

7.1 "We rely in part on nearby residents and the Town and Parish Councils to let us know if they notice things are not being built in accordance with the approved plans, or if a condition is not being complied with."

If parish councils do report matters it is incumbent on the Planning Department to ensure that actions are taken AND proper communication is maintained giving the requisite feedback. Perhaps more emphasis on this point needs to be in the policy by adding an additional paragraph to this section.

8. *Offer:* Willand Parish Council would be willing to discuss any points raised in order to elaborate or clarify any points.

Cabinet 4 January 2018

TIVERTON EASTERN URBAN EXTENSION: ADOPTED MASTERPLAN SPD (AREA A).

Cabinet Member: Cllr Richard Chesterton

Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy &

Regeneration

Reason for Report: To respond to a request by Cabinet for a report setting out options available to them, should they wish to amend the adopted masterplan SPD with regard to land south of West Manley Lane within Area A of the Tiverton Eastern Urban Extension (EUE).

RECOMMENDATION:

 i) That Members resolve whether to amend the existing adopted masterplan for the Tiverton Eastern Urban Extension by removing housing land parcels on the southern side of West Manley Lane (within Area A);

and in the event that it is resolved to make such amendment:

- ii) That the proposed revisions be submitted for public consultation; and
- iii) That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Members for Planning and Economic Regeneration to finalise consultation material.

Relationship to Corporate Plan: The adopted Tiverton EUE Masterplan SPD provides guidance over the planning and delivery of a strategic site for Mid Devon. It directly relates to all four Corporate Plan priorities of economy, homes, community and the environment.

Financial Implications: The adopted Masterplan SPD was produced by consultants and the Council through the Council working collaboratively with promoters. Any revisions to the adopted masterplan text and associated plans will have financial implications and would need to be funded by the Council.

Legal Implications: In order for any revisions to the existing masterplan SPD, public consultation would need to take place in accordance with the requirements of the Council's Statement of Community Involvement. Whilst not forming part of the Development Plan, the SPD and any revisions adopted would be a material consideration in the determination of planning applications relating to the site.

Risk Assessment: The existing Masterplan SPD for the site has gone through a process incorporating two stages of public consultation and formal adoption following Council resolution. Its contents have therefore previously been found to be acceptable to the Council. Any changes to it would need to be justified in planning terms having regard to any changes in circumstances. Unless changes are robustly justified and correct procedures followed in making any amendments there is risk of challenge.

It is further considered that should the contents of the adopted masterplan be reopened for amendment, there is considerable risk that other aspects of its contents would be revisited. This would undermine the existing masterplan, cause uncertainty and could delay delivery of development on the site.

A Design Guide for the Tiverton Eastern Urban Extension has also been agreed and builds on the contents of the adopted masterplan. Should the masterplan be changed, it increases risk of the design guide being out of step with it and therefore out of date. The effectiveness of the design guide would reduce as a result.

Equality Impact Assessment: There are no equality issues identified in this report.

1.0 Introduction

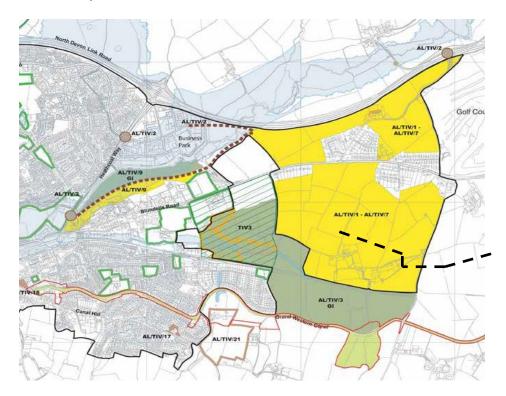
1.1 The Council adopted the Tiverton Eastern Urban Extension (EUE) Masterplan as a Supplementary Planning Document in April 2014. They are used where they can help applicants make successful applications and/or aid infrastructure delivery (NPPF, para 153). As such they should build upon and provide more detailed guidance on the policies of the Local Plan and not add unnecessarily to the financial burdens of the development.

2.0 Background

- 2.1 The Mid Devon Core Strategy sets out the strategic planning policy framework for Mid Devon District over the period 2006 to 2026. The related Allocations and Infrastructure Development Plan Document (AIDPD) provides further guidance on how the strategic policies in the Core Strategy are to be applied including the identification of sites allocated for development. One such site is the 153 hectare EUE. Policy AL/TIV/1 sets out how the EUE is allocated for a mixed use development.
- 2.2 Policy AL/TIV 7 describes how 'before a planning application is made, the Local Planning Authority will carry out a major public consultation exercise into the masterplanning of the site, leading to the Adoption of a Supplementary Planning Document'. A masterplanning exercise for the urban extension site as a whole was completed in 2013/14 and the Masterplan SPD was adopted by the Council in April 2014. This was the culmination of approximately three year's work and involved two periods of public consultation upon the scope of the masterplan and a draft version respectively. It dealt with Area A of the site in detail.
- 2.3 SPDs are produced to support the adopted Local Plan as a means to help applicants make successful applications by clarifying requirements and setting out expectations. They contain clear and reasoned justification for the guidance within them and explain their relationship with the development plan. Whilst they are prepared against the background of the development plan requirements for the site and will be in broad conformity to it, in some instances, the SPD may vary in approach from specific points in the development plan. This is accepted, as planning policies are required to be flexible and to respond to changing circumstances (LP Part 3, para 1.1).

3.0 Land south of West Manley Lane

- 3.1 Cabinet has requested this report in order to understand options available to it in the event that changes are sought to the adopted masterplan. This was specifically in relation to how land to the south of West Manley Lane is dealt with within the existing Area A masterplan.
- 3.2 The Allocations and Infrastructure Development Plan Document (Local Plan Part 2) (Policies Map) identifies the mixed use (residential and employment) areas of the EUE as being located within the settlement limit of Tiverton. The southern part of the mixed use development site follows the line of West Manley Lane for some distance before extending south of it towards the former railway line. There is a presumption in favour of development within the allocation site and a presumption against development for those areas beyond it. The allocation plan also identifies areas as Green Infrastructure (GI), mainly between the former railway line and the canal.



Tiverton EUE allocation site (West Manley Lane mar ked - - - -)

3.3 The Masterplan SPD takes this a stage further following a more detailed site survey and assessment. It identifies the main areas of development as north of West Manley Lane and those south of West Manley Lane as areas of GI. However the Illustrative Framework Plan of the Masterplan SPD introduces three low density clusters of housing development (with rural character) on small land parcels south of West Manley Lane towards its western end (shown circled by dashed line):



- 3.4 The masterplan SPD goes on to describe these parcels as the West Manley Lane character area, with detached houses in gardens at low densities of less than 15 dwellings per hectare creating a rural character with the houses arranged in small groups. An illustrative plan and section of how this part of the site could be successfully developed is provided within the document.
- 3.5 Outline planning consent (with signed S106) was approved 9th June 2017 for development on the Chettiscombe Trust land including 700 houses. This area of low density land parcels south of West Manley Lane initially formed part of the red line area of the application. The application was subsequently amended at the request of Planning Committee to remove it from the 'red line' boundary of the application during the passage of the application process. Whilst removing it from that particular planning application, this did not amend the way in which this area is treated within the adopted masterplan SPD. Officers understand that Cabinet now wish to decide whether to now amend the masterplan to remove them.
- 3.6 Cabinet has recently considered the further masterplan work needed on land within Area B of the site incorporating land on either side of the eastern end of West Manley Lane. Cabinet resolved at the meeting of 26th October 2017 that within the proposed Area B masterplan that there should be no development south of West Manley Lane unless in association with green infrastructure uses. This will form part of the instructions to masterplan consultants when the contract is awarded.

4.0 Process of amendment and timescale

4.1 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations set out the requirements for producing Supplementary

- Planning Documents (SPDs). Regulation 11(b) outlines that Section 23(1) of the Planning and Compulsory Purchase Act 2004 relates to modifications.
- 4.2 Section 23(1) outlines that the Local Planning Authority may at any time prepare a revision to a local development document. Any revision to an Adopted Masterplan SPD will require compliance with the MDDC Statement of Community Involvement (SCI). Policy SCI/4 of the SCI SPD determines the process by which an SPD is prepared and adopted. In this case it is unnecessary to undertake the two stage process of consultation normally required as the adopted masterplan already sets out guiding principles. As such, should members seek to amend the Masterplan SPD then a single stage of consultation would be required upon any proposed amendments to the existing document.
- 4.3 Should members resolve to amend the Masterplan SPD, the changes would inevitably bear a financial cost. This is estimated to be in the region of £5,000 £10,000 dependent upon the scope of changes; to cover consultation and associated material and making amendments to the document. Government capacity funding is available to support masterplanning at Tiverton Eastern Urban Extension. However, these funds are needed to deliver a further masterplan for Area B and have been earmarked for this purpose. Members will need to consider whether they wish some of this money to be diverted to amending the existing masterplan.
- 4.4 Should members seek to amend the Masterplan SPD a broad timetable for the adoption of a revised draft would be as follows:

ACTION	DATE
Report to Cabinet to consider whether to make any amendments and if so, scope out the extent of changes sought	January 2018
Engage consultants to undertake plan and text changes	February 2018
Amend Illustrative Framework Plan / text changes / preparation of consultation material	March 2018
Stage 2 Public Consultation (6 weeks)	April / May 2018
Report back to Cabinet	June 2018
Adopt Full Council	June 2018

5.0 Planning considerations

- 5.1 Cabinet and Council have already made decisions about the area of land in question on the southern side of West Manley Lane through the allocation policy with accompanying plan in the Allocations and Infrastructure Development Plan Document (Local Plan Part 3) and adoption of the existing masterplan for this part of the site. It has therefore previously been considered and found to be acceptable in principle for small scale, low density housing development.
- 5.2 Should Members be minded to make an amendment to remove these areas for development, this will need to be justified, with clear planning reasons being given for amending the document to remove them. Members are therefore requested to consider whether there is a planning case to make this change and whether there have been any material changes in planning circumstances since the original masterplan was adopted. Your officers are of the view that concerns over retaining the character and appearance of West Manley Lane are addressed through the low density and design / character advice within the adopted masterplan.
- 5.3 The adopted masterplan sets out guiding principles against which future planning applications are being drawn up and together with policy, the assessment basis for them. Officers are concerned that opening up the adopted masterplan for amendment will introduce the risk that other aspects of its contents would be revisited. This would undermine the authority of the existing masterplan, cause uncertainty and could delay delivery of development on the site.
- 5.4 The adopted masterplan took a considerable amount of effort both through the public consultation process and through Committee to get the document adopted. Whilst the public consultation process and amendments sought can be directed towards the housing clusters south of West Manley Lane, inevitably the consultation process will draw far and wide reaching comment on all aspects of the development. Whilst these comments would be beyond the remit of the consultation, the Council could be perceived as dismissing and being unwilling to accommodate the views of the public.
- 5.5 Further, amending the Masterplan SPD could be perceived as weakening it. Your Officers interaction with the general public through public consultation events and general day-to-day dealings as part of the delivery of this strategic project indicates that the Masterplan SPD is a welcomed and valued document. The general public endorse and support the guiding principles within it, making reference to them. To amend the Masterplan could be perceived as the first step of un-picking it.
- 5.6 A Design Guide for the Tiverton Eastern Urban Extension has also been agreed and builds on the contents of the adopted masterplan. Should the masterplan be changed, it increases risk of the design guide being out of step with it and therefore out of date. The effectiveness of the design guide would reduce as a result.

5.7 Cabinet has already resolved that in relation to the forthcoming Area B masterplanning, there should be no development on the southern side of West Manley Lane unless associated with green infrastructure uses. Members will need to consider whether this is sufficient to address their concerns.

6.0 Conclusion

- 6.1 This report sets out options available to Members which in summary are to address concerns over development south of West Manley Lane via instructions to masterplan consultants that will draw up the forthcoming Area B masterplan (Cabinet has already resolved this), or in addition, to amend the existing Area A masterplan. Implications in terms of time and cost, together with risks are set out. Officers consider that concerns over West Manley Lane's character and appearance have already been addressed through the design guidance in the existing masterplan and Cabinet resolution in relation to the further Area B Masterplan.
- 6.2 A briefing note relating to the options should Members wish to amend the masterplan SPD was presented to Planning Policy Advisory Group (PPAG) on 13 December 2017. The view of Members at PPAG was that the Adopted Masterplan SPD should not be amended.

Contact for more Information: Christie McCombe, Area Planning Officer (Tiverton

Eastern Urban Extension) 01884 234277

cmccombe@middevon.gov.uk

List of Background Papers: The adopted policies relating to the Tiverton

Eastern Urban Extension may be viewed in the

AIDPD at

https://new.middevon.gov.uk/residents/planning-

policy/mid-devon-local-plan/part-2-aidpd/

The Adopted Tiverton EUE Masterplan may be

viewed at

https://www.middevon.gov.uk/residents/planning-

policy/masterplanning/

Cabinet 17th April 2014, 7th April 2016, 26th

October 2017

Circulation of the Report: Members of Cabinet, Leadership Team



Agenda Item 14.

CABINET 4 JANUARY 2018

INSURANCE SERVICES CONTRACT AWARD

Cabinet Member: Cllr Peter Hare-Scott

Responsible Officer: Andrew Jarrett, Director of Finance, Assets and

Resources

Reason for Report: To advise Members on the results of the procurement of insurance services.

RECOMMENDATION: It is recommended that contracts be awarded as follows for a period of 3 years with the option to extend for a further 2 plus 2 years:

Supplier 4: Lots 1 and 2

Supplier 1: Lot 3

Supplier 3: Lots 4 and 5

Relationship to Corporate Plan: The award of this contract will support the overarching priority within the corporate plan for efficiencies and value for money through the savings outlined below.

Financial Implications: The award of this contract will realise a £47,402.51 saving against existing premium and a £53,500 saving against budget.

Legal Implications: An agreed set of call-off terms had already been agreed through the framework and therefore the risk of contractual / legal issue is low.

Risk Assessment: The risks are identified within the report at 6.0.

Equality Impact: No equality issues identified for this report.

1.0 INTRODUCTION

- 1.1 Mid Devon District Council has procured a new contract for Insurance Services. South Hams District Council led the procurement on behalf of them, West Devon Borough Council, Teignbridge District Council and Mid Devon District Council.
- 1.2 All four councils signed a Memorandum of Understanding in October 2017 agreeing to collaborate on the procurement for insurance services.

2.0 BACKGROUND

- 2.1 The council's current Insurance contract with Zurich Municipal expires on 31st March 2018.
- 2.2 Portmore Insurance Brokers Ltd were appointed by the Councils via the direct award process under lot 2 of the Crown Commercial Services (CCS)

framework RM3731 to support the councils in the tender for insurance services. The role of Portmore was to:

- Provide advice and support to the four councils
- To prepare appropriate documentation for the tender and renewal process for the provision of insurances
- To support the councils in obtaining value for money through the tender and renewals process
- 2.3 The total costs of £4,000 for the above service were shared equally between the four councils at £1,000 each.

3.0 THE PROCUREMENT PROCESS

- 3.1 The procurement was conducted using a further competition under lot 1 of the Crown Commercial Services framework RM3731 for Insurance Services II, which has 26 approved framework insurers.
- 3.2 Out of the 26 approved framework suppliers only one of those is able to deal directly with customers (Zurich), the rest of the insurers require the services of a broker to liaise with the customer.
- 3.3 The intention is for each council to let a contract for three years with the option to extend for a further two plus two years. The total contract value (including extension options) was estimated at £9.9million excluding VAT for the four councils.
- 3.4 The Invitation to Tender (ITT) for insurance services was split into the following lots.
 - Lot 1: Property Damage, Business Interruption, Works in Progress, Money and Computers
 - Lot 2: Employers' Liability, Public & Products Liability, Libel & Slander, Professional Negligence and Officials Indemnity including Land Charges, Employment Practice Liability and Fidelity Guarantee.
 - Lot 3: Engineering Inspection / Insurance
 - Lot 4: Motor Fleet
 - Lot 5: Travel Including Personal Accident
 - Lot 6: Terrorism
 - Lot 7: Cyber Liability
- 3.5 Tenders were sought on an individual lot basis however packaging of lots was allowed so the councils could take advantage of discounts offered; no Lot was reliant on the acceptance of another.

3.6 Suppliers were able to tender for any lot or could also submit a combination tender covering more than one (or all) lots. Each tender had to include an individual price for each council within each lot.

4.0 TENDER STAGE

4.1 Portmore released the tender documents to the approved framework suppliers on the 20th October. Submissions were received on the 23rd November as follows:

Tenderer	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7
Supplier 1			Х				
Supplier 2	Х					Х	
Supplier 3		Х		Х	Х		
Supplier 4	Х	Х		Х		Х	
Supplier 5	Х	Х	Х	Х	Х	Х	
Supplier 6					Х		
Supplier 7				Х			
Supplier 8						Х	

- 4.2 No submissions were received for cyber liability under lot 7 and further consideration will need to be given as to whether they are subject to a separate procurement process.
- 4.3 In addition to obtaining tenders from the approved suppliers for Terrorism under lot 6, on the basis of 'pool re', under the terms of the framework, Portmore were able to obtain a quotation outside of the framework on the basis of 'first loss limit' from Supplier 8.

5.0 SUMMARY OF TENDER EVALUATION

Evaluation Criteria and Weightings

- 5.1 Any contract will be awarded on the basis of the most economically advantageous tender. The award criteria contained a mix of quality and commercial considerations.
- 5.2 The high level award criteria and weightings used for this procurement are set out below:

•	Price	55%	%

Scope of Cover

•	Insurer policy wordings and cover clauses	25%
•	Added value	8%
•	Claims handling processes and methodology	12%

Scoring Methodology

5.3 The scoring methodology used to evaluate the quality criteria was:

Response	Score	Definition			
Unacceptable	0	Nil or inadequate response. Fails to demonstrate an ability to meet the requirement.			
Poor	2	Response is partially relevant and poor. The response addresses some elements of the requirements but contains insufficient/limited de or explanation to demonstrate how the requirements will be fulfilled			
Satisfactory	5	Response is relevant and acceptable. The response addresses a broad understanding of the requirements but may lack details on how the requirement will be fulfilled in certain areas.			
Good	8	Response is relevant and good. The response is sufficiently detailed to demonstrate a good understanding and provides details on how the requirements will be fulfilled.			
Excellent 10		Response is completely relevant and excellent overall. The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement will be met in full.			

5.4 The scoring methodology used to evaluate price was:

Per lot - Lowest price tendered from all Tenders receives maximum % score (55%).

Other Tenderers' prices are scored in accordance with the following equation:

Pricing

5.5 Recommended best value premium options per council – Inclusive of Insurance Premium Tax (IPT) at 12%:

Item	Price £
Lot 1	69,766.70
Lot 2	85,468.32
Lot 3	6,533.65

Lot 4	58,240.00
Lot 5	2128.26
Total	222,136.93
Last year's total based on IPT at 10%	269,539.44
Savings against 2017/18 premium	47,402.51
Savings against 2017/18 budget	53,500.00

Scores and ranking

5.6 Summary tables set out below reflect the overall weighted scores:

Lot	Supplier 4	Supplier 5	Supplier 3	Supplier 1	Supplier 7	Supplier 6	Supplier 8
1	83.90	28.15					
2	81.50	63.32	51.83				
3		61.31		82.90			
4	73.14	66.30	79.60		72.07		
5		72.37	79.60			34.82	

6.0 PROJECT RISKS

6.1 Service

Current arrangements have been directly with the insurer. With the new contracts, the services of a broker will be required. Given that the number of insurers that the Council will deal with has increased, careful management will be needed to ensure any resource implications are captured.

6.2 Brokerage

The council will need to appoint a broker for ongoing brokerage services for the duration of the contract period. During January 2018, MDDC intends to go back to market under lot 1 of the Crown Commercial Services (CCS) framework RM3731 to procure brokerage services. It is not anticipated that this will attract any additional cost as the brokerage fees, set at 3.5% within the framework, are included in the premium costs above.

6.3 Commercial

Insurance Premium Tax (IPT) is a tax on general insurance premiums. In October 2016 the rate increased from 9.5% to 10% and from the 1st June 2017 the rate increased to 12%. Further increases may be expected through the contract period although this is out of our control.

7.0 CONCLUSION

7.1 The outcome of the tender process shows the following suppliers as the winning bidder on their respective lots:

Supplier 4: Lots 1 and 2

Supplier 1: Lot 3

Supplier 3: Lots 4 and 5

- 7.2 Approval is required from Cabinet for this contract to be formally awarded.
- 7.3 Following the decision, there will be a compulsory 10 day standstill period after which the contract will be awarded.
- 7.4 The contract will commence on 1st April 2018.

Contact for more Information:	Chanelle Busby, Claire Gillard, Lynette Wright
Background papers:	None
File reference	None
Circulation of the Report:	All LT, Legal, Finance

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



MID DEVON DISTRICT COUNCIL - NOTIFICATION OF KEY DECISIONS

January 2018

The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Land for Affordable Housing To acquire land (in consultation with the Cabinet Member for Housing) for the Provision of affordable Cousing (under the scheme of delegation) at Waddeton Park, Post Hill, Tiverton	Director of Finance, Assets and Resources	Not before 1st Feb 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242		Open
Market Environmental Strategy To receive a report considering the Environmental Strategy for the Tiverton Pannier Market	Economy Policy Development Group Cabinet Council	11 Jan 2018 1 Feb 2018 21 Feb 2018	Adrian Welsh, Group Manager for Growth, Economy and Delivery	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Severe Weather Emergency Protocol and Extended Winter Provision Protocol	Homes Policy Development Group	16 Jan 2018	Michael Parker, Housing Options Manager Tel: 01884 234906	Cabinet Member for Housing (Councillor Ray Stanley)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
As a member of the Devon and Cornwall Housing Options Partnership (DCHOP) the Housing service recognises that local areas should try to prevent rough sleeping at any time of the year. However, the winter period can present the greatest risks to the health of Gough sleepers. Therefore a Brotocol needs to be agreed with the other LAs in the Gounty.	Cabinet	1 Feb 2018			
Corporate Debt Recovery Policy	Audit Committee	23 Jan 2018	Andrew Jarrett, Director of Finance, Assets and	Cabinet Member for Finance (Councillor Peter	Open
To consider a revised policy.	Cabinet	1 Feb 2018	Resources Tel: 01884 234242	Hare-Scott)	
Corporate Anti Social Behaviour Policy	Community Policy Development		Andrew Pritchard, Director of Operations Tel:	Cabinet Member for Housing (Councillor Ray	Open
4 yearly review	Group	30 Jan 2018	01884 234950	Stanley)	
	Cabinet	1 Mar 2018			

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Community Safety Partnership Plan 2 yearly review	Community Policy Development Group Cabinet	30 Jan 2018 1 Mar 2018	Andrew Pritchard, Director of Operations Tel: 01884 234950	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Community Engagement Strategy 2018 Peport updating Members on Progress made with the Community Engagement Action Plan (2015-16) and to Preview the strategy and focus for 2018	Community Policy Development Group Cabinet	30 Jan 2018 1 Mar 2018	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Regulation of Investigatory Powers To consider the annual review of the policy.	Community Policy Development Group Cabinet	30 Jan 2018 1 Feb 2018	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Leisure Marketing Plan To consider marketing options	Community Policy Development Group	30 Jan 2018	Andrew Pritchard, Director of Operations Tel: 01884 234950	Cabinet Member for Community Well Being (Councillor Colin	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
	Cabinet	1 Feb 2018		Slade)	
Report to consider the commissioning of a regeneration and investment asterplan for Cullompton.	Cabinet	1 Feb 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Budget Seport outlining options available in order for the Council to move towards a balanced budget for 2018/19	Cabinet Council	1 Feb 2018 21 Feb 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Local Plan Review Update	Cabinet Council	1 Feb 2018 21 Feb 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Tiverton Eastern Urban Extension Area B Masterplanning	Cabinet	1 Feb 2018	Jenny Clifford, Head of Planning, Economy and	Cabinet Member for Planning and Economic	Part exempt

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
To consider the outcome of the tender process			Regeneration Tel: 01884 234346	Regeneration (Councillor Richard Chesterton)	
Treasury Management Strategy and Annual Investment Strategy To consider the strategies for the financial year 2018/19	Cabinet Council	1 Feb 2018 21 Feb 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
apital Programme Report seeking Council approval for the 2018/19 Capital Programme	Cabinet Council	1 Feb 2018 21 Feb 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
National Non - Domestic Rates Report providing an update on the income generation and financial implications of the number of business rates properties in Mid Devon and requesting that the NNDR1 be approved.	Cabinet	1 Feb 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Policy Framework Report outlining the Policy Framework for the year	Cabinet Council	1 Feb 2018 21 Feb 2018	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Clive Eginton)	Open
Establishment Report outlining the overall structure of the Council 0 21	Cabinet Council	1 Feb 2018 21 Feb 2018	Jane Cottrell, Group Manager for Human Resources Tel: 01884 234919	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Land at Burlescombe - Award of Contract for Design and Build of 6 Affordable Dwellings To consider awarding the contract for the design and build of 6 affordable dwellings at Burlescombe	Cabinet	1 Feb 2018	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Clive Eginton)	Part exempt
Asbestos Surveying - Licensed and Unlicensed Removal 2017-2021	Cabinet	1 Feb 2018	Andrew Pritchard, Director of Operations Tel:	Cabinet Member for Housing (Councillor Ray	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Following withdrawal of the winning bidder there is a need to reconsider the outcome of the tender process.			01884 234950	Stanley)	
Tiverton Town Centre Masterplan Report of the Head of Coutlining and Regeneration Coutlining the draft masterplan Por consultation following Referral from the meeting on Coupling 1 May to allow for further consideration to take place.	Cabinet	1 Mar 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Supply of Kitchens To consider the outcome of the procurement exercise for the supply of kitchens to Council property.	Cabinet	1 Mar 2018	Andrew Pritchard, Director of Operations Tel: 01884 234950	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Cleaning Contractors To approve the outcome of the procurement exercise.	Cabinet	1 Mar 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet for the Working Environment and Support Services (Councillor	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
				Margaret Squires)	
Pay Policy Report setting out the legislative requirements under the Localism Act relating to senior pay. U O O O O O O O O O O O O	Cabinet Council	1 Mar 2018 25 Apr 2018	Jane Cottrell, Group Manager for Human Resources Tel: 01884 234919	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Rivers Development Limited - Business Plan To consider the business plan	Cabinet	1 Mar 2018	Nick Sanderson, Acting Manager Director of Three Rivers Development Ltd Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Part exempt
Bereavement Services Fees and Charges A review of fees and charges	Environment Policy Development Group Cabinet	6 Mar 2018 5 Apr 2018	Andrew Pritchard, Director of Operations Tel: 01884 234950	Leader of the Council (Councillor Clive Eginton)	Open
Repairing Footpaths and Roads Policy	Environment Policy Development		Steve Densham, Development Services Manager	Councillor Ray Stanley	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
	Group Cabinet Council	6 Mar 2018 5 Apr 2018 Before 30 Apr 2018		Cabinet Member for Housing (Councillor Ray Stanley) Cabinet Member for Housing (Councillor Ray Stanley)	
Exe Valley Area of Outstanding Natural Beauty O To consider the setting up of Partnership to explore an ONB for the Exe Valley and other issues.	Environment Policy Development Group Cabinet Council	6 Mar 2018 5 Apr 2018 25 Apr 2018	Adrian Welsh, Group Manager for Growth, Economy and Delivery	Leader of the Council (Councillor Clive Eginton)	Open
Mid Devon Destination Management Plan & Action Plan Report updating Members on the current impact tourism has on Mid Devon's local economy and how we can develop the sector over the next 5 years.	Economy Policy Development Group Cabinet	8 Mar 2018 5 Apr 2018	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Market Rights Policy A report proposing the adoption of a new Market Policy.	Economy Policy Development Group Cabinet Council	8 Mar 2018 5 Apr 2018 25 Apr 2018	Alan Ottey, Tiverton Town Centre and Market Manager	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
To consider the LEP Productivity Strategy To consider the LEP Productivity Strategy	Economy Policy Development Group Cabinet	8 Mar 2018 5 Apr 2018	Adrian Welsh, Group Manager for Growth, Economy and Delivery	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Economic Strategy To consider a new policy.	Economy Policy Development Group Cabinet Council	8 Mar 2018 5 Apr 2018 25 Apr 2018	Adrian Welsh, Group Manager for Growth, Economy and Delivery	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Wireless Broadband To consider issues with regard to wireless broadband.	Economy Policy Development Group Cabinet	8 Mar 2018 5 Apr 2018	Adrian Welsh, Group Manager for Growth, Economy and Delivery	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Market Schedule of Tolls - annual review ບ ວ ດ ຕ	Economy Policy Development Group Cabinet	8 Mar 2018 5 Apr 2018	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Gas Safety Policy To consider a report regarding the revised Gas Safety Policy.	Homes Policy Development Group Cabinet	13 Mar 2018 5 Apr 2018	Mark Baglow, Group Manager for Building Services Tel: 01884 233011	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Community Housing Fund Grant Policy To receive a report from the Housing Services Manager regarding the new Community Housing Fund Policy.	Homes Policy Development Group Cabinet Council	13 Mar 2018 5 Apr 2018 25 Apr 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Rechargeable Repairs To receive a report reviewing the Rechargeable Repairs policy.	Homes Policy Development Group Cabinet	13 Mar 2018 5 Apr 2018	Mark Baglow, Group Manager for Building Services Tel: 01884 233011	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Tenancy Policy Do consider a report Gegarding the revised Policy.	Homes Policy Development Group Cabinet	13 Mar 2018 5 Apr 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Tenancy Strategy To consider a report regarding the revised strategy.	Homes Policy Development Group Cabinet	13 Mar 2018 5 Apr 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Illegal Encampment Policy To receive a report regarding a policy regarding to Illegal Encampment	Community Policy Development Group Cabinet Council	27 Mar 2018 5 Apr 2018 25 Apr 2018	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Customer Care Policy 3 yearly review	Community Policy Development Group Cabinet	27 Mar 2018 5 Apr 2018	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Greater Exeter Strategic Plan To consider a report of the Blead of Planning, Economy and Regeneration regarding draft strategic plan.	Cabinet Council	5 Apr 2018 25 Apr 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Revised Freedom of Information Policy To consider a revised policy	Cabinet	5 Apr 2018	Catherine Yandle, Group Manager for Performance, Governance and Data Security Tel: 01884 234975	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Revised Data Protection Policy To consider a revised policy	Cabinet	5 Apr 2018	Catherine Yandle, Group Manager for Performance, Governance and	Cabinet for the Working Environment and Support Services	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
			Data Security Tel: 01884 234975	(Councillor Margaret Squires)	
Vehicle Maintenance Contract To consider the maintenance contract.	Cabinet	10 May 2018	Stuart Noyce, Group Manager for Street Scene and Open Spaces	Leader of the Council (Councillor Clive Eginton)	Open
rediton Office consider the options for disposal for the Crediton Office following the 6 month moratorium/marketing.	Cabinet	10 May 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Housing (Councillor Ray Stanley)	Fully exempt
Review of Bereavement Services To receive a report regarding a review of Bereavement Services, to include National Assisted Burials	Environment Policy Development Group Cabinet	15 May 2018 7 Jun 2018	Andrew Pritchard, Director of Operations Tel: 01884 234950	Leader of the Council (Councillor Clive Eginton)	Open
Hoarding Policy To receive a report from the Group Manager for Housing presenting the revised	Homes Policy Development Group Cabinet	22 May 2018 7 Jun 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Hoarding Policy.					
Harassment Policy To receive a report from the Group Manager for Housing presenting the revised Harassment Policy.	Homes Policy Development Group Cabinet	22 May 2018 7 Jun 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Town Centre Masterplan Tollowing public Consultation To consider that masterplan.	Cabinet	7 Jun 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
ICT Strategy Report regarding a review of the ICT Strategy	Cabinet	7 Jun 2018	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Annual Treasury Management Report To consider the outturn report	Cabinet Council	7 Jun 2018 27 Jun 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Human Resources Strategy To consider the revised strategy	Cabinet	5 Jul 2018	Jane Cottrell, Group Manager for Human Resources Tel: 01884 234919	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
ASB Policy and Procedures To receive a report from the Group Manager for Housing Presenting the revised Anti-Social Behaviour Policy and Procedures.	Homes Policy Development Group Cabinet	17 Jul 2018 2 Aug 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Asbestos Management Plan To receive a report from the Group Manager for Building Services presenting the revised Asbestos Management Plan.	Homes Policy Development Group Cabinet	17 Jul 2018 2 Aug 2018	Mark Baglow, Group Manager for Building Services Tel: 01884 233011	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Corporate Asbestos Policy To receive a report from the Group Manager for Building	Homes Policy Development Group	17 Jul 2018	Mark Baglow, Group Manager for Building Services Tel: 01884 233011	Cabinet Member for Housing (Councillor Ray Stanley)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Services presenting the revised Corporate Asbestos Policy.	Cabinet	2 Aug 2018			

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