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**S Gabriel**

**Date 14 December 2016**

Dear Member

Council 14 December 2016

I am now able to enclose, for consideration at the next meeting of the **Council**, the following reports that were unavailable when the agenda was printed.

**Minutes of the Scrutiny Committee - 12 December 2016**

Yours sincerely

S Gabriel  
Member Services Manager

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# Public Document Pack Agenda Item 7

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 12 December 2016 at 2.15 pm

### **Present**

#### **Councillors**

F J Rosamond (Chairman)  
Mrs H Bainbridge, Mrs A R Berry,  
Mrs C P Daw, Mrs G Doe, R J Dolley,  
S G Flaws, T G Hughes, Mrs B M Hull,  
J L Smith, T W Snow and R Wright

### **Apologies**

#### **Councillor(s)**

Mrs J Roach and N A Way

### **Also Present**

#### **Councillor(s)**

R Evans

### **Also Present**

#### **Officer(s):**

Jill May (Director of Corporate Affairs and Business Transformation), Jenny Clifford (Head of Planning and Regeneration), Sally Gabriel (Member Services Manager), Ian Winter (Environmental Health Officer), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

## 71 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs Mrs J Roach who was substituted by Cllr R J Dolley and N A Way who was substituted by Cllr R Wright.

## 72 **PUBLIC QUESTION TIME**

Miss Sarah Coffin from Templeton Parish Council referring to item 9 on the agenda said that whilst I note that MDDC now has specifically identified planning policy in relation to solar panels and now with agenda item 9 clarifies its interpretation of 106 conditioning can I ask why MDDC does not have a specific policy to deal with large industrial agricultural developments which may or may not crossover into the energy or waste disposal industry. After all, open countryside, and the agricultural food producing industry must make up at least 80%, if not more, of MDDC area of authority.

Now that all farm manures have been de-classified by Government from waste to fertiliser if disposed of within best practice and NVZ compliance and responsibility for same has been passed from Devon County to you at Mid Devon, surely proper examination and verification of how the manure/waste is disposed of should be clearly laid out in the interest of openness and clarity and so as to prevent the wasted time and costs of confusing additions and changes being requested by applicants/developers who have miscalculated, misled or misrepresented facts and figures to obtain approval in the first place.

Particularly in regard to all large developments within Mid Devon, whether housing or agriculture when does inclusion of cumulative affect (as per LP3, DM5, DM7, DM4) come into effect in both the planning officers and committees decision making? What criteria (facts, statistics, volume) triggers and defines when 'cumulative affect' over-rides the principle of individual and separate consideration? It appears to the general public that the lack of honest cumulative impact assessment by applicants and the lack of verification by council planning is endangering local infrastructure, communities, tourism and the environment at an alarming and escalating rate.

May I respectfully point out that it is not only the applicants/developers who have legal redress to disputing decisions that have not been properly assessed at planning stage, residents can withhold their rate payments via an Escrow Account should their well-being and quality of life be sufficiently and detrimentally affected due to non-functional mitigating conditions and lack of enforcement.

The Chairman advised Miss Coffin that her question would be answered in writing by the Head of Planning and Regeneration following the meeting.

### 73 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

### 74 **MEMBER FORUM**

There were no issues raised under this item.

### 75 **DECISIONS OF THE CABINET**

The Committee **NOTED** that none of the decisions made by the Cabinet at its last meeting had been called in.

### 76 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded the Committee that the Clinical Commissioning Group (CCG) who were scheduled to attend the meeting, agenda item 7, had been unable to provide an officer to attend. Members considered it disrespectful that they had not attended and requested that their disappointment be recorded.

It was **AGREED** that the Chairman would review the questions submitted and that they would then be forwarded to the CCG for response. The agenda item would be rescheduled for the February meeting of the Committee.

### 77 **CLINICAL COMMISSIONING GROUP**

This item was deferred to the February meeting of the Committee.

### 78 **MEETING MANAGEMENT**

The Chairman indicated that he intended to take item 13 on the agenda before item 8 as the Member providing the information needed to leave the meeting early.

## 79 UPDATE FROM THE PARTNERSHIP WORKING GROUP

Cllr R Evans provided an update to the Committee following a trip to South Hams and West Devon District Councils representing the Partnership Working Group.

Cllr Evans outlined the content of the briefing paper \* that the Committee had before it, informing Members that prior to the visit he had no idea what to expect and that the visit had been both interesting and informative. He explained that South Hams and West Devon District Councils had entered into partnership working and that this had made considerable financial savings. Officers worked across the combined Council but the Membership had remained separate and decisions were still made by the two individual Councils. One Chief Executive had been replaced by two Executive Directors, both of whom worked across the combined authority.

Cllr Evans explained that a 'back office' structure had been put in place which handled all administration for the council's services and that this allowed officers, such as planners, to carry out the work that they had been trained to do. All officers had been put at risk of redundancy and all officers had had to apply for posts in the new structure. This had resulted in the loss of some skilled officers and many had left at the same time. New posts were allocated following 'behavioural' assessments and this resulted in many staff taking on new roles. IT systems had not been in place at the same time as the restructure took place and Cllr Evans had observed that this had caused some issues that had taken a considerable time to resolve. This was because savings had to be made in officer time prior to investment in IT systems. Cllr Evans also explained the working from home policy which meant that staff could only attend the office for 3 days per week and that desks were not allocated to teams. Contact with Members was by email or Skype. Cllr Evans concluded that although it was unlikely that all changes they had made would be possible at Mid Devon there were some lessons that could be learned.

## 80 PLANNING DESIGN GUIDES (0.27.55)

The Committee had before it and **NOTED** a briefing paper \* from the Head of Planning and Regeneration providing information regarding the parameters within which the planning system addressed design. The officer explained that planning design was not just about what a building looked like but also how it functioned, its accessibility and a range of other issues. The authority had a range of policies within the adopted Development Plan, mainly DM2, which was focused on seeking to gain high quality design.

The Head of Planning and Regeneration outlined the contents of the briefing paper, explaining that the Government considered good design to be a key aspect of sustainable development and should contribute to make places better for people.

Planning Officers could access a Design Review Panel which was made up of a series of professionals from different disciplines who met as a panel to critique schemes to enhance and guide on better outcomes. This panel was independent and could be called upon by developers early in development to improve outcomes.

There was no current Design Guide specific to Mid Devon, but the Forward Planning Team would be adding this to their work programme following completion of the Local Plan. There was a Design Guide in place for the Eastern Urban Extension.

Discussion took place regarding:

- Energy efficiency which was generally addressed by Building regulations;
- Life-Time Home Standards which set out a series of criteria to do with adaptability, such as ensuring that stairways were wide enough to accommodate a stair lift at a future date;
- The view that European Standards were advanced from those in the UK;
- Ongoing issues regarding the road at Kingfisher Reach and consultation that was taking place regarding future development in Cullompton;
- Areas of concern at Kingfisher reach such as parking being provided in parking courts, which people didn't tend to use;
- The need for Highways to consider what would happen at appeal when making decisions;
- Road improvements that had taken place at Blundell's Road.

The Chairman thanked the officer for her report.

Note: - \* Briefing paper previously circulated and attached to Minutes.

#### 81 **AN OVERVIEW OF SECTION 106 MONIES (0.58)**

The Committee had before it and **NOTED** a report \* from the Head of Planning and Regeneration. At their meeting on 12<sup>th</sup> September 2016, Members requested that a report be brought before them providing an overview of the S106 process in collecting financial contributions from development via the planning system.

The Head of Planning and Regeneration explained that the primary purpose of the planning system was to regulate the use and development of land in the public interest. The collection of financial contributions from development to be spent within the district could assist with the delivery of Corporate Plan priorities of community, housing, economy and environment.

The officer informed Members that changes introduced in April 2014 meant that a Local Planning Authority could no longer use planning obligations to pool more than five contributions for infrastructure by project or type. This had meant that the authority was no longer able to collect money for spending in a catchment area if 5 obligations had already been entered into by infrastructure type. The Planning Service was careful to monitor contributions to ensure that allocations were not exceeded.

Discussion took place regarding;

- The ability for the authority to borrow against the agreement until the money was received from the developer;

- The requirement for money to be spent on the project that it was collected for;
- The Garden Village bid and how this could potentially provide loan funding for a relief road at Cullompton if approved;
- The need to match the scale of the development contribution to the scale of the infrastructure in order to make most effective use of the five S106 obligations that are able to be pooled by infrastructure type or project;
- A specific agreement for a footpath that had not yet been provided and concerns that this would set a precedent;
- The process followed when a Section 106 agreement was changed and whether or not Town and Parish Councils should be consulted about this.

It was **AGREED** that the Chairman would write to the Chair of the Planning Committee to highlight the areas of concern raised regarding the footpath at St Aubyns Rise which was currently awaiting a report from officers to a meeting of the Planning Committee.

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

## 82 **MEMBER DEVELOPMENT ANNUAL UPDATE (1.29.09)**

Members had before them and **NOTED** a report \* from the Member Services Manager providing an annual update regarding Member development.

The officer explained that the South West Charter for Member Development was originally awarded to the Council in November 2010 following a lengthy evidence gathering exercise which also included Members and senior officers attending interviews with the examining body. Reassessment to secure the Charter for a further three years took place on 3 March 2014 and it was proposed that further reaccreditation took place in the spring of 2017.

The Member Services Manager further explained that the report set out what development and training had taken place since January, the personal development plans that had taken place and details of future training.

Parish Liaison had recently been taken over by Member Services and officers hoped to run this alongside Member support with the intention of improving communication.

The officer informed Members that she had recently attended a meeting of the Tenants Together Group, representatives from housing tenants that worked alongside officers to help with background work that went on to form policy. These volunteers had worked very hard on projects regarding housing and it was proposed that they be invited to attend Member briefings or training when appropriate.

Discussion took place regarding the Lords Meadow Leisure Centre training suite which had been used for remote training, allowing Members from the Crediton area to join in briefings without having to travel to Tiverton. It was agreed that though some minor tweaks were required this was worth pursuing.

Members requested that their thanks to the Member Services team for their support be recorded.

Note: - Report previously circulated and attached to Minutes.

### 83 **PERFORMANCE AND RISK (1.39)**

The Committee had before it and **NOTED** a report \* from the Director of Corporate Affairs and Business Transformation which provided Members with an update on performance against the Corporate Plan and local service targets for 2016-17 quarter 2 to the end of September, as well as providing an update on the key business risks.

The Audit Team Leader outlined the contents of the report and discussion took place regarding:

- The way that missed collections were logged;
- The use of recycling bring banks;
- The number of leisure centre users;
- Homelessness and the resources available to deal with this;
- Risks that were identified were reviewed annually across all services.

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

### 84 **CONTROL OF PIGEONS (1.51)**

The Committee had before it and **NOTED** a briefing paper \* regarding the Control of Pigeons.

The Environmental Health Officer explained that there was no specific legislation for the control of pigeons so it was necessary to look at what existing legislation fitted with the specific problem. The Environmental Protection Act could be used where there was evidence of an accumulation which would come into direct contact with people and the Anti-Social Behaviour, Crime and Policing Act 2014 could be used if the problem was being caused by the conduct of an individual, such as excessive feeding.

The main work that could be undertaken to reduce problems with pigeons included education regarding the feeding of birds and the proofing of buildings.

The Manor House at Cullompton was discussed and the officer explained that if the pavement was swept clean so that there was no accumulation to come into contact with people then there was no statutory nuisance. Listed building regulations could make proofing the building difficult.

Discussion took place regarding:

- The potential to use a bird of prey to deter pigeons;



- The use of plastic birds of prey which were not thought to be effective in the long term;
- The responsibility for the pigeons lay with the property owner;
- If the property had paying guests and there were accumulations on window sills this may be a nuisance but the residents would need to report the issue to Environmental Health;
- Members could provide photographic evidence of nuisance which could be used to instigate an investigation but evidence would still need to be seen and recorded by Environmental Health Officers.

It was **AGREED** that a further report be prepared for the February meeting of the Committee by which time the specific incident at Cullompton would have been scoped.

Note: - Briefing paper \* previously circulated and attached to Minutes.

#### 85 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Police Commissioner  
 Performance and Risk  
 Whistleblowing update  
 RIPA six monthly update  
 Draft Budget

(The meeting ended at 4.31 pm)

**CHAIRMAN**

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