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21 April 2022

Dear Member

Council – 27 April 2022

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 held on Tuesday 19 April with the Chairman's approved annual report.
- Minutes of the Planning Committee held on Wednesday 20 April 2022

Yours sincerely

Sally Gabriel
Member Services Manager

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 19 April 2022 at 2.15 pm

Present

Councillors

B G J Warren (Chairman)
S J Clist, Mrs F J Colthorpe, L J Cruwys,
P J Heal, F W Letch, S Pugh, R F Radford
and Mrs E J Slade

Apologies

Councillor(s)

Mrs S Griggs and Mrs E J Lloyd

Also Present

Councillor(s)

E J Berry, J Buczkowski, Mrs C P Daw, C J Eginton and
B Holdman

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Karen Trickey (District Solicitor and Monitoring Officer), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Matthew Page (Corporate Manager for People, Governance and Waste), Tanya Wenham (Operations Manager for Public Health and Housing Options), Julia Ryder (Community Safety & Emergency Planning Officer), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

141 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.16)**

Apologies were received from Cllrs Mrs H S Griggs and Mrs E J Lloyd. Cllr E J Berry attended via Zoom.

142 **ELECTION OF VICE CHAIRMAN (0.03.31)**

Cllr S J Clist was duly elected Vice Chairman for the remainder of the municipal year.

143 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.05.36)**

Councillors were reminded of the need to make declarations where appropriate.

144 **PUBLIC QUESTION TIME (0.05.43)**

There were no members of the public present.

145 **MINUTES OF THE PREVIOUS MEETING (0.05.57)**

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

146 **DECISIONS OF THE CABINET (0.06.31)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 5th April 2022 had been called in.

147 **CHAIRMAN'S ANNOUNCEMENTS (0.07.24)**

The Chairman had no announcements to make.

148 **DRAFT STAFF SURVEY ACTION PLAN (0.07.24)**

The Committee had before it, and **NOTED**, a *report from the Corporate Manager for People, Governance and Waste presenting an updated establishment report and the draft staff survey action plan.

The Officer outlined the contents of the report and explained that it was a follow up report and provided detail on an independent staff survey completed from September 2021 to October 2021.

He explained that the pandemic had made a difference to the result and had highlighted numerous challenges faced by employees which included hybrid working.

Consideration was given to:

- A wide range of services were offered to employees with regard to their wellbeing and mental health
- Updated employment offerings would have an impact on budgetary considerations
- The Council was looking at a myriad of solutions to tackle the shortfall in recruitment. It could not afford not to look at its employment offerings to attract permanent staff due to the increase in costs in employing temporary agency staff to cover the shortfall
- Existing levels of employee pay would not be lowered but the wider employment offer may change (subject to role, service requirements and budget)
- The pandemic had highlighted challenges with communication as staff were working in different ways and the Council was looking to address this including the introduction of staff briefings
- The survey was sent to all staff and departments and included questions from the independent facilitator
- The acronym PDR stood for Professional Development Review
- Scrutiny would receive progress against the action plan at its 6 monthly Establishment review report

Note: *Report previously circulated and attached to the minutes

149 **COMMUNITY SAFETY PARTNERSHIP (0.26.43)**

The Committee had before it, and **NOTED**, a *report from the Corporate Manager for Public Health, Regulation and Housing presenting the Community Safety Partnership (CSP) Annual Report for 2021-2022.

The Specialist Lead Community Safety & Emergency Planning Officer outlined the contents of the report and explained that it gave Members the opportunity to look at how the partners were working together.

She explained that the Community PDG had agreed the priorities of the CSP by way of a working group to define the options available.

She further explained that the way the CSP was funded was changing from 2022-2023 and it would no longer receive a grant from the Police and Crime Commissioner (PCC) to distribute to local groups and organisations. In future the individual groups would need to apply directly to the PCC for funding, and the CSP would assist them with their applications. The CSP would receive direct funding from additional sources but this would be ongoing and full details of this was not yet known.

Consideration was given to:

- The issues that local groups would now face in obtaining direct funding from the PCC
- The scheme for 2021-2022 was open to all organisations across Mid Devon and annex 1 of the report provided details of where the PCC funding was spent
- The groups previously funded directly from the CSP qualified for funds from other sources and did not rely solely on the PCC grant to operate
- The argument to introduce body worn surveillance cameras for District Enforcement Officers was under review
- All staff received safeguarding training
- The Community PDG would be considering the Council becoming trauma informed over the summer

Note: *Report previously circulated and attached to the minutes

150 **FORWARD PLAN (1.05.42)**

The Committee had before it, and **NOTED**, the *Forward Plan.

Note: *Plan previously circulated and attached to the minutes

151 **CHAIRMAN'S ANNUAL REPORT (1.06.15)**

The Committee had before it, and **NOTED**, the *Chairman's Annual Report.

The Chairman thanked the Scrutiny Officer, Committee Clerk and Members of the Committee for their support over the previous 12 months.

Note: *Report previously circulated and attached to the minutes

152 SCRUTINY OFFICER UPDATE (1.10.59)

The Scrutiny and Policy Research Officer provided the following update:

- Programming Panel: The Chairman had proposed a Programming Panel meeting next week. Chairs of Scrutiny Audit, PDG'S plus the Chief Executive and the Leader to review the work of the 6 bodies. This would be to take a brief review of current work programmes, progress and to see if anything needed tweaking. Members would also be looking to agree to do some work programming and then to come back together once that was completed.
- Participatory budgeting - Meetings were held with Cllrs Lloyd, Moore and the Deputy Chief Executive (S151) last week to discuss participatory budgeting. It had been agreed to bring a proposal form for a spotlight review on this to the next Scrutiny meeting, with the idea being that a spotlight review would look at how participatory budgeting worked, how it was currently being used in other organisations (and the impact) and consider if there were any projects or ways for MDDC to use it in the budgeting processes.
- Bio-energy – The Chairman and the Scrutiny Officer would be speaking to Torrington Council on this next week to encourage them to join the review.
- Broadband – There was no update on broadband and are awaiting confirmation of who will take over from Paul Nethercott. The Scrutiny Officer apologised to those members who were awaiting meetings. If there was no satisfactory answer soon, the Committee may want to consider a different approach.

153 WORK PLAN (0.14.20)

The Committee had before it, and **NOTED**, the Scrutiny work plan for the municipal year.

Note: *Work Plan previously circulated and attached to the minutes.

(The meeting ended at 3.31 pm)

CHAIRMAN

Scrutiny Annual Report

Highlights

It has been a busy year, with policy review and Committee recommendations that have made a real impact to the Council and the District, including:

- 11 hybrid meetings enabling (non-Committee member) participants to join remotely if required;
- Two in depth reviews published: Planning Enforcement – looking at the operation and utilisation of enforcement powers and planning conditions, and identifying issues to inform service improvement; and a review on ‘Does Local Government Work for Women’ - to look at what practices and protocols could be introduced to encourage more women to be involved in local government;
- Ongoing review and monitoring of previous recommendations from working groups on: Customer Experience; the Menopause; and Planning Enforcement;
- Presentations on broadband from Connecting Devon and Somerset and Airband, leading to in depth work with Members of the Council to identify hard to reach areas in the District; and
- 23 public questions.

Recommendations on Planning Enforcement

A Working Group of the Committee carried out an in depth review of the operation and utilisation of enforcement powers and planning conditions and aimed to identify issues to inform service improvement. In September, the Committee published a report that made 12 recommendations. In March, the committee discussed the progress of these recommendations and has asked for a further update in six months’ time.

Spotlight Review – Does Local Government Work for Women

In April 2021 the Committee agreed to hold a Spotlight Review to look at the practices and protocols that could be introduced to encourage women to be involved in local government and to address the findings in the 2017 Fawcett Society report ‘Does Local Government Work for Women’. The review considered the Councils existing policies and practices, good practice elsewhere and made recommendations to support potential and existing councillors who are women, parents and carers. The report, published in March 2022, will go to Full Council where the eight recommendations will be considered for approval.

Monitoring of recommendations from Working Groups

The Committee has received six monthly updates on the progress of the recommendations made by the previous Customer Experience Working Group and the Menopause Working Group.

Members heard from Officers how not as much progress had been made as anticipated on the *Customer Experience* recommendations due to the pandemic and the lack of resources. Members heard how the implementation of the recommendations will be included in a wider Customer Service Improvement Program. Members have urged officers to quickly bring forward the project proposal for a CRM and stressed that ensuring customers are dealt with efficiently and effectively is a top priority. The Committee will continue to monitor the progress of the CRM project proposal.

Members received updates on the *menopause recommendations*, and heard how the menopause will be included within the Wellbeing and Reasonable adjustments policy. Wellbeing Ambassadors have been progressed and a package of learning and development is being taken forward to be accessed by both line managers and staff.

Action on broadband

In November the Committee heard from Connecting Devon and Somerset (CDS) on the rollout of broadband across the District. CDS updated Members on the overall funding and phases of the programme, the percentage of properties already reached and that were planned. Members heard that 4% of properties would be 'very hard to reach' and the process and options around those properties.

Following the presentation from CDS, Members were concerned about the 'hard to reach' properties and invited Airband to present to the Committee. Airband gave an overview of 'in contract' and 'out of contract' premises and explained the different solutions available for remote properties. The Airband representatives explained to Committee that they wanted to encourage individual Members, Parish Councils' and the public to be involved in the roll out and to highlight properties that had not been earmarked for connection in the CDS contract.

As such, Members agreed that Airband work directly with Members to understand where the hard to reach areas are in the District. Officers are now in the process of setting up individual meetings with members and Airband to discuss each Ward in detail, and to identify the 'hard to reach' areas and the options available to them.

Updates from Cabinet Members

The Committee has had updates from the Cabinet. Notably, with the Cabinet Member for Finance, the Committee discussed the budget deficit for 2022-23 and contributed to the budget setting process and the reductions needed within the Council to meet the deficit. Members have reviewed performance against the corporate plan and gave consideration to climate change targets and housing performance, and the impact of the pandemic.

Members heard from the Cabinet Member for Continuous Improvement about the new role and how it will drive business and process improvement in services across the council. Members were interested to hear how the Cabinet Member is looking to bring continuous lessons learned culture into the Council so that key issues and challenges of public concerns could be addressed and practices improved. Members of the Scrutiny Committee will be keen to keep closely engaging with the Cabinet Member to see how the role is progressing and any areas for Scrutiny to monitor.

The Committee also received an annual update from the Leader. Members questioned the Leader on a wide range of the Council's activities and performance. The Committee has tried to reduce the number of reports to be 'noted' to give more time to review process and procedure to enhance the performance of the Council.

Policy review and briefings

The Committee reviewed a number of policies throughout the year, including the *Draft Litter Strategy* and the *Draft Housing Strategy*.

Members also received a briefing on *S106 funding* and raised questions around the need for Ward Members and Parishes to be involved with the funding requirements at an early stage and the procedure for the delegation of affordable housing offsite monies.

In September the Committee reviewed a paper from the S151 Officer on the Council's repaid unutilised Right to Buy receipts. Members heard how at that time, as the Council had no plans to build social housing because of the risk of Right to Buy, the money was returned. Members noted the issues and considered how the decision was made and whether members should have been informed with regard to the mechanism.

Members also received presentation from the new *Director of Place* as to his role and vision.

Budget reviews

In July members considered the Revenue and Capital Outturn figures for the financial year.

At its meeting in October the Committee reviewed information with regards to the contract dispute settlement made by the Council's Housing Revenue Account (HRA) of £600k to a third party. The Committee considered the information provided and were satisfied that the matter had been correctly dealt with at the time.

In January the Committee received the revised draft budget changes and discussed further changes required in order for the Council to move towards a balanced budget for 2022/23. Members discussed the increase in Capital Projects, 3RDL and expressed support for the Committee to look into a more inclusive budget setting process which included ideas from local community groups.

Establishment updates

The Committee receives six monthly updates on the establishment. The effects of Covid, staff turnover rates and use of agency staff were discussed. Members asked that the Staff Survey Action Plan be brought to a future meeting.

3RDL Business Plan and views on the possible creation of a Teckal compliant company

Members reviewed the *3 Rivers Developments Limited Business Plan* and noted that the financial risk of the company would be considered by the Audit Committee.

The Committee subsequently provided views with regard to the possible creation of a Teckal compliant company.

Proposal for an inter-District review of the bio-energy industry

The Committee had a member proposal to establish an inter authority inquiry, led by local authority Scrutiny Committees, into the business structure, funding, history and impacts of the Bio Energy Industry in Devon including the history of planning applications. After discussion, members agreed that this work be progressed, and be jointly commissioned by the Scrutiny Committees of those Devon Planning

Authorities that are willing to take part as the problems crossed district boundaries. We are still awaiting to hear from some partners about their involvement in this review before considering how this work will be taken forward.

Conduct of a Cabinet Meeting

In February the Committee heard a proposal from some members to review the management of a recent Cabinet meeting. Notably, the proposers: considered that the agenda was too long; felt that the meeting was chaired in a way that was perceived to be disrespectful towards non-cabinet members; believed that a question from a member of the public was not put to the meeting without giving reason; and that a question was submitted from a non-Cabinet member, and that this was not put or answered.

The Leader of the Council acknowledged that the Cabinet meeting had a very long agenda and presented management difficulties which led to the concerns. After discussion the Committee agreed to ask Cabinet to review the concerns raised, and that any further issues could be picked up within the Standards Committee's established Task & Finish Group review of the Council's Procedure Rules.

Committee Programming

The Committee recognise the importance of work programming, and the need to create a strong organisational culture that supports scrutiny work. As such a number of sessions have been held throughout the year to help ensure the Committee is effective and has maximum possible impact.

The Committee held a Work Programming session last year to plan and prioritise agenda items and issues. We have also introduced a standing item on the agenda so that members can bring forward items for future meetings in a proposal form. Additionally, the Scrutiny Chairman instigated and chaired a meeting of the Programming Panel. The Panel consists of the Chairs of each of the Committees and PDGs, the Leader and Chief Executive, to ensure efficiency of the scrutiny and policy development process and that work programmes are aligned.

To build on a desire for a good scrutiny/executive relationship, and the recognition that there is a shared responsibility for ensuring that scrutiny works well, the Scrutiny Chairman and Vice Chairman met with the Leadership Team to strengthen the relationship and discuss potential areas for review. A similar meeting with the Cabinet was also requested but not accepted. We hope that there will a suitable opportunity to meet in the near future.

Chairman's words

On a personal note may I thank our Scrutiny Officer and our Committee Clerks for their sterling work in supporting myself and other members of the Committee. I thank all officers who have contributed to the positive work of the Committee and are tasked with taking some of our recommendations forward. I thank the members for their work and support through some difficult pathways. Particular thanks go to Councillor Frank Letch, the former Chair of the Committee, who has remained a member of the Committee and been a willing sounding board and advisor to me. I hope that the Committee are able to provide sound scrutiny and overview of the work of the Council as we move forward.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 20 April 2022 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
E J Berry, S J Clist, Mrs F J Colthorpe,
L J Cruwys, Mrs C P Daw, C J Eginton,
B Holdman, D J Knowles, F W Letch and
B G J Warren

Also Present

Councillor(s)

G Barnell and J Buczkowski

Present

Officers:

Karen Trickey (District Solicitor and Monitoring Officer), Angharad Williams (Development Management Manager), Adrian Devereaux (Area Team Leader), Damian Hunter (Planning Solicitor), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

184 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.09)

There were no apologies or substitute Members.

185 PUBLIC QUESTION TIME (0.03.19)

There were no questions from members of the public present.

186 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.03.30)

Cllrs E J Berry, S J Clist, B Holdman and F W Letch made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received communications with regard to the West Efford Farm, Shobrooke application.

187 MINUTES OF THE PREVIOUS MEETING (0.03.58)

The minutes of the meeting held on 30th March 2022 were agreed as a true record and duly **SIGNED** by the Chairman.

188 CHAIRMAN'S ANNOUNCEMENTS (0.04.55)

The Chairman had no announcements to make.

189 **DEFERRALS FROM THE PLANS LIST (0.05.07)**

The Chairman announced that application 21/00222/MFUL had been withdrawn from the agenda

190 **THE PLANS LIST (0.05.23)**

The Committee considered the applications on the *Plans List.

Note: *List previously circulated and attached to the minutes

a) Application 22/00371/FULL - Erection of dwelling following demolition of Dutch barn and stable and formation of vehicular access at Land and Buildings at NGR 288969 101209 (West Efford Farm), Efford, Shobrooke

The Area Team Leader outlined the application by way of a presentation which highlighted the site location, the site plan, the ground and first floor plans, the proposed elevations, a CGI of the proposed dwelling and photographs showing the views to and from the application site.

The officer explained that the development proposal was submitted in accordance with the special circumstances identified within Paragraph 80e of the National Planning Policy Framework (NPPF), which allowed the development of isolated homes in the countryside, subject to certain criteria, including if it was of exceptional quality in that:

- Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The officer further explained that the application site was in flood zone 1 and not close to any heritage assets. The building had been designed using the principles of Passivhaus, optimizing passive solar gains and would be built with airtight fabric first principles to retain heat during the winter months allowing for significantly less energy to be used than normally required. There would be no significant increase in the built form and the structure of the service wing would be of earth walls and a green roof.

The applicants had been advised to pursue review of their schemes (pre-application) with the Design Review Panel. This was a panel of multi-disciplinary professionals (architects, urban designers, landscape architects etc) who offered design critique together with guidance and suggestions with a view to raising the standard of design in the South West. With regards to this application, the proposal had undergone pre-application discussions and had been reviewed three times by the South West Design Review Panel.

Consideration was given to:

- The green roof of the service wing would be constructed with natural species and it could be conditioned that it was maintained and kept alive

- Whether planting should include semi mature trees
- The height of the hedgerow would be conditioned by the requirement of a maintenance plan which ensured it would not exceed 1.5 metres
- The views of some Members that they would have liked the solar panels to be roof mounted rather than floor mounted
- The views of the agent who stated that they specialised in exceptional builds in the open country side specifically to comply with paragraph 80 of the NPPF. That the applicants had a strong local connection having farmed the land for a number of years and that the development set the benchmark for sustainable development
- The views of the ward member who stated that the Parish Council generally supported the application but did it meet the test of truly outstanding and what did that mean to Members
- Concerns of some Members that the green roof on the service wing could be neglected and would result in an alternative roof having to be installed in the future

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager with delegated authority being given to the Development Management Manager in consultation with the Chairman and Vice Chairman of the Planning Committee to amend conditions 4 and 6 to include specific reference to the maintenance of the green roof of the service wing.

(Proposed by E J Berry and seconded by Cllr C J Eginton)

Reason for the decision: As set out in the report

Notes:

- i. The agent Richard Hawkes spoke
- ii. Cllr G Barnell spoke as ward member
- iii. The following late information was received:

One additional letter of support had been received commenting that ‘It would be nice to see the replacement of this rusty old barn with a building that will use traditional Cob as part of its construction’

191 **MAJOR APPLICATIONS WITH NO DECISION (0.49.14)**

The Committee had before it, and **NOTED**, a *list of major applications with no decision.

The Committee agreed that:

Application 22/00642/MFUL Westcott Park, Westcott would be deferred to the next Majors list due to there being some errors in consistency with the applicant’s application form and submission

Application 22/00648/MFUL Manns Newton, Zeal Monachorum would stay as a delegated decision

Application 22/00539/MOUT Sandhurst, Lapford to be determined by Committee if the officer recommendation was one of approval and that a full committee site visit take place

Application 22/000481/MARM West of Willand Road, Cullompton be determined by Committee but no site visit required

Note: *list previously circulated and attached to the minutes.

192 **APPEAL DECISIONS (0.54.04)**

The Committee had before it, and **NOTED**, a *list of appeal decisions

Note: *List previously circulated and attached to the minutes

193 **PERFORMANCE REPORT (0.55.22)**

The Committee had before it, and **NOTED**, a *report of the Development Management Manager which outlined the performance aspects of the planning function.

The officer explained that it was a good news story for the team and that the speed and quality of processing applications had been maintained even though there were a number of vacancies.

She advised that the reporting of enforcement visits did not necessarily reflect the true number as agency staff had not all received training on how to update the system.

Discussion took place regarding the employment of agency staff to fill the gaps left by the number of permanent vacancies currently available and the cost implications associated with this. The Development Management Manager explained the current difficulties with recruitment which was reflected throughout the sector and the steps the Council were taking to address this. Members asked for a balance sheet to be provided which detailed the costs associated with employing agency staff as opposed to permanent staff.

Members requested that future reports included fees having to be returned due to late applications and that officers investigate the low number of section 215 enforcement notices issued in the past 3 years and the reasons for this.

Members applauded the efforts of the Planning Service staff during this time and commented on the increased quality of reports brought to Committee.

Note: *Report previously circulated and attached to the minutes

(The meeting ended at 3.26 pm)

CHAIRMAN

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