

Public Document Pack

Mid Devon District Council

Cabinet

Thursday, 10 May 2018 at 2.15 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 23 May 2018 at 10.00 am

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

A G E N D A

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

- 1. Apologies**
To receive any apologies for absence.
- 2. Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 3. Minutes of the Previous Meeting (Pages 5 - 12)**
Members to consider whether to approve the minutes as a correct record of the meeting held on 5 April 2018.
- 4. Corporate Health and Safety Policy (Pages 13 - 26)**
Arising from a report of the Health and Safety Officer, the Community Policy Development Group had recommended that the Cabinet note that the Health and Safety Policy was approved by the JNCC on 07 December 2017, following review by the Health and Safety Committee and Unison.
- 5. RIPA Policy (Pages 27 - 40)**
Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development group had

recommended that:

- a) Cabinet be advised that the Council's existing RIPA Policy does not require updating or amending at the current time.
- b) Cabinet note that the Council has not used its powers under RIPA since March 2014.

6. **Local Development Scheme (Mid Devon and the Greater Exeter Strategic Partnership) (Pages 41 - 50)**

To consider a report of the Head of Planning, Economy and Regeneration requesting the Cabinet to approve a revised timetable (Local Development Scheme) for the preparation of the Mid Devon Local Plan Review and the Greater Exeter Strategic Plan.

7. **Kitchen Supply Contract 2018-2022 (Pages 51 - 58)**

To receive a report of the Director of Operations advising Cabinet of the outcome of the recent procurement process for the supply of Kitchens for the Modernisation of Council Homes 2018 – 2019 and Kitchen Supply Only Contract 2018- 2022 and confirmation of the intention to award the contract.

8. **Supply of Boilers (Pages 59 - 64)**

To advise Cabinet of the outcome of the recent procurement exercise for the direct award, via a procurement framework, for the supply of Boilers for the capital boiler replacement programme and confirmation of the intention to award the contract.

9. **Notification of Key Decisions (Pages 65 - 78)**

To note the contents of the Forward Plan.

10. **Access to Information - Exclusion of the Press and Public**

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

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

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

particular person (including the authority holding that information)

11. **The Future of Crediton Office** (*Pages 79 - 166*)

To consider a report of the Director of Finance, Assets and Resources, outlining options for the disposal and/or future management of the freehold premises at Market Street, Crediton.

Stephen Walford
Chief Executive
Tuesday, 1 May 2018

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

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

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

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

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

Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 5 April 2018 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

R J Chesterton and C R Slade

Also Present

Councillor(s)

F W Letch, F J Rosamond and T W Snow

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Jenny Clifford (Head of Planning, Economy and Regeneration), Joanne Nacey (Group Manager for Finance), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Maria De Leburne (Solicitor), Tina Maryan (Area Planning Officer), Tristan Peat (Forward Planning Team Leader), John Bodley-Scott (Economic Development Team Leader) and Sally Gabriel (Member Services Manager)

141. MINUTE SILENCE - COUNCILLOR MISS CLARISSA SLADE

The Chairman opened the meeting and asked that those in attendance observe a minute's silence in memory of Councillor Clarissa Slade.

Those present spent a minute in quiet contemplation.

142. APOLOGIES

Apologies were received from Cllrs: R J Chesterton and C R Slade.

143. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

There were no interests to declare.

144. PUBLIC QUESTION TIME

There were no members of the public present.

145. MINUTES OF THE PREVIOUS MEETING (00-02-36)

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

146. **BEREAVEMENT SERVICES FEES AND CHARGES (00-03-32)**

The Chairman indicated that due to a change in Government guidance with regard to charges, he requested that the Environment Policy Development Group reconsider the report taking into consideration the updated guidance.

It was therefore:

RESOLVED that the report be referred back to the Environment Policy Development Group for further consideration.

(Proposed by the Chairman)

Note: *Report previously circulated, copy attached to minutes

147. **MID DEVON DESTINATION MANAGEMENT (00-05-15)**

Arising from a report of the Chief Executive and Director of Growth, the Economy Policy Development Group had recommended that the Destination Management Strategy be recommended to Council for approval.

The Economic Development Team Leader outlined the contents of the report stating that the Destination Management Plan for Mid Devon was a strategic document for promoting tourism within the district and provided a framework for joint activity with key stakeholders and individual tourism businesses. The document had been subject to consultation and feedback from that consultation process had been incorporated into the document and that it also reflected the modifications to the Local Plan Review such as the proposed allocation at Junction 27 for a major tourism and leisure development. The Strategy would in time be accompanied by an action plan following work on the Economic Strategy which was being progressed by the Economy Policy Development Group

Consideration was given to:

- The lack of emphasis within the strategy on country sports and the amount of business this brought to the area
- The effectiveness of the strategy and how it would be measured
- The need for the action plan and metrics by which the effectiveness of the strategy would be judged to be placed before a future meeting of the Cabinet
- The timescale for the production of the action plan
- The need to include mention of the Roman Catholic Boniface Church, Crediton
- The need for more tourist accommodation in Crediton

Subject to the inclusion of additional material with regard to country sports and mention of the shrine at the Roman Catholic Boniface Church it was:

RECOMMENDED to Council that the Destination Management Plan be approved.

(Proposed by the Chairman)

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

148. CORPORATE DEBT RECOVERY POLICY (00-19-13)

Arising from a report of the Group Manager for Finance, the Audit Committee had recommended that the updated Debt Collection Policy and associated appendices be approved.

The Cabinet Member for Finance outlined the contents of the report stating that there was no change in the policy, it had been refreshed and made more transparent. The authority had a good record of debt recovery which had been demonstrated by the high level of Council Tax collection

Consideration was given to: a corporate approach to debt collection across all of the work streams rather than individual departments.

RESOLVED that the recommendations of the Audit Committee be approved.

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

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

149. CULLOMPTON TOWN CENTRE MASTERPLAN (00-24-03)

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration requesting consideration of the commissioning of consultants to assist in the preparation of a Masterplan Supplementary Planning Document and Delivery Plan in respect of Cullompton Town Centre.

The Head of Planning, Economy and Regeneration outlined the contents of the report stating that Cullompton was the focus for significant housing growth in the emerging Local Plan Review. There was a need to progress a masterplanning exercise for Cullompton Town Centre in tandem with other projects and initiatives including the Garden Village, the townscape heritage initiative fund application, the Devon Metro project and other masterplanning in connection with the planned urban extension to the north west of Cullompton. She outlined the policies within the emerging Local Plan which highlighted strategic allocations within the town and the need to address traffic and congestion within the town, the impact of air quality on the town centre and the proposal for a railway station, all these issues would have a key role in the masterplanning exercise.

The Chairman read correspondence from Cllr Mrs N Woollatt which requested that Ward Members be added to the stakeholders to be engaged with, at paragraph 3.8 of the report and that the boundary of the suggested geographical area of the masterplan at Appendix 1 within the report be extended to the east of the boundary proposed so that the land between Tesco and the Showman's site/Longbridge Meadow Industrial Estate and the entire Cullompton Community Association (CCA) fields site including the football and cricket club areas up to the railway line be included.

Consideration was given to:

- Whether the masterplan should only address the economic drivers around the town centre and that the area around the CCA fields be included in the geographical scope of the masterplan.
- Whether including the CCA fields areas into the town masterplanning process would detract from issues to be addressed within the town centre.
- The concern of other local Members with regard to the congestion in the town, the need for a proper bus stop outside the Weary Traveller for the National Express Coaches which would link with the proposed railway station.
- The need for the proposed consultation events to include a specific meeting for the Town Council

RESOLVED that:

- (i) Local Ward Members be added to the Stakeholder list and therefore have a key role in the development of the masterplan.
- (ii) The boundary of the suggested geographical area of the masterplan outlined at Appendix 1 of the report be extended to the east of the boundary proposed so that the land between Tesco and the Showman's site/Longbridge Meadow Industrial Estate and the entire CCA fields site including the football and cricket club areas up to the railway line be included in the masterplanning area.
- (iii) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to engage consultants to assist with the preparation of a Cullompton Town Centre Regeneration Masterplan and Delivery Plan.

(Proposed by the Chairman)

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

150. MID DEVON DESIGN GUIDE - SUPPLEMENTARY PLANNING DOCUMENT (00-45-18)

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration requesting approval for the use of an external consultant to prepare a Design Guide Supplementary Planning Document for Mid Devon.

The Forward Planning Team Leader outlined the contents of the report stating that the proposal was to expand on existing and proposed planning policy through a new Supplementary Planning Document (SPD) to provide detailed guidance on urban, village and rural design issues in Mid Devon. It was intended that the SPD would raise design awareness and standards through the planning process; suitable external consultants would be required to prepare such a document. He outlined the processes (including stakeholder involvement and consultation) that would take place with regard to the creation of the SPD.

Consideration was given to:

- Concerns that the design of development on the Eastern Urban Extension in Tiverton was already underway and therefore would there be 2 styles of development across the district?
- The need to have regard to the Blackdown Hills Area of Outstanding Natural Beauty together with a further possible AONB proposal within the Exe Valley.
- The hope that the design guide would work alongside documents already in place.

RESOLVED that: the commissioning of a suitable external consultant to prepare the Mid Devon Design Guide Supplementary Planning Document be approved.

(Proposed by the Chairman)

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

151. **PAY POLICY (00-52-59)**

The Cabinet had before a * report of the Group Human Resources Manager which set out the legislative requirements of the Localism Act 2011 relating to senior pay, in particular the role of the Chief Executive, Directors and other senior officers.

The Chairman outlined the contents of the report explaining the pay multiple which was calculated by comparing all taxable earnings for the given year for the Chief Executive compared to mean earnings and the lowest paid in the organisation.

Consideration was given to the Gender Pay Gap statistics that had already been published.

RECOMMENDED to Council that the Pay Policy 2018 be adopted.

(Proposed by the Chairman)

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

152. **CABINET MEMBER DECISIONS (00-56-09)**

The Cabinet **NOTED** the following * decisions made by Cabinet Members:

Cabinet Member for Community Well-Being (Cllr Colin Slade)

Leisure Pricing 2018

- a) Increase the base line for all leisure pricing by 3%;
- b) That the reduction for concessionary membership be set at 1/3 of the full cost;
- c) That times of access be restricted for those with concessionary membership, as proposed in the report, with an uplift payment available should they wish to attend during peak periods.

Consideration was given to the timings of sessions crossing two time periods; the meeting was advised that this issue was being addressed.

Cabinet Member for Finance (Cllr Peter Hare-Scott)

Station Road car Park, Cullompton

The Cullompton Farmers Market Committee Group have approached the Council with a request to close part to celebrate the 20th Anniversary of the starting up of the Cullompton Farmers' Market.

They have requested on Saturday 30th June from 6am until 2pm to close and erect stalls to the lower part of the car park so stalls can be erected, this would mean the upper car park would be still available for pay and display and permit holders to use but the reduced number of spaces would result in a reduced income.

Cabinet Member for Planning and Economic Regeneration

Building Control Fees

Increase Building Control Fees by approximately 3%

To maintain cost recovery for Building Control activity. Building Control fees were last changed in 2015. The fee increase is now required to ensure that the service continues to be self-funding and breaks even.

Note: * Decisions previously circulated copy attached to minutes.

153. FINANCIAL MONITORING (00-58-41)

The Cabinet Member for Finance updated the meeting on the financial monitoring to date; the budget gap for 2017/18 was expected to be approximately £150k. All mainstream departments had been within budget which should be commended.

154. PERFORMANCE AND RISK (00-59-33)

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 good performance of the waste service the work taking place to build homes at Birchen Lane and Palmerston Park, issues with access to some properties so that gas safety checks could take place and the outstanding performance of bringing empty homes back into use

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

155. NOTIFICATION OF KEY DECISIONS (1-05-48)

The Cabinet had before it, and **NOTED**, its rolling plan * for April 2018 containing future key decisions.

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

156. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-06-39)**

Prior to considering the following items on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

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

(Proposed by the Chairman)

157. **DISPOSAL OF THE LAND AND TOILET BLOCK AT STATION ROAD, CULLOMPTON**

The Cabinet had before it a * report of the Director of Finance, Assets & Resources requesting approval for the asset disposal of the public convenience in Station Road, Cullompton.

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

Returning to open session the Cabinet:

RESOLVED that the asset disposal of the land and buildings at the Public Conveniences, Station Road, Cullompton proceed as detailed in the report.

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

Note: *Report previously circulated.

(The meeting ended at 3.25 pm)

CHAIRMAN

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COMMUNITY POLICY DEVELOPMENT GROUP

27 MARCH 2018

Health and Safety Policy review

Cabinet Member(s): Cllr Margaret Squires

Responsible Officer: Michael Lowe (Health and Safety Officer)

Reason for Report: To advise Members that, in accordance with the Health and Safety at Works Act 1974, the Council's Health and Safety at Works Policy has been reviewed by the Health and Safety Committee.

RECOMMENDATION: Members to note that the Health and Safety Policy was approved by the JNCC on 07 December 2017, following review by the Health and Safety Committee and Unison.

Relationship to Corporate Plan: Health and safety impacts across all aspects of the corporate plan as there is an obligation on the Council to ensure that its activities do not adversely affect the health and safety of employees, members of the public, contractors and others with whom we interact.

Financial Implications: Failure to meet the Council's obligations could lead to serious financial implications. The maximum penalties for failing to discharge its duties are unlimited. In addition to this would also be the costs involved in any litigation in the Civil Courts.

Legal Implications: Failing to comply with Health and Safety legislation and regulations could result in the Council being issued with Improvement/Prohibition Notices and/or prosecution. The Council would also be at risk of potential civil litigation.

Risk Assessment: Ensuring the Council has robust health and safety policies and procedures, which are proactively monitored, will ensure the health and safety of employees and those who are affected by its actions and also reduce the potential risk of legal challenges and civil litigation.

1.0 Update

1.1 The Health and Safety Policy was reviewed by the Health and Safety Committee on 10 January 2018 and, following consultation with Unison, recommended to the JNCC committee for approval.

1.2 The Health and Safety Policy was approved by JNCC on 07 December 2017

2.0 Future actions

2.1 In accordance with the Health and Safety at Works Act 1974, the Safety Representatives and Safety Committee Regulations, Mid Devon District Council

will continue to review the Health and Safety Policy on an annual basis, with approval by the JNCC.

Contact for more Information: Michael Lowe, Health and Safety Officer,
mlowe@middevon.gov.uk

Circulation of the Report: Members of Community PDG, Cllr Squires, Management Team

Corporate Policy

Version Control

Title: Mid Devon District Council Health and Safety Policy

Purpose: Health and Safety

Owner: Stephen Walford, Chief Executive

Date: 12th January 2018

Version Number: v3.1

Status: Final

Review Frequency: Annually

Next review date: January 2019

Consultation

This document obtained the following approvals:

Who	Date	Version Approved
Leadership Team	October 2017	3.1
JNCC	7th December 2017	3.1
H&S Committee	10th January 2018	3.1
Community PDG	27th March 2018	3.1
Cabinet	10th May 2018	3.1

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1. **Part 1: General commitment**
2. **Part 2: Organisation**
3. **Part 3: Arrangements**
4. **Part 4: Statement of general policy**

PART 1 Statement of general commitment towards health and safety at MDDC

Mid Devon District Council is committed to ensuring high standards of health, safety and welfare for its employees. It is also committed to ensuring that Council activities do not adversely affect the health or safety of members of the public, contractors and others with whom we interact. Policies and procedures on specific areas of health and safety can be found on SharePoint [Policies & Strategies - Home](#)

The Council regards compliance with statutory requirements as the minimum standard. Policies may extend beyond the legal standard if this is agreed. This general policy sets out the steps that will be taken to ensure compliance with the Health and Safety at Work Act 1974 and other statutory provisions, which should lead to a progressive improvement in health and safety standards over time in accordance with the principles of good health and safety management described in HSG65 (www.hse.gov.uk/managing/index.htm).

The Council believes that minimising risks to people, equipment and premises is an essential part of offering quality services in a cost conscious and competitive environment. The successful implementation of this policy requires the commitment and co-operation of management and all employees at all levels within the organisation. The Council delegates the responsibility for day to day operational health and safety management to the Chief Executive, Directors, Group Managers and Team Leaders through the normal line management structure.

All managers, supervisors and staff have responsibility for the health and safety of persons and facilities within their designated areas of control.

All employees should take note when reading this policy that they also have their own legal obligations under the Health and Safety at Work Act 1974. Under this law there is the duty to take reasonable care of their own health and safety and that of others who may be affected by their acts or omissions at work. Failure to do this could result in prosecution and a fine. Employees are also required to work in accordance with the provided training and instructions and to report situations that could be considered unsafe and shortcomings in health and safety procedures.

The Chief Executive and Directors will be supported in their efforts by provision of competent health and safety advice from the Corporate Health and Safety Officer. Effective communication will be maintained with staff and union safety representatives e.g. through the weekly staff newsletter (The Link) and the H&S Committee. The Council will maintain and improve competence in health and safety through staff training and development.

This policy will be monitored to ensure that the objectives are achieved. It will be reviewed regularly and changes made as may be necessary.

PART 2: Organisation

General

This section sets out the range of duties and responsibilities throughout the Council for the implementation of this policy.

Service specific policies and operating procedures will be required to supplement this policy to ensure that the specific risks associated with the activities of each service are identified and controlled throughout the diverse range of the Council's activities.

The following management process will be applied (HSG65) in managing health and safety:

- Plan: what it is you want to do
 - Policy
 - Planning
- Do: Profiling the organisation's health and safety risk
 - Carry out risk assessment first then implement it
 - Risk profiling
 - Organising for health & safety
- Check: that the risk assessment is effective
 - Measuring performance
 - Investigating incidents
- Act by learning from experience
 - Reviewing performance
 - Learning lessons

2.1 Councillors

Elected members cannot be responsible on a practical level for the implementation of Health and Safety arrangements within the Council – this is a responsibility of the Chief Executive, Directors and Group Managers and Team Leaders. Members, however, are required to ensure that overall health and safety arrangements are in place through the scrutiny process and the receiving of committee reports e.g. relating to the auditing and performance of the Council's health and safety management system. This will also be monitored through the Health and Safety Committee on which a Cabinet Member is nominated. Any resultant reports that require a decision will be passed through the Cabinet.

To assist them, the Chief Executive, Directors and Group Managers will provide Councillors with professional advice and guidance. This is also available from the Corporate Health and Safety Officer where needed.

2.2 Chief Executive

The Chief Executive is responsible for:

- The overall implementation of corporate policy decisions, day-to-day operations and will review and decide upon matters within the Council's corporate policies;
- Ensuring that the Council has an effective Health and Safety Committee and for responding to its recommendations;
- Encouraging a positive safety culture throughout the organisation by providing leadership and commitment to high standards of health and safety;
- Appraising the effectiveness of this policy and making changes where appropriate;
- Ensuring that the attention of Councillors is drawn to information regarding health, safety and welfare where this has a bearing on their decisions;
- Ensuring the Council provides adequate resources to implement and maintain the effectiveness of this policy, and that measures are in place for joint consultation regarding safety between employee and member representatives in accordance with the Safety Committees and Safety Representatives Regulations 1977;
- Ensuring that a sufficient number of competent persons are available to give advice on the application of the provisions of health and safety law as they apply to the activities of the Council in accordance with Regulation 7 of the Management of Health and Safety at Work Regulations 1999.

The Chief Executive will be informed by the most appropriate method of any incident, accident or deviation from this policy.

The Health and Safety Executive (HSE) gives the following definition of what a health and safety culture is:

The safety culture of an organisation is the product of individual and group values, attitudes, perceptions, competencies and patterns of behaviour that determine the commitment to, and the style and proficiency of, an organisation's health and safety management.

Organisations with a positive safety culture are characterised by communications founded on mutual trust, by shared perceptions of the importance of safety and by confidence in the efficacy of preventive measures.

2.3 Directors

Directors will be responsible for:

- The implementation of the Council's health and safety policies, including the monitoring and review of the safety performance of each service within their remit
- Where they are identified, implementation of the specific arrangements in Part 3 of this policy;
- Managing the health and safety performance of their service in accordance with the management process outlined above;
- Encouraging and sustaining a positive safety culture as described above within their specific service;
- Establishing risk assessment as a positive approach to the management of their service's activities;
- Ensuring that arrangements are made within their service for all staff to be kept informed on matters of health and safety;
- Seeking to ensure, and where necessary document, that adequate resources are made available within their service to implement and maintain the Council's policies for health, safety and welfare;
- Ensuring that for all work and places of work under their control, risk assessment processes are applied with equal importance to all other management functions;

- Dealing with any wilful disregard by employees of health and safety arrangements including, where necessary, the use of the Council's disciplinary procedure;
- Working with their managers and team leaders towards ensuring that health and safety performance requirements are objectively set, monitored and reviewed;
- Reporting any known deviance from this policy to the Chief Executive.

2.4 Group Managers Supervisors and Team Leaders

Groups Managers, Supervisors and Team Leaders are responsible to their relevant Director for the health and safety performance of their respective areas. In this they will be required to:

- Have sufficient knowledge of the activities under their control, and the Council's policies relating to them, to be in a position to assure their competency in managing the Council's Health and Safety Policy and provide positive leadership on health and safety;
- Work with the Chief Executive and Directors in achieving a positive safety culture throughout the authority;
- Manage the day to day operations based on safe systems of work with a considered proactive approach towards managing risks;
- Where they are identified, implement the specific arrangements in Section 3 of this policy;
- Ensure through the provision of training and selection that each employee involved is competent to undertake safely the responsibilities given to them BEFORE they carry them out;
- Ensure that sufficient instruction, information and supervision is given to individual staff under their management, based on the level of risk to which they may be exposed, and that employment of their staff includes the necessary elements of competency (in accordance with Regulation 13 of the [Management of Health and Safety at Work Regulations 1999](#));
- Be responsible, where required, for making returns and reports to the Corporate Health and Safety Officer – including reports of near misses, accidents or dangerous occurrences;
- Ensure that before the issue of contracts or orders, adequate checks are made to confirm the suitability of the contractor's health and safety policies, method statements and risk assessments (Contractor Arrangements Section). This will include assessment of their arrangements to provide adequate welfare facilities and ability to manage all the activities they will undertake for, or on behalf of, the Council. All arrangements must be consistent with those required by the Council for its own staff;
- Ensure that policies, safe systems of work and risk assessments specifically tailored to control the hazards for their functions or work areas are created, implemented, recorded, monitored, and reviewed as necessary. Employees will be briefed on any risk assessment that affects their work and given the opportunity to contribute to the assessment e.g. through 'Toolbox talks' before work begins;
- Ensure that all statutory records of testing/inspection/maintenance pertinent to their service area are maintained and create and record as necessary routine maintenance arrangements;
- Ensure that all new work places and work activities are subject to a risk assessment and that all identified hazards are documented and measures taken to minimise or control the risks as far as is reasonably practicable;
- Ensure that before employment a Young Person's Risk Assessment is carried out on any employee who has not yet reached their 18th birthday, in accordance with Regulation 19 of the [Management of Health and Safety at Work Regulations](#) and its Approved Code of Practice. (This is intended to identify whether the individual is suitable for the tasks they may be given, and to limit those tasks where necessary, and what training and supervision will be required to ensure their competency and safety whilst at work);
- Ensure that risk assessments are carried out for expectant mother or employees with special needs [Risk management: Health and safety in the workplace](#);
- Consult with the Corporate Health and Safety Officer regarding specific Health and Safety training needs and, where needed, risk assessments;
- Ensure their staff, as far as is reasonably practicable, apply all legal, corporate and directorate requirements relative to the work of their specific function that may affect health, safety and welfare at work;
- Ensure the provision of welfare facilities (clean water, seating, toilets and washing facilities) for all work situations under their control and ensure that first-aid, to the standard required by law, is available and made known to all their staff, and periodic checks are made of first-

aid equipment. First aid arrangements can be assessed using the free HSE tool available on the www.hse.gov.uk website;

- Ensure that employees are fully aware of procedures to be followed in the event of a fire;
- Ensure that, in circumstances where the use of Personal Protective Equipment (PPE) has been identified, the type and quality selected will be appropriate and will adequately protect that person from the hazards encountered. Supervisors must ensure that those who are required to wear PPE have been given adequate training in its use, care and maintenance and, where appropriate, keep the appropriate records.

2.5 Corporate Health and Safety Officer

The Health and Safety Officer is responsible for providing advice, support and information on the application of health and safety legislation within the Council to comply with [Regulation 7 of the Management of Health and Safety at Work Regulations 1999](#). In particular, the Health and Safety Officer will:

- Assist the Council in establishing and maintaining appropriate monitoring and auditing systems for health and safety;
- Carry out internal 'Health and Safety Status Reviews' of each Council Service;
- Provide information and advice on request to management and staff on all aspects of health and safety, including fire safety;
- Carry out fire risk assessments on all relevant Council properties;
- Advise management on the formulation, development and implementation of health and safety policy and procedures in line with legal requirements and guidance, such as that available from the HSE and other relevant bodies;
- Advise on the need for health and safety training, including at induction, and to be a key participant in developing and, where necessary, delivering such training;
- Work with management and staff to ensure that we meet our legal requirement to carry out risk assessments;
- Advise management on the steps needed to achieve adequate control of risks to health and safety;
- Work with managers, staff and safety representatives to ensure that we carry out a programme of regular safety inspections;
- Advise management on systems for recording and reporting accidents and ill-health and be responsible for the maintenance of adequate records;
- Where required, make RIDDOR reports to the HSE;
- Investigate accidents and cases of reported ill-health in order to recommend actions to avoid a recurrence;
- Liaise on health and safety with external bodies and enforcing authorities.

2.6 Safety Representatives

Recognised Trades Unions have, in consultation with the Council, identified employees to represent the staff on matters relating to Health, Safety and Welfare at work. Their duties are defined in Part 3 but as representatives on the Corporate Health and Safety Committee they may:

- Investigate potential dangers and hazards.
- Examine the cause(s) of accidents.
- Investigate complaints relating to Health, Safety or Welfare at work.
- Inspect the scene of an accident, dangerous occurrence/near miss or reported case of disease, if it is safe to do so (after consultation with the Corporate Health and Safety Officer).
- Carry out formal inspections of the workplace or part of the workplace. The maximum frequency of formal inspections will be quarterly, except by written agreement of the Chief Executive.

2.7 Health and Safety Committee

The Health and Safety Committee will be the principal forum for the Council to consult both its employees and the Union on measures taken to ensure, as far as reasonably practicable, their health, safety and welfare. The Committee will be administered in accordance with the [Safety Committees and Safety Representatives Regulations 1977](#) and [Health and Safety \(Consultation with Employees\) Regulations 1996](#). In its operation the Health and Safety Committee will assist the Council to discharge its general obligations under the Health & Safety at Work etc. Act 1974.

The Health and Safety Committee will monitor and review the operation of the Council's safety policy and any related arrangements and procedures, receive reports of incidents, trends and any remedial action taken and, where necessary, make recommendations to the Cabinet and or other relevant Council Committees regarding any revisions or additions that may be required. Minutes of meetings and agreed actions will be kept.

The Health and Safety Committee will consider and make recommendations to the Chief Executive and Councillors, as appropriate, concerning priorities and the strategic direction for MDDC to achieve compliance with statutory obligations and continually improve performance.

An elected member, who acts as the Elected Member's Health and Safety Champion, will be a member of the Health and Safety Committee.

The Corporate Health and Safety Committee will specifically consider the Council's overall position and performance in relation to the [Corporate Manslaughter and Corporate Homicide Act 2007](#).

2.8 Employees

The Council commits itself to providing suitable and sufficient health and safety information, instruction and training as is appropriate to the activities employees carry out.

Individual responsibilities of all employees are as follows:

- In accordance with Section 7 of the Health and Safety at Work etc. Act 1974, it is the duty of every employee while at work to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work; and
- As regards any duty or requirement imposed on the Council under health and safety law, to co-operate with the Council so far as is necessary to enable it to comply; and
- Not to intentionally or recklessly interfere with, or misuse anything provided in the interests of health, safety and welfare by the Council, e.g. fire or safety equipment.

Note: As the above are statutory duties, failure to comply will not only result in investigation and, where proven, disciplinary action, but also may lead to investigation and prosecution by the HSE.

PART 3: Arrangements

The Council is required by Regulation 5 of the Management of Health and Safety at Work Regulations 1999 to make, and give effect to such arrangements as are appropriate, having regard to the nature of its activities and the size of its undertaking, for the effective planning, organisation, control, monitoring and review of its preventive and protective measures, and to put these arrangements in writing.

Effective management of health and safety will depend, amongst other things, on the robust application of proactive risk assessment and, leading from this, the implementation of reasonable mitigating controls to prevent, avoid or minimise the risk of injury. The law requires a written summary be kept of the risk assessments. At MDDC this would be using the SPAR system and the Risk Assessment Register on SharePoint.

Corporate policies on health and safety are listed on SharePoint under Corporate Health and Safety.

3.1 Risk Assessment

Directors will take responsibility for the completion, implementation, monitoring and review of Risk Assessments for their area of responsibility. Collectively this will cover all activities of the Council. In practical terms this process will need to be broken down and delegated to competent individuals who will be in a position to assess the risk of significant hazards that exist within each work area and report back to the relevant Director, who will retain overall responsibility for ensuring the risk assessment process is completed. The Corporate Health and Safety Officer through his routine reviews will monitor performance and report back to the H&S Committee any findings.

The Council will apply HSE guidance on Risk Assessment ([Risk management: Health and safety in the workplace](#)), including adoption of the '5 Steps to Risk Assessment' approach for all new assessments and reviews. The 5 steps are as follows:

- Step 1: Identify the hazards**
- Step 2: Decide who might be harmed and how**
- Step 3: Evaluate the risks and decide on precautions**
- Step 4: Record your findings and implement them**
- Step 5: Review your assessment and update if necessary**

The findings of the risk assessments will be recorded on the Risk Assessment Register and, where they meet the criteria, SPAR.

Action required to remove/control risks will be approved by the Director who will, if necessary, take them to the Chief Executive.

Line Managers will be responsible for ensuring the required actions are implemented as part of their day-to-day management supervision.

The Corporate Health and Safety Officer will check that the implemented actions have removed/reduced the risks as part of his routine reviews and accident/near-miss investigations. Feedback will be provided to the relevant Director, including the need for a review, which they must act on without delay.

Assessments will be reviewed every 12 months, or when the work activity changes, whichever is soonest.

3.2 Consultation with employees

MDDC recognises Unison as the union that represents employees for consultation on Health and Safety under the Safety Committee and Safety Representatives Regulations and the Health and Safety (Consultation with Employees) Regulations.

3.2 Safe use of plant and equipment

Directors will be responsible for ensuring the [Provision and Use of Work Equipment Regulations 1998 \(PUWER\) - Work equipment and machinery](#) are implemented and adhered to. The Line Managers shall ensure that equipment is suitable for the task it is being used for and that effective maintenance procedures are drawn up and implemented.

Employees will report any problems found with plant/equipment to the relevant Line Manager who will authorise its repair or replacement.

On request, the Corporate Health and Safety Officer can check that new plant and equipment meets health and safety standards before it is purchased e.g. CE marking.

3.3 Safe use of hazardous substances

The Council will comply with the requirements of the Control of Substances Hazardous to Health Regulations 2002 (COSHH). <http://www.hse.gov.uk/pubns/indg136.pdf>

Hazardous substances include:

- Substances used directly in work activities (e.g. adhesives, paints, cleaning agents)
- Substances generated during work activities (e.g. fumes and dust)
- Other substances that can be a hazard that employees may come into contact with during their work, e.g. blood, vomit and faeces containing biological agents such as bacteria and other micro-organisms e.g. viruses.

The COSHH assessment process is detailed under a separate Policy [Policies & Strategies - Home](#). Responsibility for its implementation, monitoring and review rests with the individual Director, Group Managers and Team Leaders for their particular area. The initial priority will be to have an overview of what substances require assessment and obtain the relevant Product Data Sheet for each chemical purchased from the manufacturer/supplier.

The COSHH Regulations require the Council to prevent exposure to substances hazardous to health, if it is reasonably practicable to do so. In achieving this, the Council may:

- Change the process or activity so that the hazardous substance is not needed or generated;
- Replace it with a safer alternative;
- Use it in a safer form e.g. pellets instead of powder, gels instead of liquids etc.

If prevention is not reasonably practicable, the Council will introduce control measures identified by the COSHH Assessment [Health & Safety - Home](#). These will be applied in the following order of priority:

1. Use appropriate work processes and systems, engineer controls and provide suitable work equipment and materials e.g. use processes which minimise the amount of material used or produced, or equipment which totally encloses the process;
2. Control exposure at source (e.g. local exhaust ventilation) and reduce the number of employees exposed to a minimum, the level and duration of their exposure, and the quantity of hazardous substances used or produced in the workplace;
3. Provide PPE, including face masks, gloves, clothing, but only as a last resort and never as a replacement for other control measures which are required.

Following the assessment, a written record of any findings and control measures will be retained and employees provided with suitable and sufficient information, instruction and training to minimise any identified risk to their health. The Corporate Health and Safety Officer will review each Service on COSHH and provide feedback.

3.4 Information, instruction and supervision

A Health and Safety Law poster will be displayed at each Council building.

Health and Safety advice is available from the Corporate Health and Safety Officer:

Michael Lowe Tel 07714 680171 Email mlowe@middevon.gov.uk
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Supervision of young workers/trainees will be arranged/undertaken/monitored by Line Managers.

The Council has a duty to provide relevant health and safety information to its employees in **any reasonably foreseeable circumstance**. It is for Group Managers and Team Leaders to be aware of this as part of their Risk Assessment e.g. who needs to know what information? This is of particular importance where Council employees are working off-site e.g. at locations under the control of another employer where information may be provided to their employees but not to ours. Where informed, the Corporate Health and Safety Officer can provide advice on the information required.

3.5 Competency for tasks and training

Human Resources will support induction training for all employees in liaison with Directors, Group Managers and Team Leaders.

Line Managers will arrange job specific training in liaison with the Council's Learning and Development Officer.

Training records will be kept by each Service and will be reviewed by the Corporate Health and Safety Officer and Internal Audit.

Training on health and safety will be identified, arranged and monitored by Team Leaders through their risk assessment process (see above).

3.6 Accidents, first aid and work-related ill health

Under Regulation 6 of the Management of Health and Safety at Work Regulations 1999, the Council will ensure that all its employees are provided with health surveillance as is appropriate, having regard to the risks to their health and safety. The need for health surveillance and its appropriate level, frequency and type will be identified as part of the Council's Risk Assessments taking into account current HSE guidance. [HSE: Health surveillance](#)

Where the assessment requires it, the relevant Team Leader for the activity will arrange for appropriate health surveillance in liaison with Human Resources, who will maintain a Health Surveillance Record with the employee's other personal information.

Names of employees identified as requiring health surveillance will be passed to the Corporate Health and Safety Officer for his information.

To fulfil its obligations under the Health and Safety Regulations 1981 [First aid at work - The Health and safety \(First Aid\) Regulations 1981](#), the Council will maintain an appropriate level of First Aiders in addition to the minimum legal requirement of identifying Appointed Persons. The level of cover will be set within a specific First Aid Policy. [Policies & Strategies - Home](#)

First aid kits will be provided at each Council building and, subject to risk assessment, appropriate first aid equipment will be maintained in Council-owned vehicles.

All accidents and cases of work-related ill health are to be recorded on an Accident Report Form and reported under RIDDOR where necessary. The Accident Reporting Procedure will be maintained by the Corporate Health and Safety Officer (found under Corporate Health and Safety on SharePoint). [Health & Safety - Home](#)

In addition to this, if there is a work related accident resulting in the death or major injury to an employee, self-employed person working on Council premises or a member of the public, it will be investigated by the Corporate Health and Safety Officer (or by a nominated person in his absence) and reported to the HSE within 10 days (or 15 days if due to an over 5 day absence from work), [How to make a RIDDOR report - RIDDOR - HSE](#)

3.7 Monitoring

To check our working conditions and ensure our safe working practices are being followed, we will:

- Carry out regular workplace inspections;
- Investigate any accidents or reports of ill health;
- Regularly review policies and procedures whenever necessary.

The Corporate Health and Safety Officer will be responsible for this.

The Human Resources Service, in liaison where necessary with the Corporate Health and Safety Officer, is responsible for investigating work-related causes of sickness absences. The relevant Director is responsible for acting on investigation findings to prevent a recurrence.

3.8 Emergency procedures – fire and evacuation

Group Managers and Team Leaders with responsibility for the buildings they are operating in must ensure that:

- There are emergency plans in place to deal with any potential emergency [Emergency procedures](#);
- Emergency evacuation procedures are developed and implemented;
- All fire safety checks are completed in accordance with the fire risk assessment;
- Emergency evacuation procedures are tested randomly at least twice a year.

The Corporate Health and Safety Officer is responsible for:

- Ensuring a fire risk assessment is undertaken and implemented for all Council managed buildings;
- Supporting the Group Managers and Team Leaders in developing and implementing emergency action plans and evacuation procedures;
- Monitoring that all emergency action plans and fire safety checks are being maintained and reviewed.

The Group Manager for Corporate Properties and Commercial Assets is responsible for:

- Ensuring all fire fighting equipment meets and is maintained in accordance with BS-5306;
- Ensuring all fire alarm systems meet and are maintained in accordance with BS-5839;
- Ensuring that all emergency lighting fittings meet and are maintained in accordance with BS-5266;
- Ensuring any faults brought to the attention of Property Services which impact on the safe evacuation of people from a Council building are given priority.

This is the statement of general policy and arrangements for

Mid Devon District Council

Stephen Walford Chief Executive

has overall and final responsibility for health and safety

Michael Lowe Corporate Health and Safety Officer

has day-to-day responsibility for ensuring this policy is put into practice

Statement of general policy	Responsibility of: Title	Action/Arrangements (What are you going to do?)
To prevent accidents and cases of work-related ill health by managing the health and safety risks in the workplace	Group Managers Corporate Health and Safety Officer	All accidents are to be reported to H&S Officer immediately using an Accident Report form available on SharePoint or from the Health and Safety Officer healthandsafety@middevon.gov.uk
To provide clear instructions and information and adequate training, to ensure employees are competent to do their work	Learning & Development Manager Group Managers Team Leaders	Training needs are assessed by the Team Leaders, with the delivery of the training program supported by the Learning and Development Manager. Group Managers and Team Leaders are responsible for ensuring the completion of appropriate risk assessments and using these to generate safe systems of work
Engage and consult with employees on day-to-day health and safety conditions	Unison Branch Secretary Corporate Health and Safety Officer	Mid Devon District Council complies with the Health & Safety (Consultation with Employees) Regulations 1996 by taking a joint consultation process with union involvement
Implement emergency procedures – evacuation in case of fire or other significant incident.	Group Managers, Team Leaders with responsibility for buildings under their control	Each MDDC site has an emergency evacuation plan in place created from their fire risk and specific risk assessments. It is the responsibility of the designated site manager to ensure staff are trained in the procedures and they are regularly tested
To maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage/use of substances	Group Manager for Corporate Property and Commercial Assets Team Leaders	The Group Manager for Corporate Property and Commercial Assets has overall responsibility for ensuring the maintenance of facilities and plant equipment. Group Managers and Team Leaders are responsible for the maintenance and safe use of operational equipment, machinery and safe storage/use of hazardous substances
Signed: * (Employer)	Stephen Walford Chief Executive	Date:
Health and safety law poster is displayed on	Staff noticeboards in all MDDC sites	
First-aid box is located:	Listed in the emergency action plans for each site	
Accident book is located:	Blank forms are accessed through SharePoint with the completed forms sent to the H&S Officer with escalation to RIDDOR where necessary Health & Safety - Home	

COMMUNITY PDG 27 MARCH 2018

Regulation of Investigatory Powers Act 2000 (RIPA) RIPA Policy and procedures

Cabinet Member(s): Cllr Mrs M Squires
Responsible Officer: Director of Corporate Affairs and Business Transformation

Reason for Report: To undertake the annual review of the Council's existing RIPA policy.

RECOMMENDATION:

- 1. That the Cabinet be advised that the Council's existing RIPA Policy does not require updating or amending at the current time.**
- 2. To note that the Council has not used its powers under RIPA since March 2014.**

Relationship to Corporate Plan: To approve the RIPA policy on an annual basis is a requirement of being a well-managed Council.

Financial Implications: None

Legal Implications: As set out in the policy and this report

Risk Assessment: None

Equality Impact Assessment: None

1.0 Background

- 1.1** The Council's existing RIPA Policy was updated and approved by Cabinet on 5th January 2017 (Appendix 1 to this report). The RIPA Policy states at paragraph 13 that members of the Community Wellbeing PDG should review the policy annually.
- 1.2** Members are informed that a new act known as the Investigatory Powers Act 2016 has been passed. The 2016 Act does not change the law with regard to the Council using directed surveillance and covert human intelligence sources. These two powers still come under the Regulation of Investigatory Powers Act 2000. The existing codes for directed surveillance and CHIS made under the 2000 Act still apply and have not changed.
- 1.3** The 2016 Act does contain provisions which are not yet in force about the power of local authorities to acquire data about communications. The Council's existing RIPA Policy says it does not apply to this power to acquire communication data because the Council does not anticipate using the power. It is still the case that the Council does not anticipate using this power.

- 1.4 Accordingly, at this time, because the Council does not use the power to acquire communication data it is considered the 2016 Act, when it is brought into force, will not require the existing RIPA Policy to be updated.
- 1.5 The Home Office says in due course there will be a code of practice, concerning communications data, which will be published for consultation at a later date. Officers will be alert to this code and report to the Community Wellbeing PDG, if there are any changes that need to be made.
- 2.0 **Summary**
- 2.1 In summary, the Council's RIPA Policy concerns directed surveillance and covert human intelligence and the law and codes of practice relating to these areas have not changed.

Contact for more Information: Philip Langdon, Solicitor (T: (01884) 255255); plangdon@middevon.gov.uk

Circulation of the Report: Cllr Mrs M Squires and Leadership Team

List of Background Papers:

MID DEVON DISTRICT COUNCIL

RIPA POLICY

**USE OF DIRECTED SURVEILLANCE AND COVERT HUMAN
INTELLIGENCE SOURCES
REGULATION OF INVESTIGATORY POWERS ACT 2000**

1.0 INTRODUCTION

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the use of covert investigative techniques by public authorities. It provides for the application for and granting of authorisations for those techniques covered by the Act.
- 1.2 Article 8 of the European Convention on Human Rights provides a right to private and family life. This is not an absolute right; it may be infringed in certain circumstances. The RIPA is designed to provide a statutory regulatory framework, which will meet the requirements of the European Convention on Human Rights.

2.0 PURPOSE

- 2.1 The purpose of this policy is to ensure that the Council complies with the requirement of RIPA and that appropriate authorisations are given for covert surveillance, the use of covert human intelligence sources and the acquisition and disclosure of communications data.

3.0 ASSOCIATED DOCUMENTS

3.1 Background documents

Report to the Council's Policy and Development Committee –15.02.2001

3.2 Statutes and Statutory Instruments

- (a) Regulation of Investigatory Powers Act 2000
- (b) Human Rights Act 1998
- (c) Police and Criminal Evidence Act 1984
- (d) Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010
- (e) Protection of Freedoms Act 2012

3.3 Guidance

- (a) Explanatory Notes to RIPA
- (b) Code of Practice for covert surveillance and property interference
- (c) Code of Practice for the use of covert human intelligence sources
- (d) Code of Practice for the acquisition and disclosure of communications data
- (e) Home Office Web Site <https://www.gov.uk/guidance/surveillance-and-counter-terrorism#local-authority-use-of-ripa>

3.4 All Codes of Practice are available on the Home Office Web Site <https://www.gov.uk/government/collections/ripa-codes>

4.0 SCOPE

4.1 The Act provides a regime of primary legislation and Codes of Practice, which divide covert investigation techniques into categories distinguished to an extent by the degree of intrusion involved. This procedure applies to all investigation and surveillance that may be subject of an authorisation under RIPA.

4.2 The Act covers the following investigatory powers:

- (1) Part I (Chapter I) - interception of communications
- (2) Part I (Chapter II) - the acquisition of communications related data e.g. telephone billing data
- (3) Part II deals with:
 - intrusive surveillance on residential premises or in private vehicles
 - directed surveillance i.e. covert surveillance in the course of a specific operation
 - the use of covert human intelligence sources e.g. agents, informants, undercover officers
- (4) Part III - deals with the power to seize electronic keys giving access to encrypted computer material
- (5) Part IV - provides for scrutiny, complaint procedures and codes of practice

4.3 This policy document relates to the **use of directed surveillance** and **covert human intelligence sources**. It does not cover the acquisition and disclosure of communications data as it is not anticipated that this power will be used by the Council. If authorisation is however sought for this type of activity,

guidance must be sought from Legal Services before any operation or investigation is undertaken. It does not cover intrusive surveillance because local authorities are not allowed to do this. Intrusive surveillance is the covert (i.e. secret) surveillance of anything taking place in residential premises or a private car and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

- 4.4 RIPA sets out the purposes for which each of these powers may be used, the Agencies and authorities that can use them and who should authorise the use. Authorisation under RIPA gives lawful authority for the use of these methods of obtaining information provided there is compliance with the statutory requirements and procedures. Obtaining an authorisation will ensure that the action is carried out in accordance with law and subject to stringent safeguards against abuse. It will also make the action less vulnerable to challenge under the Human Rights Act 1998.
- 4.5 For district councils, the Act does not allow directed surveillance or CHIS at all except for the purpose of preventing or detecting crime or preventing disorder. For example, this means that you cannot carry out these covert activities prior to the service of a statutory notice, unless you believe an offence may have been committed, may be about to be committed, or there could be public disorder. Your only option in other cases will be to carry out overt – open, non-secretive – surveillance.
- 4.6 Services likely to conduct investigations covered by this Act are Planning, Environmental Health, Housing and Audit. However, any officer of the Council if he or she conducts an investigation using methods or techniques covered by this Act is required to seek the necessary authorisation, provided always that the purpose of the investigation is the one which the Act says can justify covered surveillance – see 4.5 above.

5.0 ACTIVITY REQUIRING AUTHORISATION

- 5.1 The following types of activity will require authorisation:
- directed surveillance
 - the conduct and use of covert human intelligence sources
 - obtaining communications data
- 5.2 Directed surveillance is, in essence, any activity undertaken covertly for the purpose of a specific investigation in such a way that is likely to result in obtaining information about a person's private life.
- 5.3 A covert human intelligence sources (CHIS) is effectively an inside informant or undercover officer, i.e. someone who develops or maintains their relationship with the surveillance target, having the covert purpose of obtaining or accessing information for the investigator. Council officers may act as CHIS when undertaking social media research. For a more detailed definition see section 26 of the Act.

6.0 APPLYING FOR AUTHORISATIONS

- 6.1 The Directors are authorising officers for the Council. In the absence of the nominated authorising officer, applications for authorisation should be submitted to Chief Executive who also has the delegated authority to issue authorisations in relation to any service of the Council. Authorising officers may authorise for any service within the Council.
- 6.2 Any officer intending to use directed surveillance or a CHIS shall apply for authorisation from the authorising officer or in their absence from the Chief Executive as Head of Paid Service or in his absence a Director who is an authorising officer by completing the appropriate application form as set out at **Appendix DS/1 or CHIS/1**.
- 6.3 Special care needs to be taken with **confidential personal information**. This is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it. Such information, which can include both oral and written communications, is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, or information from a patient's medical records. This also includes legally privileged material, journalistic materials and information given to a Member of Parliament. Owing to the very sensitive nature of this type of information authorisations potentially involving confidential personal information must always be made by the **Chief Executive** or in his absence a Director.
- 6.4 When completing the application always include a full account of the steps to be taken in the investigation which require authorisation.

7.0 GRANTING OF AUTHORISATIONS FOR DIRECTED SURVEILLANCE

- 7.1 Section 28 provides that a person shall not grant authorisation for *directed surveillance* unless he believes that the authorisation is necessary on one of the statutory grounds and the authorised surveillance is proportionate to what is sought to be achieved by it. The applicant and the authorising officer must both consider whether it is necessary to use covert surveillance in the investigation. From 5 January 2004, only one ground applied to district councils and it is therefore the only one which can be used to justify an authorisation.
- 7.2 That ground is:
- for the purpose of preventing or detecting crime or of preventing disorder

- 7.3 The authorising officer in determining whether the surveillance is proportionate will give particular consideration to any collateral intrusion on or interference with the privacy of persons other than the subject(s) of the surveillance. The Home Office Code of Practice has the following to say on the issue of proportionality:

“3.4 if the activities are deemed necessary on...the statutory grounds, the person granting the authorisation... must also believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

3.5 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render intrusive actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means..” Home Office Code of Practice on Covert Surveillance and Property Interference.

- 7.4 A useful prompt is to ask yourself “Is there any other way of obtaining the evidence?”. There is a need to consider the following:
- (i) Whether the use of covert surveillance is proportionate to the mischief being investigated,
 - (ii) Whether it is proportionate to the likely intrusion on the target and others,
 - (iii) Whether all other reasonable means of acquiring the evidence have been considered, and
 - (iv) What other methods had been considered and why they were not implemented.
- 7.5 Authorisations must be given in writing. It is possible that authorising officers may face cross-examination in court about the authorisation some time after it is granted and memories fade. It is therefore important that a full written record of what you are being asked to authorise appears on the application form. If in doubt ask for more detail.
- 7.6 Authorising officers should not be responsible for authorising their own activities.
- 7.7 All RIPA authorisations must be approved by a Magistrate before an authorisation becomes effective, directed surveillance is undertaken, communications data is obtained or an application is made for a Covert

Human Intelligent Source. Directed surveillance can only be authorised where the following conditions apply;

(1) The first condition is that the authorisation under section 28 is for the purpose of preventing or detecting conduct which:

- (a) constitutes one or more criminal offences, or
- (b) is, or corresponds to, any conduct which, if it all took place in England and Wales, would constitute one or more criminal offences.

(2) The second condition is that the criminal offence or one of the criminal offences referred to in the first condition is or would be:

- (a) an offence which is punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months of imprisonment.

7.8 Duration of Authorisations and Reviews

7.8.1 An authorisation in writing ceases to have effect at the end of a period of 3 months beginning with the day on which it took effect. So an authorisation starting 1st January would come to an end on 31st March. Regular reviews of authorisations should be undertaken. The results of the review should be recorded on **Appendix DS/2** and a copy filed on the central record of authorisations. If the surveillance provides access to confidential information or involves collateral intrusion more frequent reviews will be required. The Authorising Officer should determine how often a review should take place.

7.9 Renewals

7.9.1 While an authorisation is still effective the authorising officer can renew it if he considers this necessary for the purpose for which the authorisation was originally given. The authorisation will be renewed in writing for a further period, beginning with the day when the authorisation would have expired but for the renewal and can be for a period up to 3 months.

7.9.2 Applications requesting renewal of an authorisation are to be made on the appropriate form as set out at **Appendix DS/3** and submitted to the authorising officer. The renewal must be granted before the original authorisation ceases to have effect.

7.9.3 Applications for renewal will record:

- whether this is the first renewal, if not, every occasion on which the authorisation has previously been renewed
- the significant changes to the information in the initial authorisation
- the reasons why it is necessary to continue with the surveillance

- the content and value to the investigation or operation of the information so far obtained by the surveillance
- The results of regular reviews of the investigation or operation.

7.10 Cancellations

7.10.1 The person who granted or last renewed the authorisation **MUST** cancel it if he is satisfied that the directed surveillance no longer meets the criteria for authorisation. Requests for cancellation will be made on the appropriate form as set out at **Appendix DS/4** and submitted to the authorising officer for authorisation of the cancellation. All directed surveillance cancellations must include directions for the management and storage of any surveillance product.

8.0 GRANTING OF AUTHORISATION FOR THE CONDUCT AND USE OF COVERT HUMAN INTELLIGENCE SOURCES (CHIS)

8.1 The same requirements of necessity and proportionality exist for the granting of these authorisations as are set down for directed surveillance.

8.2 Additionally the authorising officer shall not grant an authorisation unless he /she believes that arrangements exist for the source's case which satisfy the following requirements:

- there will at all times be an officer with day to day responsibility for dealing with the source and the source's security and welfare
- there will at all times be an officer who will have general oversight of the use made of the source
- there will at all times be an officer with responsibility for maintaining a record of the information supplied by the source
- records which disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available

8.3 Similarly before authorising use or conduct of the source, the authorising officer must be satisfied that the conduct/use is proportionate to what the use or conduct of the source seeks to achieve, taking into account the likely degree of intrusion into privacy of those potentially effected for the privacy of persons other than those who are directly the subjects of the operation or investigation. Measures should be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those not directly connected with the operation.

- 8.4 Particular care is required where people would expect a high degree of privacy or where, as a consequence of the authorisation 'confidential material' is likely to be obtained.
- 8.5 Consideration is also required to be given to any adverse impact on community confidence that may result from the use or conduct of a source or information obtained from that source.
- 8.6 Additionally, the authorising officer should make an assessment of any risk to a source in carrying out the conduct in the proposed authorisation.
- 8.7 Authorisation for the use of a CHIS must be given in writing. Only the Chief Executive or in his absence a Director who is an authorising officer may authorise the use of a juvenile or vulnerable CHIS.
- 8.8 Ideally the authorising officers should not be responsible for authorising their own activities e.g. those in which they themselves are to act as a source or in tasking a source. However it is recognised that this will not always be possible especially in the case of small departments. Authorisations must be approved by a Magistrate, see paragraph 7.5. The Solicitor employed by the Council will arrange the appointment before the Magistrate(s) and explain the procedure to the Authorising Officer. The Solicitor employed by the Council and the Authorising Officer will be required to attend before the Magistrate(s) to seek the Magistrate's approval to the authorisation.
- 8.9 An application for authorisation for the use or conduct of a source will be made on the appropriate form as set out at **Appendix CHIS/1** and must record:
- Details of the purpose for which the source will be tasked or deployed.
 - The reasons why the authorisation is necessary in the particular case and on the grounds on which authorisation is sought (e.g. for the purpose of preventing or detecting crime or disorder).
 - Where a specific investigation or operation is involved details of that investigation or operation.
 - Details of what the source would be tasked to do.
 - Details of potential collateral intrusion and why the intrusion is justified.
 - Details of any confidential material that might be obtained as a consequence of the authorisation.
 - The reasons why the authorisation is considered proportionate to what it seeks to achieve.
 - The level of authorisation required.

- A subsequent record of whether authorisation was given or refused by whom and the time and date.

8.10 Duration of Authorisations

8.10.1 A written authorisation, unless renewed, will cease to have effect at the end of a period of twelve months beginning with the day on which it took effect except in the case of a juvenile CHIS which has a duration of one month. Oral authorisations will, unless renewed, last 72 hours.

8.11 Renewals

8.11.1 As with authorisations for directed surveillance authorisations for the conduct and use of covert human intelligence sources can be renewed, the same criteria applying. However before an Authorising Officer renews an authorisation, he must be satisfied that a review has been carried out of the use of a CHIS and that the results of the review have been considered. Applications for renewal must be made on the appropriate form as set out at **Appendix CHIS/3** and submitted to the authorising officer. However an application for renewal should not be made until shortly before the authorisation period is coming to an end.

8.11.2 An authorisation may be renewed more than once – provided it continues to meet the criteria for authorisation.

8.12 Reviews

8.12.1 Regular reviews of authorisations should be undertaken. The results of the review should be recorded on **Appendix CHIS/2** and a copy filed on the central record of authorisations. If the surveillance provides access to confidential information or involves collateral intrusion frequent reviews will be required. The authorising officer should determine how often a review should take place.

8.12.2 Before an authorising officer renews an authorisation he must be satisfied that a review has been carried out of:

- The use made of the source during the period authorised
- The tasks given to the source
- The information obtained from the use or conduct of the source

8.12.3 If the authorising officer is satisfied that the criteria necessary for the initial authorisation continue to be met, he may renew it in writing as required.

8.13 Cancellations

8.13.1 The officer who granted or renewed the authorisation **MUST** cancel it if he/she is satisfied that:

- the use or conduct of the source no longer satisfies the criteria for authorisation, or
- that the arrangements for the source's case no longer exist

8.13.2 Requests for cancellation will be made on the appropriate form as set out at **Appendix CHIS/4** and submitted to the authorising officer for authorisation of the cancellation. All CHIS cancellations must include directions for the management and storage of any surveillance product.

8.14 **Management Responsibility**

8.14.1 The day to day contact between the Council and the source is to be conducted by the handler, who will usually be an officer below the rank of the authorising officer. No vulnerable person or young person under the age of 18 should be used as a source.

8.15 **Security and Welfare**

8.15.1 Account must be taken of the security and welfare of the source. The authorising officer prior to granting authorisation should ensure that an assessment is carried out to determine the risk to the source of any tasking and the likely consequences should the target know the role of the source.

8.16 **Confidential Material**

8.16.1 Where the likely consequence of the directed surveillance or conduct of a source would be for any person to acquire knowledge of confidential material the deployment of a source should be subject to special authorisation. In these cases the proposed course of conduct must be referred to the Head of Paid Service or (in his absence) a Director for a decision as to whether authorisation may be granted.

9.0 **MAINTENANCE OF RECORDS**

9.1 Each Service shall keep in a dedicated place

- a record of all authorisations sought
- a record of authorisations granted and refused
- applications for the granting, renewal and cancellation of authorisations

9.2 The records will be confidential and will be retained for a period of 3 years from the ending of the authorisation.

9.3 Each authorising officer shall send original copies of all applications/authorisations, reviews, renewals and cancellations to the RIPA

Co-ordinating Officer when drafted who will maintain a central record of all authorisations. The report will include details of the level of compliance with the requirements for authorisation.

- 9.4 Authorising officers will ensure compliance with the appropriate data protection requirements and any relevant codes of practice produced by individual authorities in the handling and storage of material.
- 9.5 Where material is obtained by surveillance which is wholly unrelated to a criminal or other investigation or to the person subject of the surveillance and no reason to believe it will be relevant to future civil or criminal proceedings it should be destroyed immediately. The decision to retain or destroy material will be taken by the relevant authorising officer.

10.0 AWARENESS OF THE CONTENTS OF THE ACT AND TRAINING

- 10.1 It shall be the responsibility of each Service Manager or other Authorised Officer to ensure that all staff involved or likely to be involved in investigations receive a copy of the training document, and are aware of the requirements and implications of the Act. It shall be the responsibility of the Monitoring Officer to ensure that all relevant officers have received appropriate training and are aware of the requirements and implications of the Act.

11.0 CODES OF PRACTICE

- 11.1 A copy of each Code of Practice shall be kept in the reception area and be available to members of the public during usual working hours.

12.0 SENIOR RESPONSIBLE OFFICE AND RIPA CO-ORDINATING OFFICER

- 12.1 The Monitoring Officer is the Senior Responsible Officer for the Council whose role is:
- (i) to be responsible for RIPA training throughout the Council;
 - (ii) to ensure that all authorising officers are of an appropriate standard; and
 - (iii) to be responsible for heightening RIPA awareness throughout the Council.
- 12.2 A Solicitor employed by the Council is the RIPA Co-ordinating Officer for the Council whose role is:
- (i) to collate all original applications/authorisations, reviews, renewals and cancellations;
 - (ii) to keep the Central Record of Authorisations; and

- (iii) to notify the Leader of the Council of the receipt of authorisations from authorising officers.

13.0 MEMBER INVOLVEMENT

- 13.1 Members of the Community PDG should review this policy annually to ensure that it remains fit for purpose. Cabinet will consider reports from the OSC. The Cabinet should also consider reports on the use of the powers under the Act on a regular basis which shall be at least every year to ensure that it is being used consistently with this policy. Members of the Council will not however be involved in making decisions on specific authorisations.

Inventory of Surveillance Equipment held by MDDC

- 1. Digital camcorder Canon serial number 0277B007AA
- 2. Digital camera Fujifilm serial number 5AL 24892.
- 3. Digital camera Fujifilm serial number 5AL 24898.
- 4. Prowler serial number G009809.
- 5. LTL Acorn 5210 serial number 106095816.

Standard Operating Procedure for use of Surveillance Equipment

- 1. The Council operates the surveillance equipment (Equipment) as set out in the Inventory.
- 2. The Equipment should be stored, when not in use, in a locked cabinet under the control of the Monitoring Officer .
- 3. Any Officer of the Council considering using the Equipment for covert surveillance in a public place must make a written request to the Monitoring Officer or her delegate who will consider and decide in her absolute discretion whether the proposed use of the Equipment is appropriate bearing in mind the provisions of RIPA and the associated codes of practice.
- 4. Any Officer who uses the Equipment to record digital images may only view such images once captured and shall not download them on to a computer or other electronic storage facility.

CABINET

10 May 2018

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

LOCAL DEVELOPMENT SCHEME

Portfolio Holder	Cllr Richard Chesterton
Responsible Officer	Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: To approve a revised timetable (Local Development Scheme) for the preparation of the Mid Devon Local Plan Review and the Greater Exeter Strategic Plan.

RECOMMENDATIONS:

That Cabinet approves the new Local Development Scheme (LDS) in Appendix 1 which will have effect from 18th May 2018 and that this is published on the Council's website.

Relationship to Corporate Plan: The new LDS, appended to this report, sets out a revised timetable for the preparation of the Mid Devon Local Plan Review 2013-2033 and also for the Greater Exeter Strategic Plan. The new Local Plan will set the strategy for guiding new development in the district, allocating sites for housing, employment and retail uses, the provision of infrastructure, as well as policies for the protection of the environment and managing development. The Greater Exeter Strategic Plan (GESP) will set out a shared vision, strategic policies and proposals for development and conservation in the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge up to 2040. These plans will help meet the Corporate Plan priorities: 'Economy', 'Homes', 'Community' and 'Environment'.

Financial Implications: The report itself has no direct financial implications, however the preparation of planning policy documents have associated production costs. There is currently a budget for the examination of the Local Plan and production of the Greater Exeter Strategic Plan within the planning service.

Legal Implications: A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 as amended by Section 111 of the Localism Act 2011. It must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publicly and kept up to date.

Risk Assessment: The Local Plan Review was submitted in March 2017 and is currently subject to examination prior to adoption. It could be subject to challenge during the examination process, if it can be demonstrated that it was not drawn up in compliance with the LDS. The proposed LDS provides an accurate, updated timetable for the production of development plans.

1.0 Introduction

- 1.1 Local Planning Authorities are required to prepare and keep up to date a development plan for their area. It is important that the development plan is kept up to date to ensure that it reflects recent changes in the planning system, the Council's current corporate objectives and provides a sound basis for decision making. Therefore a project plan needs to be put in place to ensure the review is completed efficiently.
- 1.2 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires local authorities to prepare and maintain a LDS for the district. The LDS provides interested people and organisations with the Council's project plan for the preparation of local development documents. The Council's adherence to the LDS is part of the legal compliance check applied to Local Plans at their examinations.
- 1.3 The purpose of this report is to present a revised version of the LDS which takes account of the adjournment of examination hearings for the Mid Devon Local Plan Review that were scheduled to commence in September 2017, and additional time needed for the preparation of the Greater Exeter Strategic Plan to reach the Draft Plan Consultation Stage.

2.0 Mid Devon Local Plan Review and Greater Exeter Strategic Plan

Mid Devon Local Plan Review

- 2.1 Hearings for the examination of the Mid Devon Local Plan Review were due to be held on 26th and 27th September 2017. The Council requested the Planning Inspectorate to adjourn these hearings so that it could commission an independent assessment of the Sustainability Appraisal of proposed modifications made to the submission plan. The Council considered that this precautionary additional work would benefit the Local Plan Examination, aid the Inspector's decision making and give additional assurance of all hearing participants and the public that a fair and thorough assessment had been undertaken.
- 2.2 The independent assessment was completed in January 2018 and considered the Sustainability Appraisal of proposed modifications to be proportionate and appropriate to meet the legal requirements. Changes to the Sustainability Appraisal Update (2017) were recommended by the independent consultants to improve the clarity of this document.
- 2.3 The Council considered the findings of the assessment and the next steps for the Local Plan Review at meetings of the Cabinet on 9th February 2018 and Full Council on 21st February 2018.
- 2.4 A six week consultation was undertaken on the proposed changes to the Sustainability Appraisal 28 February – 11 April 2018. The independent assessment, changes to the Sustainability Appraisal and responses to the consultation will be submitted to the Inspector who will set revised hearing dates in due course.

Greater Exeter Strategic Plan (GESP)

- 2.5 The preparation of the GESP has been held up by a number of factors, the main ones being as follows:
- Significant and ongoing review of national planning and housing policies, commencing with the Housing White Paper and most recently involving a draft revised NPPF and associated Practice Guidance. These documents include amendments to the five year supply approach, a new housing “delivery test” and changes to the way housing need is calculated.
 - A very high response to the “call for sites” with over 700 sites made available, which needed to be assessed and considered via the HELAA (Housing and Employment Land Availability Assessment) process.
 - The need to resolve complex transport issues associated with the plan, particularly in the Exeter area, including extensive modelling, roadside interviews and scheme assessment. This work is still ongoing and will inform a key element of the GESP strategy.
- 2.6 It is not expected that the transport work will be ready before the end of 2018, given the complexities and in particular the need to ensure that Highways England are content with the work. The NPPF review is expected to be complete in the summer of 2018. These factors mean that the draft plan is not likely to be ready before spring 2019. In order to avoid issues of ‘purdah’ associated with the local elections in May 2019 it is therefore now proposed that the draft plan should be published in June 2019. An 8 week consultation period is allowed for (subject to approval of the Statement of Community Involvement for the GESP), longer than the normal 6 weeks referred to in the regulations.
- 2.7 Allowing for the various legal and other requirements of plan making, the proposed LDS sets publication/proposed submission in September 2020, plan submission in February 2021 and adoption in December 2021.
- 2.8 Each of the other local planning authorities preparing GESP have taken or will be taking a report to update their LDS which contains an identical timetable and section on the GESP.
- 3.0 **Groups Consulted**
- 3.1 The Planning Policy Advisory Group (PPAG) were advised of the timings within the new LDS at its meeting held on 1st May 2018.
- 4.0 **Approval of the LDS**
- 4.1 The Cabinet Report of 9th June 2016 ‘Planning policy documents for consideration by the Planning Policy Advisory Group, Cabinet and Council’ states that Cabinet is the only body that needs to give approval to the adoption of a new LDS. There is no longer a requirement for the LDS to be signed off by the Secretary of State. If approved, the new LDS will be published on the Council’s website.

4.2 It is recommended that the LDS is approved, is published on the Council's website and will have effect from Friday 18th May 2018.

Contact for more Information: Tristan Peat, Forward Planning Team Leader
01884 234344 / tpeat@middevon.gov.uk

Circulation of the Report: Councillor Richard Chesterton, Leadership Team

List of Background Papers: The previous LDS can be viewed on the Mid Devon website by following this link:

<https://www.middevon.gov.uk/residents/planning-policy/local-development-scheme/>

Mid Devon District Council Local Development Scheme – 18th May 2018

1. INTRODUCTION

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

- The local development documents which are to be 'development plan documents'
- The subject matter and geographical area to which each development plan document relates
- The timetable for preparation and revision of the development plan documents

1.2 Local authorities can update their LDS at such times as considered appropriate. The previous Mid Devon version has been in place since November 2016.

2. THE LOCAL PLAN

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

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

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

2.3 Devon County Council has a strategic planning role and is responsible for minerals and waste planning in Devon including the production of mineral and waste plans. The Devon Minerals and Waste Plan is currently made up of two parts which are development plan documents. The two documents are:

Document	Adopted	Scope	Subject matter
Devon Minerals Plan 2011-2033	February 2017	Devon	The Devon Minerals Plan contains the Council's vision and objectives for minerals planning and provides the policy framework and site proposals to maintain the supply of minerals and limit the impacts of their working.
Devon Waste Plan	December 2014	Devon	The role of the Devon Waste Plan is to establish the overarching principles and policy direction for waste planning in Devon, it also identifies strategic sites for energy recovery across the County and a series of planning policies for making decisions on planning applications. The Plan covers the period to 2031.

2.4 Neighbourhood Plans were introduced through the Localism Act 2011. Neighbourhood Plans are a community-led framework for guiding the future development and growth of an area which conform to the strategic policies of the Local Plan. Neighbourhood Plans, once ‘made’ will be adopted as part of the overall development plan. The following Neighbourhood Plans are currently under development within the Mid Devon area:

- Crediton Neighbourhood Plan
- Cullompton Neighbourhood Plan
- Silverton Neighbourhood Plan
- Tiverton and Halberton Neighbourhood Plan

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

3.0 NEW LOCAL PLAN

Local Plan Review (Core Strategy, AIDPD and LP3)

Adoption Target: 2018

3.1 The existing Core Strategy has been in place for approximately eleven years and the AIDPD for eight years. A review process began prior to the adoption of LP3 in October 2013 to reflect the need to adhere to the provisions of the National Planning Policy Framework. This review process includes all strategic policies and allocations for the district, and incorporates development management policies such as those in LP3. The updated document will replace the existing Core Strategy, the AIDPD and LP3 to produce a single Local Plan for the district (effectively a review of parts 1, 2 and 3 of the current Local Plan). The new document will extend the time period of the plan to 2033.

3.2 The reviewed Local Plan will contain:

- Strategic policies guiding housing, employment and retail distribution across the district;
- The development focus for each of the three towns of Tiverton, Crediton and Cullompton, the villages of the district and the open countryside;
- Site allocations for housing, employment, retail development, community facilities and infrastructure; and
- Development management policies.

3.3 The evidence base for the Local Plan includes a Strategic Housing Land Availability Assessment, Strategic Housing Market Assessment, Open Space and Play Area Strategy, Viability Assessment, Gypsy and Traveller Accommodation Assessment, Renewable and Low Carbon Energy Screening Study, Landscape Character Assessment, Habitat Regulations Assessment, Transport Assessment, Town and Village Character Assessment, Retail Study, Employment Land Review, Infrastructure Delivery Plan and Strategic Flood Risk Assessment. A Community Infrastructure Levy charging schedule has also been produced alongside the Local Plan review.

3.4 Coverage: Mid Devon District (excluding part of the district within the parish of Cheriton Bishop that is situated within the Dartmoor National Park. The Dartmoor National Park Authority is responsible for preparing a Local Plan for the Dartmoor National Park area).

3.5 Conformity: the document will be produced in conformity with the National Planning Policy Framework.

3.6 The following table sets out the timetable for production and adoption of the Local Plan review:

Stage	Date
Sustainability Appraisal Scoping	May 2013 (completed)
Preparation Stage Consultation	January 2014 (completed)
Publication Stage Consultation	February – April 2015 (completed)
Modifications Consultation	January – February 2017 (completed)
Submission	March 2017 (completed)
Hearings	July – September 2018*
Adoption	December 2018*
Review	2020

*subject to hearing dates set by the Planning Inspectorate and receipt of the Inspector's report.

4.0 Greater Exeter Strategic Plan

4.1 The Greater Exeter Strategic Plan will cover the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge (i.e. those Councils' administrative areas excluding Dartmoor National Park). It will be prepared jointly by those four local planning authorities with the support of Devon County Council under Section 28 of the Planning and Compulsory Purchase Act. It will:

- set an overall vision and strategy for the development of the area in the context of national and other high level policy;
- include overarching, cross-boundary and strategic targets, policies and proposals for development and conservation;
- guide the overall level and distribution of development;
- make strategic development and infrastructure proposals;
- contain other strategic policies necessary to implement the vision and strategy; and
- cover the period 2020 to 2040.

4.2 Once adopted it will supersede specific strategic parts of the East Devon Local Plan, Exeter Core Strategy, Exeter Local Plan, Mid Devon Local Plan, Teignbridge Local Plan and any other Development Plan Documents as necessary.

4.3 The following table sets out the timetable for production and adoption of the document:

Stage	Date
Issues Consultation	February 2017 (completed)
Draft Plan Consultation	June 2019
Publication (Proposed Submission)	September 2020
Submission	March 2021
Hearings	May 2021
Adoption	December 2021

5.0 PROGRESS REPORTING

5.1 The Council produces an Annual Monitoring Report (AMR) in December each year, covering the 'monitoring year' (of the preceding April-March period). The AMR sets out the list of documents that are included within the LDS, their timetable for preparation, the stage they are currently at, and if they are behind schedule the reasons for this.

5.2 The AMR is made available on the Mid Devon website and can be seen at:

<https://new.middevon.gov.uk/planning-policy/monitoring/>

6.0 IMPLEMENTATION

6.1 This LDS will have effect from 18th May 2018.

7.0 REVIEW

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

CABINET 10 MAY 2018

AGENDA ITEM: KITCHEN SUPPLY CONTRACT 2018 - 2022

Cabinet Member: Cllr Ray Stanley
Responsible Officer: Andrew Pritchard, Director of Operations

Reason for Report: To advise Cabinet of the outcome of the recent procurement exercise for the direct award, via a procurement framework, for the supply of Kitchens for the Modernisation of Council Homes, and confirmation of the intention to award the contract.

RECOMMENDATION: It is recommended that Cabinet award the Kitchen Supply Contract to **Supplier C** with an approximate forecast annual cost of:

2018 – 2019	£ 70,000
2019 – 2020	£126,000
2020 – 2021	£126,000
2021 – 2022	£126,000

Contracted Works: The contract will deliver the supply of kitchens units and other associated materials to Mid Devon District Council DLO and external contractors, working on Mid Devon housing stock.

Relationship to Corporate Plan: To contribute towards meeting the Decent and Affordable Homes target by making best use of the existing stock.

Financial Implications: The budget for the Modernisation and Void works, which includes the kitchens, is approximately £1.6m over 4 years. Capital investment in the MID DEVON DISTRICT COUNCIL stock will result in a lower ongoing maintenance costs.

Legal Implications: We have a legal duty to maintain the stock and meet the Decent Homes Standard. The conditions of engagement are based on an existing framework with the Cirrus Procurement Consortium. This provides a robust framework for managing and controlling the performance of the contractor to meet our legal obligations.

Risk Assessment: The principal risk is failing to limit costs due to additional works and delivery of the programme in a timely manner. The performance of the contract will be monitored monthly and corrective action as necessary will be taken where performance falls below Key Performance Indicator Targets. These include:

- 1) Variations and extras
- 2) Delivery of programme
- 3) Cost

1 Introduction

- 1.1 The term of this contract is 4 years.
- 1.2 The procurement procedure was a compliant direct award process via a framework, Kitchen Materials Supply Framework managed by Cirrus Purchasing Ltd, 12 Hilbre Court, West Kirby, Wirral. CH48 3JU.

2 Framework Benefits

- 2.1 About the framework provider:

The Cirrus Consortium (The Consortium) is a procurement consortium that consists of a number of contracting authorities across England, Scotland and Wales who have joined together to establish EU compliant frameworks for a range of products and services. Members currently include Registered Providers of Social Housing, Local Authorities, ALMOs and NHS Trusts. Additional organisations join The Consortium on a regular basis.

3 Use of Cirrus frameworks

- 3.1 Available to all contracting authorities across England, Scotland and Wales
- 3.2 Free to use for buying organisations, with no fees charged for Consortium membership or using the framework
- 3.3 Keep the flexibility and ownership of managing the contract and specification as you choose
- 3.4 No requirement to tender via OJEU directly as the pre-tendered framework is already fully compliant
- 3.5 All suppliers have been fully assessed for their experience, technical and professional ability

4 Procurement Process

- 4.1 The Kitchen Materials Supply Framework selected 8 kitchen suppliers and manufacturers who were chosen via a tender issued in the Official Journal of the European Union (OJEU). The framework was undertaken as an EU compliant open tender procedure, as detailed in Regulation 27 of the UK statutory instrument Public Contracts Regulations 2015 #102.
- 4.2 Cirrus Kitchen Materials Supply Framework was used to identify the suppliers. Those suppliers were ranked from 1st to 8th based on their tender evaluation carried out by them. The recommendation of this report is to make a direct award to the highest ranked supplier within this framework, which can meet the Service Level Criteria of Mid Devon District Council outlined in 4.7

- 4.3 This is a two stage process; stage one was completed by Cirrus; and stage two, selection of the preferred supplier from the Cirrus list, has been carried out by the Procurement Service of Mid Devon District Council. This latter process involved selecting the highest ranked supplier and discounting them if they could not meet the Mid Devon District Council Service Level Criteria. The second highest ranked supplier was then selected and evaluated in the same way, until a supplier that could meet the Service Level Criteria was established. This became the preferred supplier; other lower ranked suppliers were not evaluated by Mid Devon District Council as the preferred supplier has the highest evaluation score.
- 4.4 Selection of suppliers on the Cirrus framework was based on the most economically advantageous tender using the award criteria listed below and was run as an Open Tender Procedure by Cirrus
- 4.5 The original tender was open for submissions between 02/08/2017 and 04/09/2017

CIRRUS Framework Award Criteria

Branch Coverage	Weighting 10 %
Branches with Kitchen Displays	Weighting 10 %
Distribution and Delivery Coverage	Weighting 10 %
Types of Services Provided	Weighting 10 %
Service Delivery	Weighting 20 %
Price	Weighting 40 %

Supplier	Framework Rank	Overall % Score	Meets Mid Devon District Council Criteria
Supplier A	1st	77.5%	No
Supplier B	2nd	76.5%	No
Supplier C	3rd	68.2%	Yes
Supplier D	4th	66.8%	N/A
Supplier E	5th	56.5%	N/A
Supplier F	6th	56.4%	N/A
Supplier G	7th	53.9%	N/A
Supplier H	8th	41.2%	N/A

- 4.6 Award guidance for this framework is to award to the highest ranking supplier who covers our area and can meet our needs. A number of minimum Service Level Criteria were set out by way of specification from Mid Devon District Council, any contractor failing to meet these were discounted.

4.7 These requirements included:

Service Level Agreement	Performance Criteria
Coverage	Must have regional Branch coverage
Delivery lead times	Mid Devon District Council will expect the delivery within three days from when the order is effectively placed.
Void property deliveries	Delivery of the units and other materials being supplied to the individual addresses is to include for taking them into the individual properties; access will be via a key safe for void properties. Where delivery is to include to empty void properties using the key safe to gain access and lock up again when delivery is complete. Mid Devon District Council will confirm when ordering if this is a void property.
Response Times	Respond to all operational enquiries within two working hours.
Communication	Written response to all issues raised within 24 hours of formal notification from Mid Devon District Council or their appointed contractor. Notification of any potential delivery delays or issues at least 24 hours in advance of specified delivery date and time.
Missing Items	Missing items to be delivered same working day.
Shortages / Damages	Delivery shortages / damages to be delivered same working day of notification.
MI Reports	Provide management information reports including agreed KPIs , on a monthly basis, both printed and electronically, and free of charge.
Additional info. Required	The Supplier must be able to adhere to the following time frames. <ul style="list-style-type: none"> • From notification to visit property for design within 48 hours • From design to process of kitchen plan within 48 hours • Delivery of kitchen within three days of confirmation of order.

4.8 Mid Devon District Council evaluated the suppliers using the Service Level Criteria in 4.7. Supplier A and B did not meet the Mid Devon District Council Criteria and were discounted. Supplier C did meet the Mid Devon District Council Criteria and is the preferred supplier. The remaining suppliers were not evaluated as they had a lower overall score on the Cirrus Framework.

4.9 The framework agreement will cover the supply of boilers from 2018 to 2022.

5 Conclusion

- 5.1 The outcome of the evaluation of the suppliers via the Cirrus Kitchen Materials Supply Framework and our own Service Level Criteria shows Supplier C as the highest ranked supplier that could meet our specific needs. Suppliers A and B were discounted as they could not provide regional branch coverage. This award will afford us continuity of supply with no increase in costs for the next 12 months, no future price increases without our agreement, and the support of a compliantly procured contract.
- 5.2 Approval is required from Cabinet for contract award.
- 5.3 Subject to a voluntary Standstill period of 10 calendar days the agreed start date of the contract will be 21 May 2018.

Contact for more Information: Rebecca Addis, Procurement and Contracts
Officer (01884) 234378 / raddis@middevon.gov.uk

Circulation of the Report: Leadership Team, Cllr Ray Stanley, Legal
Services, Audit

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

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CABINET 10 MAY 2018

AGENDA ITEM: BOILER SUPPLY CONTRACT 2018 - 2022

Cabinet Member: Cllr Ray Stanley
Responsible Officer: Andrew Pritchard, Director of Operations

Reason for Report: To advise Cabinet of the outcome of the recent procurement exercise for the direct award, via a procurement framework, for the supply of Boilers for the Capital Boiler replacement programme and confirmation of the intention to award the contract.

RECOMMENDATION: It is recommended that Cabinet award the Boiler Supply Contract to **Supplier B** with an approximate forecast annual cost of £144,000

Contracted Works: The contract will deliver the supply of boilers and essential associated items to Mid Devon District Council for the Capital Boiler Replacement Programme.

Relationship to Corporate Plan: To contribute towards meeting the Decent and Affordable Homes target by making best use of the existing stock.

Financial Implications: The budget for the supply and installation of the boilers for is approximately £296,000 per annum. Capital investment in the MDDC stock will result in a lower on-going maintenance costs.

Legal Implications: We have a legal duty to maintain the stock and meet the Decent Homes Standard. The conditions of engagement are based on an existing framework with the YPO Procurement Consortium. This provides a robust framework for managing and controlling the performance of the contractor to meet our legal obligations.

Risk Assessment: The principal risk is failing to limit costs due to additional works and delivery of the programme. The performance of the contract will be monitored monthly and corrective action will be taken where performance falls below Key Performance Indicator Targets. These include:

- 1) Variations and extras
- 2) Delivery of programme
- 3) Cost

1 Introduction

- 1.1 The term of this contract is 4 years.
- 1.2 The procurement procedure was a compliant direct award process via a framework managed by YPO Procurement Operations, 41 Industrial Park Wakefield WF2 0XE United Kingdom.

2 Framework Benefits

- 2.1 About the framework provider:

The YPO Consortium (The Consortium) is a procurement consortium that supplies products and frameworks, providing procurement advice, guidance and expertise to public sector organisations. The Consortium is the largest formally constituted public sector buying organisation in the UK, owned and governed by local authorities. Customers include local authorities, schools, academies, colleges, universities, charities, care homes and the emergency services.

3 Use of YPO Frameworks

- 3.1 Available to all contracting authorities across England, Scotland and Wales.
- 3.2 Free to use for buying organisations, with no fees charged for Consortium membership or using the framework.
- 3.3 Keep the flexibility and ownership of managing the contract and specification as you choose.
- 3.4 No requirement to tender via OJEU directly as the pre-tendered framework is already fully compliant.
- 3.5 All suppliers have been fully assessed for their experience, technical and professional ability.

4 Procurement Process

- 4.1 The Boiler Supply Framework selected 4 boiler suppliers and manufacturers who were chosen via a tender issued in the Official Journal of the European Union (OJEU). The framework was undertaken as an EU compliant open tender procedure, as detailed in Regulation 27 of the UK statutory instrument Public Contracts Regulations 2015 #102.
- 4.2 The YPO framework 691, Plumbing Heating Materials, Lot 2 framework was used to identify the suppliers. Those suppliers were ranked from 1st to 4th based on their tender evaluation carried out by YPO. The recommendation of this report is to make a direct award to the highest ranked supplier within this framework, which can meet the Service Level Criteria of MDDC outlined in 4.7.

- 4.3 This is a two stage process; stage one was completed by YPO; and stage two, selection of the preferred supplier from the YPO list, has been carried out by the Procurement Service of MDDC. This latter process involved selecting the highest ranked supplier and discounting them if they could not meet the MDDC Service Level Criteria. The second highest ranked supplier was then selected and evaluated in the same way, until a supplier that could meet the Service Level Criteria was established. This became the preferred supplier; other lower ranked suppliers were not evaluated by MDDC as the preferred supplier has the highest evaluation score.
- 4.4 Selection of suppliers on the YPO framework was based on the most economically advantageous tender using the award criteria listed below and was run as an Open Tender Procedure by YPO.
- 4.5 The original tender was open to submissions between 16/10/2015 to 16/11/15 OJEU notice OJEU 2014/S 214-378721

YPO Framework Award Criteria

Cost	Weighting 40%
Quality	Weighting 20%
Customer Service and Delivery	Weighting 30%
Sustainability, Innovation, Environmental and Social	Weighting 10%

Supplier	Framework Rank	Overall % Score	Meets MDDC Criteria
Supplier A	1st	84%	No
Supplier B	2nd	83%	Yes
Supplier C	3rd	79%	N/A
Supplier D	4th	71%	N/A

- 4.6 Award guidance for this framework is to award to the highest ranking supplier who covers our area and can meet our specifications. A number of minimum Service Level Criteria were set out by way of a specification from MDDC, any contractor failing to meet these were discounted.
- 4.7 These requirements included:

Service Level Agreement	Performance Criteria
Delivery	Same day on supply must be available
Stock levels	Must hold a minimum of 20 of the following items at all times Vaillant EcoTec Sustain 24 Vaillant Horz air/flue duct and terminal Vaillant EcoTec upward pipe space frame Altecnic 22mm Dirtmag IQ dirt separator

	Neomitis wireless 7 day programmable room stat Altecnic WRAS filling loop CA-300611 Flow Pipe cowl 15mm C Westco Mini ballvalveXC 15mm Available for collection by MDDC same day as required.
Incorporation	Incorporation of the Vaillant Cashback scheme support scheme.

4.8 MDDC then evaluated the suppliers using the Service Level Criteria in 4.7. Supplier A did not meet the MDDC Criteria and was discounted. Supplier B did meet the MDDC Criteria and became the preferred bidder. Suppliers C and D were not evaluated as they had a lower overall score on the YPO Framework.

4.9 The framework agreement will cover the supply of boilers from 2018 to 2022.

5 Conclusion

5.1 The outcome of the evaluation of the suppliers via the YPO framework 691, Plumbing Heating Materials, Lot 2, shows Supplier B as the highest ranked supplier that could meet our specification and SLA's. This award will allow us to continue with supply with no increase in costs for the next 12 months, no future price increases without our agreement and the support of a compliantly procured contract.

1.3 Approval is required from Cabinet for contract award.

1.4 Subject to a voluntary Standstill period of 10 calendar days the agreed start date of the contract will be 21 May 2018

Contact for more Information: Rebecca Addis, Procurement and Contracts Officer (01884) 234378 / raddis@middevon.gov.uk

Circulation of the Report: Leadership Team, Cllr Stanley, Legal Services, Audit

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

May/June 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 housing (under the scheme of delegation) at Waddeton Park, Post Hill, Tiverton	Director of Finance, Assets and Resources	Not before 30th Apr 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242		Open
Bereavement Services Fees and Charges A review of fees and charges	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
Market Rights Policy A report proposing the adoption of a new Market Policy.	Economy Policy Development Group Cabinet Council	17 May 2018 7 Jun 2018 27 Jun 2018	Alan Ottey, Tiverton Town Centre and Market Manager	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)
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	22 May 2018 7 Jun 2018 27 Jun 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Tenant Involvement Policy To consider a revised 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
Tenant Involvement Strategy To consider a revised strategy	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
Single Equalities Policy and Equality Objective Report outlining the Council's	Community Policy Development		Jill May, Director of Corporate Affairs and Business	Cabinet for the Working Environment and	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)
statutory duties under the Equality Act 2010, and to seek Members' approval for the revised Single Equality Scheme and Equality Objective.	Group Cabinet	29 May 2018 7 Jun 2018	Transformation Tel: 01884 234381	Support Services (Councillor Margaret Squires)	
Revised Data Protection Policy To consider a revised policy	Cabinet	7 Jun 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 Freedom of Information Policy To consider a revised policy	Cabinet	7 Jun 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
Tiverton Eastern Urban Extension Area A – Masterplanning - Land South of West Manley Lane To consider the consultation responses.	Cabinet	7 Jun 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard)	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)
				Chesterton)	
Revenue and Capital Outturn 2017/18 Presentation of the revenue and capital outturn figures for the 2017/18 financial year.	Cabinet	7 Jun 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Annual Treasury Report Information regarding the Treasury management performance for 2017/18	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
Revenues and Benefits Performance Report To consider the performance on Council Tax, Non Domestic Rates and Housing Benefit performance.	Cabinet	7 Jun 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Cleaning Contractors To approve the outcome of the procurement exercise.	Cabinet	7 Jun 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open

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Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Tiverton Eastern Urban Extension Area B Masterplanning To consider the outcome of the tender process	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)	Part exempt
Custom and Self Build To consider a report discussing processes.	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
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
Greater Exeter Strategic Plan To consider a report of the Head of Planning, Economy and Regeneration regarding a draft strategic plan.	Cabinet Council	5 Jul 2018 29 Aug 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

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Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Town Centre Masterplan following public consultation To consider that masterplan.	Cabinet	5 Jul 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Proposals for improvements to Tiverton Town Centre To receive a presentation on proposals for improvements to Tiverton Town Centre, seeking authority to go out to tender with a view to progress project work'.	Cabinet	5 Jul 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Housing (Councillor Ray Stanley)	Fully exempt
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

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)
Repairing Footpaths and Roads Policy	Environment Policy Development Group Cabinet Council	10 Jul 2018 2 Aug 2018 29 Aug 2018	Steve Densham, Development Services Manager	Councillor Ray Stanley Cabinet Member for Housing (Councillor Ray Stanley) Cabinet Member for Housing (Councillor Ray Stanley)	Open
Cemetery Works To receive a report detailing proposed works for the cemeteries in Tiverton and Crediton regarding concrete bases as foundations for headstones.	Environment Policy Development Group Cabinet	10 Jul 2018 2 Aug 2018	Andrew Pritchard, Director of Operations Tel: 01884 234950	Leader of the Council (Councillor Clive Eginton)	Open
Tenancy Strategy To consider a report regarding the revised strategy.	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
Rechargeable Repairs To receive a report reviewing the Rechargeable Repairs	Homes Policy Development Group	17 Jul 2018	Mark Baglow, Group Manager for Building Services Tel: 01884	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)
policy.	Cabinet	2 Aug 2018	233011	Stanley)	
Gas Safety Policy To consider a report regarding the revised Gas Safety Policy.	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
Void Management Policy To receive a report from the Group Manager for Building Services presenting the revised Void Management Policy.	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
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	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

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)
revised Asbestos Management Plan.					
Corporate Asbestos Policy To receive a report from the Group Manager for Building Services presenting the revised Corporate Asbestos Policy.	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
Illegal Encampment Policy To receive a report regarding policy regarding to Illegal Encampment	Community Policy Development Group Cabinet Council	24 Jul 2018 2 Aug 2018 29 Aug 2018	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Public Health Enforcement Policy 2 yearly review	Community Policy Development Group Cabinet	Before 31 Jul 2018 Before 31 Aug 2018	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 234615	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Annual Report of Complaints, Comments and Compliments	Cabinet	30 Aug 2018	Jill May, Director of Corporate Affairs and Business	Cabinet for the Working Environment and	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)
To consider this annual report			Transformation Tel: 01884 234381	Support Services (Councillor Margaret Squires)	
Exe Valley Area of Outstanding Natural Beauty To consider the setting up of a partnership to explore an AONB for the Exe Valley and other issues.	Environment Policy Development Group Cabinet Council	4 Sep 2018 27 Sep 2018 24 Oct 2018	Adrian Welsh, Group Manager for Growth, Economy and Delivery	Leader of the Council (Councillor Clive Eginton) Leader of the Council (Councillor Clive Eginton) Leader of the Council (Councillor Clive Eginton)	Open
Economic Strategy To consider a new policy.	Economy Policy Development Group Cabinet Council	6 Sep 2018 27 Sep 2018 24 Oct 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)
Neighbourhood Management Policy To receive a report from the Group Manager for Housing presenting the revised Neighbourhood Management Policy.	Homes Policy Development Group Cabinet	11 Sep 2018 27 Sep 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Customer Care Policy 3 yearly review	Community Policy Development Group Cabinet	18 Sep 2018 27 Sep 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
Community Engagement Strategy 2018 Report updating Members on progress made with the Community Engagement Action Plan and to review the strategy and focus for 2018	Community Policy Development Group Cabinet	18 Sep 2018 27 Sep 2018	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Community Engagement Action Plan To consider a revised action plan	Community Policy Development Group Cabinet	18 Sep 2018 27 Sep 2018	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Margaret	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)
				Squires)	
Vehicle Maintenance Contract To consider the maintenance contract.	Cabinet	27 Sep 2018	Stuart Noyce, Group Manager for Street Scene and Open Spaces	Leader of the Council (Councillor Clive Eginton)	Open
ICT Strategy Report regarding a review of the ICT Strategy	Cabinet	25 Oct 2018	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Medium Term Financial Plan To consider the MTFP.	Cabinet	25 Oct 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Draft 19/20 General Fund and Capital Programme To consider options available in order for the Council to set a balanced budget for 2019/20.	Cabinet	25 Oct 2018	Andrew Jarrett, Director of Finance, Assets and Resources Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Treasury Management Strategy and Mid Year Review Report	Cabinet Council	25 Oct 2018 19 Dec 2018	Andrew Jarrett, Director of Finance, Assets and	Cabinet Member for Finance (Councillor Peter	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)
To consider a report of the treasury performance during the first 6 months of the financial year.			Resources Tel: 01884 234242	Hare-Scott)	
Records Management To consider a revised policy	Cabinet	25 Oct 2018	Catherine Yandle, Group Manager for Performance, Governance and Data Security Tel: 01884 234975	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Information Security To consider a revised policy	Cabinet	25 Oct 2018	Catherine Yandle, Group Manager for Performance, Governance and Data Security Tel: 01884 234975	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Information Security Incident To consider a revised policy	Cabinet	25 Oct 2018	Catherine Yandle, Group Manager for Performance, Governance and Data Security Tel: 01884 234975	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Supply and Demand Policy To receive a report from the Group Manager for Housing presenting the revised	Homes Policy Development Group	13 Nov 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)
Supply and Demand Policy.	Cabinet	22 Nov 2018			
Severe Weather Emergency Protocol and Extended Winter Provision Protocol To receive a report from the Group Manager for Housing presenting an updated Severe Weather Emergency Protocol and Extended Winter Provision Protocol.	Homes Policy Development Group Cabinet	13 Nov 2018 22 Nov 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open

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