

Public Document Pack

MID DEVON DISTRICT COUNCIL

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 6 November 2019 at 6.00 pm

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

[The next meeting (an extraordinary meeting) is scheduled to be held in Tiverton on Wednesday, 4 December 2019 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

29 October 2019

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

Reverend Godfrey Bell (retired) will lead the Council in prayer.

AGENDA

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 Declarations of Interest under the Code of Conduct

Councillors are reminded of the requirement to declare any interest, including the type of interest, and the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

4 Minutes (Pages 7 - 14)

Members to consider whether to approve the minutes as a correct record of the meeting held on 11 September 2019.

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

5 **Chairman's Announcements**

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

6 **Petitions**

To receive any petitions from members of the public.

7 **Notices of Motions**

(1) Motion 558 (Councillor J M Downes – 29 July 2019)

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

That this council should lobby government to bring forward a revised council tax scheme that seeks to encourage a system linked to emissions. The scheme should be able to vary council tax to overtly incentivise the construction of properties that can demonstrate high levels of sustainability and energy efficiency, while acting as a penalty for those that don't. Methods to encourage investment in retrofitting to existing properties should also be explored, given the largest proportion of housing emissions will come from existing housing stock rather than new build.

The Cabinet at its meeting on 17 October 2019 considered the Motion and following discussion, Councillor Downes in accordance with Procedure Rule 16.4, suggested that the Motion be amended to read:

That this council should lobby government **to change the council tax scheme to one** that seeks to encourage a system linked to emissions. The scheme should be able to vary council tax to overtly incentivise the construction of properties that can demonstrate high levels of sustainability and energy efficiency, while acting as a penalty for those that don't. Methods to encourage investment in retrofitting to existing properties should also be explored, given the largest proportion of housing emissions will come from existing housing stock rather than new build.

The Cabinet therefore recommended that the Motion (as amended) be supported.

(2) Motion 559 (Councillor R B Evans – 22 October 2019)

It is well known that the planting of trees has an extremely positive effect in the fight against reducing carbon within the atmosphere, each trees sequestration process is known to benefit carbon reduction as each individual **tree** can absorb as **much** as 48 pounds of **carbon** dioxide per year and can **sequester** 1 ton of **carbon** dioxide by the time it reaches 40 years old. Given the above and the climate crisis declared by this council and its stated ambition to be carbon neutral by 2030 I ask that

the following motion be supported by all members.

This council agrees to use any and all land within the ownership of the authority that is not suitable for development, for the planting of native British trees.

This council agrees to undertake an area wide audit with the assistance of members and land owners to identify suitable sites both within MDDC ownership and private ownership to maximise opportunities for such activity, to be completed within no more than twelve months from the date of this motion , if approved.

This council agrees to work alongside community groups and schools whenever possible to encourage community ownership and sense of place and wellbeing within our communities.

This council agrees that any and all opportunities should be sought to obtain trees from organisations such as government agencies and relevant charitable organisations. (Woodland Trust, Plant Life, DEFRA / Forestry Commission seeking any funding that may be available).

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

(3) Motion 560 (Councillor R J Chesterton – 23 October 2019)

Review of Development Management Policies on Parking

This Council requests that officers start work on undertaking a review of Mid Devon's development management policies regarding parking on our new estates. These should include the number of parking spaces per property as well as how development management can help ease the transition to electric or hybrid vehicles in the future.

In addition to this, this Council requests that at the earliest available opportunity, and no later than three months after this motion is agreed, a paper is brought to the Planning Policy Advisory Group and Cabinet highlighting some of the possible changes members might have to consider and the best mechanism to bring these about.

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

8 Reports (Pages 15 - 144)

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

- (1) Cabinet

- 19 September 2019
- 17 October 2019
- 2) Scrutiny Committee
 - 30 September 2019
 - 28 October 2019 - (to follow)
- (3) Audit Committee
 - 8 October 2019
- (4) Environment Policy Development Group
 - 24 September 2019
- (5) Homes Policy Development Group
 - 1 October 2019
- (6) Economy Policy Development Group
 - 26 September 2019
- (7) Community Policy Development Group
 - 8 October 2019
- (8) Planning Committee
 - 18 September 2019
 - 25 September 2019
 - 23 October 2019
- (9) Standards Committee
 - 9 October 2019

9 **Questions in accordance with Procedure Rule 13**

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

10 **Special Urgency Decisions**

Decisions taken under Rule 16 (of the Constitution) Special Urgency – between July and September 2019.

There have been no such decisions in this period.

11 **Appointment of IRP Member** (*Pages 145 - 148*)

To consider a report of the Group Manager for Legal Services and Monitoring Officer seeking approval of the recommended appointment to the Independent Remuneration Panel for Members' Allowances in Mid Devon.

12 **GESP Member Reference Group**

To consider the appointment of an Independent Group Member to the GESP Member Reference Forum.

13 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their Portfolios.

14 **Members Business**

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

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

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

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

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

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

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

Tel: 01884 234229

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E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 11 September 2019 at 6.00 pm

Present

Councillors

L J Cruwys (Chairman)
G Barnell, E J Berry, W Burke, J Cairney,
R J Chesterton, S J Clist, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, N V Davey,
Mrs C P Daw, R M Deed, R J Dolley,
J M Downes, C J Eginton, R Evans,
Mrs S Griggs, Mrs I Hill, B Holdman,
T G Hughes, D J Knowles, F W Letch,
E G Luxton, B A Moore, S J Penny,
D F Pugsley, R F Radford, C R Slade,
L D Taylor, Ms E J Wainwright,
B G J Warren, A White, A Wilce,
Mrs N Woollatt, J Wright and A Wyer

Apologies

Councillors

Mrs E M Andrews, W J Daw, Miss J Norton,
Mrs M E Squires and R L Stanley

46 Apologies

Apologies were received from: Councillors: Mrs E M Andrews, W J Daw, Miss J Norton, Mrs M E Squires and R L Stanley.

47 Public Question Time (00-05-16)

There were no questions from the member of the public present.

48 Declarations of Interest under the Code of Conduct (00-05-21)

Members were reminded of the need to declare any interests when appropriate.

49 Minutes (00-05-50)

The minutes of the meeting held on 24 July 2019 were agreed as a correct record and signed by the Chairman.

50 Chairman's Announcements (00-07-10)

The Chairman informed the meeting of the following events he had attended since the last meeting;

- The unveiling of the mail coach at Clayhidon
- The Mid Devon Show
- The opening of the new studio at Exe Valley Leisure Centre
- The Burma Star event to mark the anniversary of VJ Day

He also informed the meeting that his Civic Service would take place on Sunday 15th March 2020 at Cruwys Morchard.

51 **Petitions (00-09-15)**

There were no petitions presented.

52 **Notices of Motions (00-09-22)**

(1) Motion 555 (Councillor F W Letch – 8 April 2019)

The following Motion had been referred to the Economy Policy Development Group for consideration and report:

Mel Stride MP recently said: “Central Devon has market towns with a wonderful variety of high street shops selling high-quality local produce and offering a range of services. Many are doing very well, but others face stiff competition from out of town and online retailers. I know that the margin between success and failure can be very small and even a small increase in the number of people who make it a priority to shop locally more often can make a big difference.”

High Street Saturday was on 16th of March. I propose that:- In order to encourage the high street shops in Mid Devon's 3 main towns, this council will not charge for Saturday parking in the long stay car-parks of Tiverton, Cullompton and Crediton.

The Economy Policy Development Group at its meeting on 1 August considered the Motion and recommended that it NOT be supported.

In accordance with Procedure Rule 16.6 Councillor F W Letch requested that the **MOTION** be **WITHDRAWN**.

(2) Motion 558 (Councillor J M Downes – 29 July 2019)

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

That this council should lobby government to bring forward a revised council tax scheme that seeks to encourage a system linked to emissions. The scheme should be able to vary council tax to overtly incentivise the construction of properties that can demonstrate high levels of sustainability and energy efficiency, while acting as a penalty for those that don't. Methods to encourage investment in retrofitting to existing properties should also be explored, given the largest proportion of housing emissions will come from existing housing stock rather than new build.

The **MOTION** was **MOVED** by Councillor J M Downes and seconded by Councillor Miss E Wainwright.

In accordance with Procedure Rule 14.4, the Chairman of the Council ruled that the **MOTION STAND REFERRED** to the Cabinet for consideration and report.

53 Reports - Cabinet - Report of the meeting held on 25 July 2019 (00-11-00)

The Leader presented the report of the meeting of the Cabinet held on 25 July 2019

1. Crediton GP/NHS Hub – Loan Decision (Minute 33)

The Leader **MOVED** seconded by Councillor R J Dolley

THAT the recommendations of the Cabinet as set out in Minute 33 be **ADOPTED**.

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

54 Cabinet - Report of the meeting held on 22 August 2010 (00-15-18)

The Leader presented the report of the meeting of the Cabinet held on 22 August 2019.

55 Scrutiny Committee - Report of the meeting held on 5 August 2019 (00-18-31)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 5 August 2019.

56 Scrutiny Committee - Report of the meeting held on 2 September 2019 (00-19-00)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 2 September 2019.

57 Audit Committee - Report of the meeting held on 27 August 2019 (00-20-43)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 27 August 2019.

58 Environment Policy Development Group - Report of the meeting held on 6 August 2019 (00-21-18)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 6 August 2019.

59 Homes Policy Development Group - Report of the meeting held on 13 August 2019 (00-21-57)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 13 August 2019.

60 Economy Policy Development Group - Report of the meeting held on 8 August 2019 (00-22-38)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 8 August 2019.

61 **Community Policy Development Group - Report of the meeting held on 20 August 2019 (00-23-16)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 20 August 2019.

62 **Planning Committee - Report of the meeting held on 31 July 2019 (00-23-51)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 31 July 2019.

1. Scheme of Delegation and the consideration of Enforcement Cases (Minute 33)

The Chairman of the Planning Committee **MOVED** seconded by Councillor D J Knowles:

THAT the recommendations of the committee as set out in Minute 33 be **ADOPTED**.

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

63 **Planning Committee - Report of the meeting held on 28 August 2019 (00-25-13)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 28 August 2019.

64 **Questions in accordance with Procedure Rule 13 (00-25-43)**

There were no additional questions submitted under Procedure Rule 13.2.

65 **Special Urgency Decisions (00-25-52)**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency – April - July 2019.

The Chairman informed the meeting that no such decisions had been taken in this period.

66 **GESP Member Reference Forum (00-26-36)**

There was a need to seek nominations to appoint 5 additional Members to the GESP Member Reference Forum.

The Chairman requested that the Group Leaders nominate:

- 2 additional Conservative Members
- 1 additional Liberal Democrat Member
- 1 additional Independent Member
- 1 Green Party Member

Councillor R B Evans nominated Councillors Mrs M E Squires and R L Stanley as the additional representatives from the Conservative Group.

Councillor L D Taylor nominated Councillor L J Cruwys as the additional representative from the Liberal Democrats Group.

Councillor R M Deed nominated Cllr D F Pugsley as the additional representative from the Independent Group (*however further clarification was sought following the meeting as Councillor D F Pugsley was already a representative on the forum – this will be reported to the next meeting of Council and a further representative will be sought*).

Councillor Miss E Wainwright put forward her name as the representative from the Green party.

The Chairman **MOVED** that the above Members be appointed as Council's representatives to the GESP Member Reference Forum.

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

67 **Questions to Cabinet Members (00-28-13)**

Councillor R B Evans addressing the Cabinet Member for Finance asked: given the evident importance of the portfolio role you now hold and the financial situation the Authority knowingly faces, can you please confirm the date/s and officer/s whom you have had meetings with in direct relation to this role over the past four months, to include the name of any member/s of the finance team or senior management teams, for clarity, I am not looking for the detail of the meeting just the date and individual/s with whom you met nor am I looking at Cabinet or committee/ PDG meeting attendance as these are recorded and available on the web site.

The Cabinet Member responded stating that he noted the importance of the finance portfolio and that he was happy to provide the following details. He had met with the Deputy Chief Executive (S151) and Group Manager for Finance on 30 May and the Deputy Chief Executive (S151) on the following dates, 19 June, 19 July, 7 August, 4 September and was due to meet with him again the following week. He also communicated with the officer officially either by phone or email on a regular basis. He thanked the officers for their assistance as they had been happy to answer any of his questions. The S151 officer was present at every meeting he attended and therefore communication between them could take place at any time.

Councillor A Wilce addressing the Cabinet Member for Planning and Economic Regeneration stated that in January, the Cabinet approved the application for funding from Homes England via the Homes Infrastructure Fund, for the Cullompton Town Centre Relief Road and the Tiverton Eastern Urban Extension. In doing so, the Cabinet will have been aware that it was a condition of the HIF application that those monies should be recouped and recycled for future infrastructure projects in order to deliver more new homes within Mid Devon, in the future.

Can the Cabinet Member for Planning and Economic Regeneration confirm that the Council has robust plans in place to ensure that the HIF money will not be lost and that it *will* be recouped so as to be spent on future housing projects in Mid

Devon - and does he consider that, in the interests of openness and transparency, Homes England should be made aware of any possible failure to comply with the funding conditions, should that be the case? Can he also provide me with an update on the current position?

The Cabinet Member responded by informing the meeting of the detail of the Housing Infrastructure Fund and the bids that had been put forward from the authority, that of £10m for the Relief Road in Cullompton (an additional £5m would be funded by the Council through S106 contributions for the Cullompton Relief Road) and £8.2m for the A361 junction. The Council was currently working with Homes England to finalise the contracts for both Housing Infrastructure Fund schemes and anticipated completion before the end of September 2019. The contracts addressed the issue of recovery of HIF funding to reinvest in Mid Devon and provided assurance on those funds being reinvested in Mid Devon to deliver further housing-enabling projects. Members would be fully informed following the conclusion of discussions.

68 Members Business (00-36-16)

Councillor R B Evans informed the meeting that he was the representative for the Council on the Broadpath Landfill Liaison Committee (and Chairman of the committee); he was pleased to report that the last load of waste entered Broadpath on 30 August and that now the gates were officially closed. Any waste that was not recyclable would be sent to the Waste for Energy Plant in Exeter. He spoke of the shift in attitudes with regard to waste and the different ways in which waste was dealt with. There would now be a 5 year restoration plan for Broadpath overseen by Devon County Council and the Environment Agency.

Councillor R J Dolley highlighted the Climate Change event that was taking place on 20 September in Tiverton.

The Leader informed the meeting that the new Policy and Research Officer was now in post and that she would be working closely with the Scrutiny Committee and Policy Development Groups and particularly with the Environment Policy Development Group on climate change issues. Meanwhile Devon County Council in concert with other Local Authorities within Devon, had engaged the University of Exeter to prepare a paper on Climate Change. This paper was expected by the end of this year.

He added that next week he would be meeting with Local Police in Tiverton to discuss local matters and had invited the 3 Town Mayors to join him. The previous day he had visited the House of Commons and had had meetings with regard to the rail network and in particular the new service from Okehampton through Crediton to Exeter and discussions continued with regard to the reopening of Wellington and Cullompton railway stations.

Councillor C J Eginton thanked officers for organising the Members Away Day which had taken place the previous week, he reported that it had been very well attended but was disappointed by the absence of the Deputy Leader and the Cabinet Member for Finance.

Councillor C R Slade informed the meeting that all Members were welcome to attend Mid Devon Business Forum under the corporate membership, the next meeting would take place on 25 September at the Tiverton Hotel.

(The meeting ended at 6.47 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 19 September 2019 at 6.00 pm

Present

Councillors

R M Deed (Leader)
L D Taylor, G Barnell, S J Clist,
D J Knowles, A White and Mrs N Woollatt

Also Present

Councillor(s)

Mrs C P Daw, R J Dolley, R Evans, Mrs S Griggs and
F W Letch

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Tristan Peat (Forward Planning Team Leader) and Sally Gabriel (Member Services Manager)

47. **APOLOGIES**

There were no apologies.

48. **PUBLIC QUESTION TIME**

Elizabeth Pole, speaking as Chair of Tiverton and Honiton Labour and referring to Item 7 (Tiverton Regeneration Project – Tender Outcome) stated:

This week we have concluded, based on our reading of an article in the Parliamentary Review, that Pannier Market and Town Centre masterplan is to be delivered by the Council's 3 Rivers Development company in the absence of private investment.

Can Cabinet please confirm this is the case?

With over £2.5 million of risk to the taxpayer tied up in the 3 Rivers balance sheet, could Cabinet please confirm that the company's Business Plan, or at minimum the financial case for each of the Company's investments, be made open to public scrutiny?

The Pannier Market project represents the first of 18 proposed 3 Rivers developments for the town centre. Would Cabinet confirm how adding these new investments, starting with the Pannier Market at £1.5 million, sits with the "Very High Risk" rating of the Council's own Scrutiny Committee and the concerns of auditor Grant Thornton in the Council's accounts?

Could Cabinet please provide details of who exactly is receiving the £130,000 of salary and pensions from 3 Rivers in the 2018-19 corporate accounts, and why any of the Directors – who are elected councillors, former councillors or council employees – are receiving the £75,000 of Directors' remuneration in the same accounts?

Could we also please see the details of the specific business case for the £56,000 / year subsidy to be paid by the taxpayer towards the Pannier Market project?

The Labour Party is very much in favour of public investment and urban regeneration, but is also in favour of public scrutiny and transparency.

The Labour Party is concerned that there is a lack of transparency in the rationale and operation of 3 Rivers. Can the Cabinet please explain and publish fuller business plans and cases and accounts of 3 Rivers?

The Chairman indicated that a written response would be provided.

49. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-04-24)**

Members were reminded of the need to declare any interests when appropriate

50. **MINUTES OF THE PREVIOUS MEETING (00-04-33)**

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

51. **REGULATION OF INVESTIGATORY POWERS (00-05-04)**

Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had made the following recommendations: that

- (1) the Cabinet be requested to approve the reviewed Regulation of Investigatory Powers revised policy including the new annex on social media/internet research.
- (2) officers draft a policy on covert surveillance for non-RIPA cases to be submitted for approval and;
- (3) the contents of the report be noted.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the PDG had also considered a draft annex to the RIPA policy to provide guidance on the monitoring of information online such as social media posts, training would be given to officers on the monitoring of information online. It was also proposed that officers draft a policy on covert surveillance for non-RIPA cases to be submitted for approval. She was also able to report that the Council had not used its powers under RIPA since March 2014.

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

(Proposed by the Chairman)

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

52. **PLAYING PITCH STRATEGY (00-07-50)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration seeking approval for officers to prepare a Playing Pitch Strategy for Mid Devon, using external consultants support where necessary.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a new strategy was required for Mid Devon which was consistent with Sport England guidance. A Playing Fields Strategy had been published in 2010 and an Open Space and Play Area Strategy published in 2014; there was now a need for updated evidence and information specifically on the supply of and demand for playing pitches across the Mid Devon District to meet the sporting needs of local communities. The new strategy would become part of an evidence base which would be used to inform future strategic plan-making for the district and help shape masterplanning for the Culm Garden Village. It was proposed that the project team would include an external consultant and that the project management would be provided by officers also that the Council had sought to reduce the cost of preparing the strategy by carrying out as much of the initial data gathering as possible in house. Throughout the process the work would be overseen by the project steering group.

The Forward Planning Team Leader explained the amount of work that was required to form the strategy and the work that was proposed to take place in house. Recent engagement had taken place with the Football Association to progress a local football facilities plan for Mid Devon which would assist with the strategy and be used to guide investment decisions.

Consideration was given to:

- The cost of the proposed work would depend on the amount of work required by the consultant
- Whether the remit of sports proposed for inclusion in the strategy could be expanded to include other sports
- The involvement of clubs affected by the proposed relief road in Cullompton to be given additional support
- The funding would come from ear marked reserves held for plan making and the strategy would inform the early stage of the next Local Plan Review
- The amount of officer time required to aid the consultant

RESOLVED that the preparation of a Playing Pitch Strategy for Mid Devon and the use of an external consultant support to help the preparation of the strategy be approved.

(Proposed by Cllr G Barnell and seconded by Cllr D J Knowles)

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

53. **TIVERTON TOWN CENTRE REGENERATION PROJECT - TENDER OUTCOME (00-24-31)**

The Cabinet had before it a *report of the Group Manager for Corporate Property and Commercial Assets requesting the Cabinet to review the results of the Tiverton Town Regeneration tender and requesting it to reward the contract.

The Chairman informed the meeting that it had become clear in recent days that the members of the Cabinet required more detail with regard to the overarching aims of the proposed works and the financial considerations which would underpin them, there was a need for the Cabinet to be comfortable with the information and proposal prior to proceeding with a decision. There was no intention to look at the tender process and there would be no discussions with any of the bidders.

It was therefore

RESOLVED that the item be deferred to allow for further discussions to take place.

(Proposed by the Chairman)

Note: *Report previously circulated, copy attached to minutes

54. **CAR PARKING WORKING GROUP REPORT - CALL IN (00-25-44)**

Following the meeting on 22 August, the Chairman of the Scrutiny Committee had called in the following decision of the Cabinet

a) the proposed new tariffs for each of the council owned car parks in Mid Devon be approved as detailed in the annexe to the Working Group report apart from overnight charges from 1800 - 0800 which are to revert to being free of charge, with the exception of Tiverton Multi Storey and Phoenix House car parks (which will remain 24 hour charging).

For the following reasons:

- The decision is illogical
- The decision diminishes legitimate income
- The decision goes against the balanced recommendation of the Car Parking Working Group

The Scrutiny Committee at its meeting on 2 September 2019 resolved that the Cabinet be requested to reconsider the decision to abolish night time car parking charges.

The Cabinet had before it the relevant *report and a copy of the minute from the Scrutiny Committee on 2 September 2019. The Chairman stated that there was a need to reconsider the recommendations of the working group and the Economy Policy Development Group in light of the discussions held at the Scrutiny Committee.

He reflected on the initial decision by the Cabinet at its meeting on 22 August 2019, where the Cabinet had agreed with the new tariffs for each of the Council owned car

parks but did consider in the majority of council owned car parks that overnight charging should cease, with the effect of reducing the Council's income from car parking by £28k a year. He felt that, given the Council's substantial in year budget deficit coupled with the recent decision to agree significant capital investment in the MSCP, that it would be inappropriate to forgo this sum. He considered the requirement that a Council cannot use net income from car parking charges to support revenue expenditure across the Council, even with any increased income no breach of legislation would take place. Capital expenditure had already been proposed for the car parks which would extinguish any net income gained over the period. He felt that the recommendation of the working group to purchase a permit for overnight parking for £100 per year which was less than 30p per night, offered good value.

Consideration was given to:

- The original decision which some felt was reasonable and sound seeing that there had been a recommendation to increase tariffs during the day time
- The need for any net income to be used to maintain and/or make improvements to Council owned car parks
- The costs of running the car parks and the amount of income received per annum
- Parking in William Street car park
- Free overnight parking would alleviate on street parking problems
- The views of the Scrutiny Committee
- The need to encourage the purchase of permits by better advertising

It was therefore **RESOLVED** that:

- a) The proposed new tariffs for each of the Council owned car parks in Mid Devon be approved as per the annexe in the Working Group Report
- b) Overnight parking permits be amended to offer greater value for money for residents and that the annual one-off charge be set at £100. Also approved is an option to pay by monthly direct debit at £10 per month, with a one-month cancellation period.

(Proposed by the Chairman)

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

55. **FINANCIAL MONITORING (00-41-28)**

The Deputy Chief Executive (S151) informed the meeting of the Chancellors statement on 4 September 2019 which had outlined a delay in the long term funding settlement for a year, there was no news on business rates, the new homes bonus or the fair funding review. There was good news with regard to homelessness work funding and it was very likely that the district authorities would be able to maintain the increased flexibility on council tax increases.

With regard to financial monitoring, the projected overspend was currently £378K, the key items to note were that planning fees were down £325K, car parking income was down £15K but that income from trade waste was up £40K. Most of the budgets

were trending close to proposed budgets; the HRA remained unaltered with an underspend of £166K which had come from project underspends and a delay in filling staff vacancies.

56. **NOTIFICATION OF KEY DECISIONS (00-44-37)**

The Cabinet had before it, and **NOTED**, its rolling plan * for October 2019 containing future key decisions.

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

(The meeting ended at 6.45 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 17 October 2019 at 6.00 pm

Present

Councillors R M Deed (Leader)
L D Taylor, G Barnell, S J Clist, A White and
Mrs N Woollatt

Apologies

Councillor(s) D J Knowles

Also Present

Councillor(s) R J Chesterton, R J Dolley, J M Downes, R Evans,
B A Moore and B G J Warren

Also Present

Officer(s): Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Joanne Nacey (Group Manager for Financial Services), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Gemma Causey (Accountant) and Sally Gabriel (Member Services Manager)

57. APOLOGIES

Apologies were received from Cllr D J Knowles.

58. PUBLIC QUESTION TIME

There were no questions from members of the public present.

59. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Members were reminded of the need to declare any interests when appropriate

60. MINUTES OF THE PREVIOUS MEETING (00-02-19)

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

61. MEETING MANAGEMENT

The Chairman indicated that he intended to take item 20 (Lords Meadow Leisure Centre – Filter Project) as the next item of business. This was agreed.

62. LORDS MEADOW LEISURE CENTRE - FILTER PROJECT (00-03-15)

The Cabinet had before it a *report of the Group Manager for Corporate Property and Commercial Assets providing a review of the tender exercise for essential maintenance work at Lords Meadow Leisure Centre and to award the JCT Intermediate Building Contract with Contractors Design 2016 to two contractors.

The Cabinet Member for Housing and Property Services outlined the contents of the report explaining the work that needed to take place with regard to the replacement of the pool filters and the essential maintenance that was required. Both projects would take place simultaneously over the Christmas period.

Consideration was given to planned works and the timing of the closure of the pool area.

RESOLVED the JCT Intermediate Building Contract with Contractors Design 2016 building contracts for essential planned maintenance works to two pool filters and the repair and upgrade to the fabric of both swimming pools at Lords Meadow Leisure Centre be awarded to supplier C for Lot 1 and supplier B for Lot 2.

(Proposed by the Chairman)

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

63. MOTION 558 (COUNCILLOR J M DOWNES - 29 JULY 2019) (00-07-42)

The following motion had been referred by Council to the Cabinet for consideration:

‘That this council should lobby government to bring forward a revised council tax scheme that seeks to encourage a system linked to emissions. The scheme should be able to vary council tax to overtly incentivise the construction of properties that can demonstrate high levels of sustainability and energy efficiency, while acting as a penalty for those that don't. Methods to encourage investment in retrofitting to existing properties should also be explored, given the largest proportion of housing emissions will come from existing housing stock rather than new build’.

The Chairman invited Cllr Downes to speak to the motion.

Cllr Downes addressed the meeting stating that the Council had made the climate change declaration and that there was a need to act on the issues that we as an authority had control over which included the Council Tax scheme. High levels of sustainability and energy efficiency through development should be rewarded with a variation in Council Tax.

The Chief Executive informed the meeting that the Council had submitted an expression of interest with regard to financial modelling work which would consider the principle of a reduced Council Tax to reflect carbon reduction however the legislation with regard to Council Tax and Business Rates still had to be adhered to.

Consideration was given to:

- The financial modelling exercise
- The intention for new development was encouraging
- Retrospective schemes would be expensive
- The need to encourage low carbon building projects

Following discussions Cllr Downes informed the meeting that he would amend his motion to read:

That this council should lobby government **to change the council tax scheme to one** that seeks to encourage a system linked to emissions. The scheme should be able to vary council tax to overtly incentivise the construction of properties that can demonstrate high levels of sustainability and energy efficiency, while acting as a penalty for those that don't. Methods to encourage investment in retrofitting to existing properties should also be explored, given the largest proportion of housing emissions will come from existing housing stock rather than new build.

It was therefore:

RECOMMENDED to Council that Motion 558 as amended be supported

(Proposed by the Chairman)

64. **CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE. (00-23-22)**

Arising from discussions at its recent meeting the Environment Policy Development Group made the following recommendation: that the Cabinet Member for Environment's title be changed to Cabinet Member for Environment and Climate Change.

The Leader informed the meeting that he already had the authority to appoint and determine the role and responsibilities of each Cabinet Member. This was acknowledged by the Cabinet.

65. **REVIEW OF THE HOUSING SERVICE HARASSMENT POLICY (00-23-56)**

Arising from a report of the Group Manager for Housing reviewing the Housing Service's Harassment Policy, the Homes Policy Development Group had recommended that the changes identified in the tracked changed Harassment Policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report.

Consideration was given to the consultation that had taken place and the feedback received.

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

(Proposed by the Chairman)

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

66. **COUNCIL TENANCY RENT DEBIT FREQUENCY (00-27-22)**

Arising from a report of the Group Manager for Housing reviewing the weeks over which rent was charged on a yearly basis, the Homes Policy Development Group had recommended that Council tenants be charged rent over 52 weeks each year and not 48 as currently charged.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that this change would bring rent payments into line with Universal Credit.

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

(Proposed by the Chairman)

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

67. **REVIEW OF THE HOUSING SERVICE HOARDING POLICY (00-28-57)**

Arising from a report of the Group Manager for Housing reviewing the Housing Service's Hoarding Policy, the Homes Policy Development Group had recommended that the tracked changes in the revised Hoarding Policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report.

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

(Proposed by the Chairman)

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

68. **REVIEW OF THE HOUSING SERVICE PETS AND ANIMALS POLICY (00-30-07)**

Arising from a report of the Group Manager for Housing reviewing the Housing Service's policy in relation to pets and animals, the Homes Policy Development Group had recommended that the revised changes to the Pets and Animals Policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report.

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

(Proposed by Cllr S J Clist and seconded by Cllr G Barnell)

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

69. **OVERPAYMENTS FOR CAR PARKING (00-31-27)**

On 22 August 2019, as part of their consideration of the Car Parking Working Group report, the Cabinet had made a recommendation that: “The Economy PDG be requested to consider the issue of overpayments for car parking and what should happen to the additional income.”

The Economy PDG at its meeting on 26 September discussed the matter and made the following recommendation “that any small monies overpaid from car parking are retained and utilised within the overarching car park budget”

The Chairman of the Economy Policy Development Group was present and stated that because of the revised car parking tariffs the amount of overpayment had reduced and that amending the process would not be cost effective due to officer time.

It was therefore:

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

(Proposed by the Chairman)

70. **COST RECOVERY & COMMERCIALISATION IN GROWTH, ECONOMY & DELIVERY (00-33-10)**

Arising from a report of the Head of Planning Economy and Regeneration presenting the steps necessary to introduce cost recovery into the Growth, Economy and Delivery Service, and providing an update with regard to potential next steps for further commercialisation within the service, the Economy PDG had made the following recommendation:

- a) The bill of charges for economic development related advice with regard to the planning process laid out in Section 2.0 be approved.
- b) Officers be tasked with seeking LGA funding to help investigate opportunities within the service for further commercialisation including the potential to develop a commercial arm for the delivery of some discretionary services.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the idea of recouping costs related to the discretionary services provided by the Planning Service and focussed on planning performance agreements and pre-application advice. The second part of the report focussed on commercialisation and how the Council could get involved strategically through property acquisition, commercial employment sites and business opportunities which would bring in an income for the authority. There was a need to tailor the department’s strengths using the commercial corridors available in the area and therefore the recommendation to seek funding via the Local Government Association was encouraged.

Consideration was given to:

- Planning Performance Agreements and the delivery of permissions within agreed timescales
- The commercialisation project would be an exciting opportunity with a view to providing incubator space and start up areas owned by the council for local businesses.

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

(Proposed by the Chairman)

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

71. HEART OF THE SOUTH WEST JOINT COMMITTEE GOVERNANCE UPDATE (00-42-34)

The Cabinet had before it a *report of the Chief Executive providing an update for the Constituent Authorities on the Joint Committee's governance arrangements and budgetary position for 2019/20.

The Chief Executive outlined the contents of the report stating that the additional remit was identified within the extract from the Joint Committee's arrangements document available at appendix A and that the report had been circulated to all 16 constituent authorities. The minor changes were reported which identified an extended terms of reference for the joint committee and a small rise in the financial contribution.

Consideration was given to: any further changes to the remit of the committee (which may include any further devolution discussions) would require support from all 16 constituent authorities.

RECOMMENDED to Council that:

- a) the amendments (shown in red) to the Committee's list of functions in the Arrangements document – Appendix A attached be approved;
- b) Somerset County Council as the administering authority for the Joint Committee be approved; and
- c) The updated budget provision for 2019/20 be noted.

(Proposed by the Chairman)

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

72. DRAFT 2020/21 GENERAL FUND AND CAPITAL BUDGETS (00-48-30)

The Cabinet had before it and **NOTED** a *report of the Deputy Chief Executive (S151) considering the initial draft 2020/21 budget and options available in order for

the Council to set a balanced budget and requesting agreement for a future strategy for further budget reductions for 2021/22 onwards.

The Cabinet Member for Finance outlined the contents of the report stating that this was the start of the process to form a balanced budget for 2020/21. Due to the pressure of Brexit, the Government had been unable to consider the Fair Funding Review and Business Rates reset and had confirmed that they would only issue a one-year settlement; this had an inevitable impact on the ability to forecast for future years. The initial aggregation of all service budgets which included assumptions currently indicated a General Fund budget gap of £346k and table 1 within the report showed the main budget variances affecting 2020/21. In compiling the 2020/21 draft budget, officers had also examined budget performance during 2019/20 and then made relevant budget corrections for staffing changes, levels of income, and changes in legislation and increases in inflation. A public budget consultation exercise would take place for a 6 week period which would provide valuable feedback to inform future spending plans. He referred to the Medium term Financial Plan and the proposed £1.4m budget gap.

Consideration was given to:

- The dates for the public consultation
- The budget gap proposed for 2021/22 and whether savings needed to be made earlier

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

73. **MEDIUM TERM FINANCIAL PLAN (00-58-19)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) producing an updated Medium Term Financial Plan (MTFP) which takes account of the Council's key strategies (i.e. The Corporate Plan, Business Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrates that it has the financial resources to deliver the Corporate Plan.

The Cabinet Member for Finance outlined the contents of the report stating that the MTFP had been considered alongside the draft budget and that the plan had to consider assumptions for future funding, unavoidable costs, such as pay increases, inflation and service pressures associated with new legislation, investment receipts and fee/charges levels and also considered and made assumptions regarding future levels of council tax. He highlighted the proposed budget gap for 2023/24 and the need to retain and protect fundamental services.

RESOLVED that the updated Medium Term Financial Plan be noted and that the proposals as outlined in paragraph 8.2 of the report be endorsed.

(Proposed by the Chairman)

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

74. **TREASURY MANAGEMENT STRATEGY AND MID YEAR REVIEW (1-02-19)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) informing it of the treasury performance during the first six months of 2019/20 and requesting agreement on the ongoing deposit strategy for the remainder of 2019/20 also to review compliance with Treasury and Prudential Limits for 2019/20.

The Cabinet Member for Finance outlined the contents of the report stating that it fully considered 3 Rivers Development Limited and the slippage in the capital programme. He highlighted the forecast for year end and the additional income which would be split between the HRA and General Fund, along with the issues of Brexit and its impact on treasury uncertainty if interest rates reduced. There had been no additional borrowing in the current year. The Leader asked how the increase in the PWLB interest rate would impact on short term loans.

Consideration was given to recent investments and the rise in interest rates from the PWLB.

RECOMMENDED to Council that a continuation of the current policy outlined at paragraphs 6.0 - 6.5 of the report be agreed and that the changes to the Capital Financing Requirement, Operation Boundaries and Authorised Limits for the next 3 years at paragraphs 4.3 - 4.5 be approved

(Proposed by the Chairman)

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

75. **FINANCIAL MONITORING (1-07-26)**

The Deputy Chief Executive (S151) provided a verbal report on financial monitoring to date stating that the proposed end of year overspend of £389k had been reduced to circa £200k since the last meeting, this had been helped by a solar array planning application, clarification from Devon County Council with regard to the shared saving agreement, the treasury performance was £80k better than budget and there had been significant business rate growth in the year. The positive Housing Revenue Fund remained unaltered and that a detailed written report would be available for the next meeting.

76. **PERFORMANCE AND RISK (1-10-35)**

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 Leader outlined the contents of the report.

Consideration was given to:

- Council house completions to the end of August and current data
- Empty shops in the main towns
- Businesses in transit in Cullompton
- National high-street figures

- Investment in the towns through funding opportunities
- The number of current vacancies in Market Walk
- Risk management for 3 Rivers Development Limited and the current audit taking place
- The revised sickness policy
- The number of business rate accounts

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

77. ANNUAL REPORT OF COMPLAINTS, COMMENTS AND COMPLIMENTS (1-24-39)

The Cabinet had before it and **NOTED** a *report of the Group Manager for Business Transformation and Customer Engagement providing the annual report of complaints, comments and compliments received as part of the 1.6 million contacts with customers in 2018/19.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report highlighting the annual number of contacts with customers and how that contact was made. The report also contained the annual Ombudsman report which outlined 18 complaints, 3 of which had resulted in investigation and 1 complaint had been upheld.

Consideration was given to:

- In order to give context, the number of complaints (0.0034%) with regard to waste collection against the number of waste pick ups per annum (3 million)
- The need to highlight trends through information rather than the provision of snapshots

Note: *Report previously circulated copy attached to minutes.

78. CABINET MEMBER DECISION/S (1-27-23)

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

a) Cabinet Member for Planning and Economic Regeneration:

Review of Market Tolls - the current Schedule of Tolls for Tiverton Pannier Market remains unchanged in year 2019/20 at the level set for the year 2018/19.

REASON FOR DECISION - Market Tolls, as set out in the Schedule of Tolls, are reviewed on an annual basis. No increases in tolls are proposed for the next financial year.

b) Cabinet Member for Finance

To give Crediton, Cullompton, Tiverton free car parking for three Saturdays in December leading up to Christmas (7th, 14th 21st) plus a fourth day coinciding with the town's Christmas light switch-on event. (Saturday 23rd November

Crediton, Saturday 30th November Cullompton and Saturday 30th November Tiverton)

Long stay car parks:

Multi-Storey Car Park, Tiverton

Station Road Car Park, Cullompton

High Street Crediton (St Saviour's Way)

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

REASON FOR DECISION:

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

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

79. NOTIFICATION OF KEY DECISIONS (1-27-47)

The Cabinet had before it, and **NOTED**, its rolling plan* for November 2019 containing future key decisions.

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

(The meeting ended at 7.29 pm)

CHAIRMAN

HOTSW JOINT COMMITTEE GOVERNANCE REVIEW REPORT

Cabinet Member: Leader, Cllr Bob Deed
Author: Stephen Walford, Chief Executive
Contact Details: swalford@middevon.gov.uk

1. Summary

- 1.1. This report provides an update for the Constituent Authorities on the Joint Committee's governance arrangements and budgetary position for 2019/20. The report contains recommendations for amendments to the Committee's Arrangements document following the governance review.

2. Recommendations

- 2.1. **That Cabinet recommends the following to Full Council:**

- **To approve the amendments (shown in red) to the Committee's list of functions in the Arrangements document – Appendix A attached.**
- **To recommend the approval of Somerset County Council as the administering authority for the Joint Committee.**
- **To note the updated budget position for 2019/20.**

3. Reasons for recommendations

- 3.1 In recent months the Joint Committee has reviewed and updated its governance arrangements in the light of experience since its establishment in early 2018 and in response to changing Government policy and local circumstances. Some changes are required to the Committee's Arrangements document as a result, and these need to be formally agreed by the Constituent Authorities. It is essential that the Joint Committee remains: fit for purpose, represents a sustainable way of working into the future; and delivers value for the resources committed to it by the Constituent Authorities.

4. Background

4.1 Review of the role and functions of the Joint Committee

- 4.1.1 The Constituent Authorities have previously agreed one addition to the list of delegated functions by giving the Joint Committee the function of agreeing the local authorities' input into the development of the HotSW Local Industrial Strategy (LIS).

- 4.1.2 In addition to the above policy development, the need to review the governance arrangements arose from:

- Changes in Government policy away from large devolution 'deals' to a more targeted dialogue on key themes of relevance to the

local authorities and partners, eg, housing. The Joint Committee's influencing role has become increasingly important as recognised by Ministers, local MPs and Government officials. The ambition remains to draw down additional functions, powers and funding from Government.

- The evolution of the Joint Committee's role from agreeing policy (the HotSW Productivity Strategy) to overseeing delivery of the Strategy alongside the LEP.
- The developing relationships with other key local partnerships to ensure that there are appropriate reporting lines, ie, HotSW LEP Joint Scrutiny Committee, Peninsula Transport Board, Great South West, HotSW Local Transport Board.

4.1.3 Accordingly, the Committee has refined its focus into the following areas:

- Strategic policy development
- Influencing Government / key agencies to achieve direct intervention, support, funding and powers
- Designing and delivering strategic HotSW responses to 'Government offers'
- Designing and delivering public sector reform where this will deliver improved productivity, eg in health and education
- Delivering at scale – (beyond what individual councils can achieve)
- Oversight of the Delivery Plan – working with the HotSW LEP to ensure delivery of the HotSW Productivity Strategy.

It is not proposed at this stage to request the delegation of further functions from the Constituent Authorities to the Joint Committee.

These refinements to the focus of the Committee have been reflected in amendments to the list of functions contained in the Joint Committee's 'Arrangements' document – see Appendix A attached.

4.1.4 The subject matter focus for the Joint Committee will fall into the following areas of the Delivery Plan:

- Housing – securing a commitment from Government to work with HotSW partners on accelerating housing delivery including potential bid(s) for strategic housing deal(s) designed, submitted and agreed resulting in additional investment into HotSW
- Agreed HotSW LIS which meets our transformational objectives
- Successful engagement plan with MPs / Ministers
- Successful operational phase of the Brexit work in collaboration with Government
- Preparation for / response to offers of public sector reform to improve productivity
- Agreement and submission of Coastal Communities proposal to Government seeking additional Government support for our coastal communities

- Development of the JC's investment framework required to deliver the Productivity Strategy within a new national funding environment.
- Enable the partners to prepare for and respond to opportunities arising from the Comprehensive Spending Review and the Shared Prosperity Fund.

4.2 Joint Committee Political Arrangements

- 4.2.1** The Committee has agreed to change its meeting arrangements to achieve a better balance between formal decision-making meetings (fewer) and more opportunities for informal engagement and challenge sessions.

In addition, two informal engagement sessions will be arranged per annum to engage relevant Portfolio Holders and Directors on Joint Committee business.

4.3 Joint Committee Management Support Arrangements

- 4.3.1** Comprehensive management support arrangements have been in place to support the partnership (and latterly the Joint Committee) since 2015. These have been recently reviewed and refined. To minimise direct support costs impacting on the Committee's budget, most of the officer resource is provided by the Constituent Authorities on an 'in-kind' voluntary basis. In addition, Somerset County Council was appointed as the Administering Authority to the Joint Committee to support and run the Joint Committee and its meetings. SCC has been paid for undertaking this role from the Joint Committee budget. Other direct budget contributions towards the Committee support costs have been allocated to refund those Constituent Authorities who have provided officer resources for project management capacity and administrative support to the Brexit Resilience and Opportunities Group.

- 4.3.2** The diagram in Appendix B shows the revised management support arrangements of the Joint Committee.

The revised arrangements provide for:

- A CEx Executive Group to lead the work of the Joint Committee and to include theme leads from the Delivery Plan. The membership of this Group is set out in Appendix B.
- Use of existing Devon and Somerset Chief Executives' and Leaders' meetings to support the work of the Committee;
- 1 x joint meeting per annum of the Devon and Somerset Chief Executives.
- Better alignment of the Joint Committee's support arrangements with the LEP.
- A Policy and Technical Officer Group of senior policy officers to focus on: delivery of the Delivery Plan; monitoring progress/measuring performance; and drafting responses to national policy changes.

- A dedicated and resourced programme management function, (funded from the Joint Committee’s budget) to manage Joint Committee business on behalf of the CEx Executive Group and in addition to the Administering Authority role. This arrangement was initially agreed for 6 months (April to Oct 2019) pending a review of the work load.

4.4 Appointment of Administering Authority

4.4.1 At the time of the establishment of the Joint Committee, the Constituent Authorities agreed to appoint Somerset County Council as the Administering Authority for the Joint Committee for a two-year period from 22 January 2018. With this appointment coming to an end early in the new year the HotSW Chief Executives’ Executive Group has considered an appointment for the next two year period (as required by the Joint Committee’s ‘Arrangements’ document).

The detail of the Administering Authority role is set out in the Joint Committee’s Arrangements document but in summary it includes:

- Running the Joint Committee business and meetings;
- Administering the Joint Committee’s budget;

Responsibility for the Committee’s communications and engagement plan including maintaining the Joint Committee’s website.

4.4.2 The view of the HotSW Chief Executives’ Executive Group is that Somerset County Council has done an excellent job of supporting the Committee and their recommendation is to reappoint the County Council to the Administering Authority role for a further two year period from 23 January 2020 to 22 January 2022.

The Joint Committee have agreed a budget allocation of £20,000 to the Council appointed as the Administering Authority.

4.5 Joint Committee Budget Position

4.5.1 The Joint Committee remains completely reliant on the Constituent Authorities for its budget and there are no obvious sources of additional funding to support running costs or delivery of its work programme.

The Joint Committee budget as at the end of March 2019 was as follows:

Constituent Authorities	Contributions – 18/19 £	Expenditure – 18/19 £
County Council x2	10,500	40,000 – Administering Authority costs (including staffing, venue hire, publicity costs)
Unitaries x 2	4,000	
Districts / National Park Authorities x 15	1,400	
Underspend carried forward from Devolution Budget	66838	16,346 – Brexit admin support costs 9750 – Housing audit

		5000 – Housing conference 8759 - Transport consultancy 660 - Portfolio-holder event costs
Total	116,838	80513 36,325 (carry forward to 2019/20)

4.5.2 The Joint Committee budget covers the costs of running the Committee and the work programme. Contribution levels for each council tier are based on population levels. The Committee agreed earlier this year that a larger annual budget was likely to be required to fund work programme priorities in future years and approved ‘in principle’ to seek the agreement of the Constituent Authorities to double the 2018/19 core contributions as a one-year arrangement so giving maximum contributions in 2019/20 of:

County Council - £21,000

Unitary Council - £8,000

District Council / National Park Authorities – £2,800

For 2019/20 the Constituent Authorities have been invoiced for 50% of the amounts stated above. A second invoice was to be sent to each Constituent Authority for the other 50% in the autumn if the budget proved to be insufficient to fund the work required in 2019/20 and only if fully costed work programme proposals were available to justify the request.

The overall budget position for 2019/20 is detailed in the table in 4.5.3. There are no plans to invoice the Constituent Authorities for the second budget contribution for 2019/ 20 because of the need to take stock of the direction of the Committee’s work programme following the recent elections and delays in progressing discussions with Government as a result of Brexit.

As it stands the contributions collected from the Constituent Authorities (£48,600) together with the underspend carried forward from 2018/19 (£36,326) totalling £84,926 is sufficient to cover the planned and anticipated costs for 2019/20 of £60k. A key unknown aspect of the work programme is the preparations for Brexit and the budget impacts of any work which the Committee may wish to commission. This will be kept under review in the coming months as the position becomes clearer.

4.5.3

Income	£ (,000)
Constituent Authority contributions	48,600 - committed 48,600 – in principle
2018/19 underspend	36,326
<u>Total</u>	133.5 (of which 48.6k is in principle)

Expenditure	£ ,000
Administering Authority Programme Office	20 – committed (for the year) 10 – committed (April to Sept) (Oct to March 2020 tbc but estimated at £10k)
Brexit Resilience and Opportunities Group – officer support costs	10 – in principle (April to Sept) (Oct onwards tbc but estimated at up to £10k)
Housing Task Force	Tbc
Growth Corridor Work	Tbc
MP/ Ministerial engagement	Tbc
Brexit work programme	Tbc
Coastal Communities proposal	Tbc
<u>Total</u>	£60k (including anticipated commitments detailed above)

4.5.4 Further discussions are planned as to how to establish a financially stable Joint Committee budget for future years as a pre-requisite to preparing a budget proposal for 2020/21 for submission to the Constituent Authorities.

5. Equalities Implications

5.1 There are no equalities implications associated with the recommendations.

6. Other Implications

6.1 Legal:

The review of the role and functions of the Joint Committee have taken account of the legal framework within which the Joint Committee operates.

6.2 Financial:

As stated in the report.

6.3 HR

As stated in the report.

6.4 Risk

The key risk to the Constituent Authorities is a Committee without a clear role and functions and with unsustainable support arrangements which threaten the security and operation of the model. If the Committee cannot be sustained into the future then the momentum

already achieved with Government will be at risk and the opportunity to realise additional funds, powers and responsibilities from Government for the benefit of the HotSW will be severely compromised. This in turn would compromise the ability to deliver the Productivity Strategy.

6.5 Climate Change

The work of the Joint Committee is increasingly focused on delivering the productivity strategy and emerging Local Industrial Strategy that has clean growth at its core. Working collaboratively with Government through the Joint Committee will improve all Constituent Authorities' ability to deliver carbon reductions while growing the economy and raising productivity.

7. Background papers

7.1 Link below to the HotSW Joint Committee Arrangements document as agreed by all of the Constituent Authorities



Annex A Heart of the
South West Joint Con

Link below to the HotSW Joint Committee Inter-Authority Agreement as agreed by all of the Constituent Authorities



Annex A Heart of the
South West Joint Con

APPENDIX A – EXTRACT FROM THE JOINT COMMITTEE’S ARRANGEMENTS DOCUMENT

2. Joint Committee Functions:

2.1 The only delegated functions of the Joint Committee relate to:

- (a) the approval of the HotSW Productivity Strategy; and
- (b) the development and endorsement of the HotSW Local Industrial Strategy (LIS) (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government.

All other matters referred to in 2.3 below are ‘referred’ matters where the Joint Committee will make recommendations to the Constituent Authority or Authorities for decision. Additional delegated or referred functions may be proposed for the Joint Committee in the future by the Joint Committee or any of the Constituent Authorities but shall only be agreed if approved by all of the Constituent Authorities.

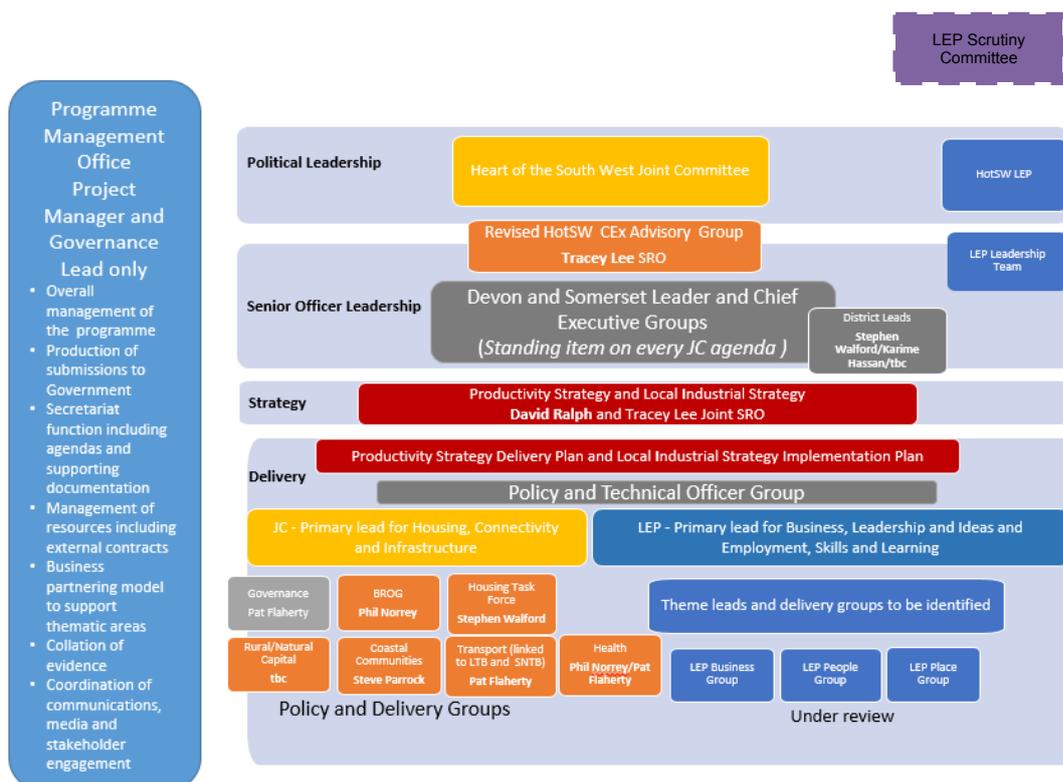
2.2 The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions being made at the most local and appropriate level on all matters to do with the delivery of the Productivity Strategy and in relation to the other functions of the Joint Committee.

2.3 The Joint Committee shall:

- (a) Develop and agree the HotSW Productivity Plan in collaboration with the LEP.
- (b) Maintain oversight of the HotSW Delivery Plan = working alongside and in collaboration with the LEP using each other’s strengths and roles to ensure delivery of the HotSW Productivity Strategy.
- (c) Continue discussions /negotiations with the Government and Government agencies to achieve direct intervention, support, funding and powers to the benefit of the HotSW and assist with the delivery of the Productivity Plan and the LIS, working with the LEP.
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government’s strategic infrastructure commitments, eg, strategic road and rail transport improvements.
- (e) Design and deliver the strategic HotSW response to ‘Government’ offers and respond to Government calls for evidence if appropriate.
- (f) Design and deliver public sector reform where this will deliver improved productivity to the HotSW, eg health, education.
- (g) Deliver at scale (beyond what individual councils can achieve).
- (h) Work with the LEP to identify and deliver adjustments to the LEP’s democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP’s assurance framework on behalf of the Constituent Authorities as and when required. However, this is subject to the Framework being formally approved by the LEP’s Administering Authority.
- (i) Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the objectives in (a) to (e) above to be delivered.

APPENDIX B

HotSW Joint Committee Support Structure



Chief Executives' Executive Group Membership and Roles

Theme/Role	Lead	Body
HotSW Leaders SRO	Tracey Lee	JC (PCC)
Productivity Strategy SRO	Tracey Lee/David Ralph	JC (PCC)/LEP
LIS SRO	David Ralph/Tracey Lee	LEP/JC (PCC)
BROG	Phil Norrey	JC (DCC)
Governance lead	Pat Flaherty	JC (SCC)
Housing lead	Stephen Walford	JC (MDDC)
Transport lead	Pat Flaherty	JC (SCC)
Coastal Communities lead	Steve Parrock	JC (TC)
District Council Leads X 3	Stephen Walford (Devon - Rural) Karime Hassan (Devon - City/Urban) Stuart Brown (Somerset)	JC (MDDC/ECC/MDC)
Rural/Natural Capital lead	Kevin Bishop	JC (DNP)
Health theme	Via Phil Norrey and Pat Flaherty in the short term	JC (DCC/SCC)

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Cabinet
17 October 2019

Treasury Management Strategy Mid-Year Review Report 2019/20

Cabinet Member: Councillor Alex White
Responsible Officer: Andrew Jarrett, Deputy Chief Executive (S151).

Reason for Report: To inform the Cabinet of the treasury performance during the first six months of 2019/20 and agree the ongoing deposit strategy for the remainder of 2019/20 and a review of compliance with Treasury and Prudential Limits for 2019/20 (Appendix 1).

Recommendation(s):

1. That Cabinet recommends to Council that a continuation of the current policy outlined at paragraphs 6.0 - 6.5 be agreed.
2. That Cabinet recommends that Council approval the changes to the Capital Financing Requirement, Operation Boundaries and Authorised Limits for the next 3 years at paragraphs 4.3 - 4.5.

Relationship to Corporate Plan: Maximising investment return whilst minimising risk of credit default enables the Council to finance the delivery of its Corporate Plan objectives.

Financial Implications: Good financial management and administration underpins the entire strategy. The Council's Treasury Management Strategy should attempt to maximise investment return commensurate with minimum risk to the principal sums invested.

Legal Implications: The Council is under a statutory duty to "have regard" to the 2011 CIPFA Treasury Management Code of Practice. The Council's own Financial Regulations include requirements as to the reporting of treasury management information.

Risk Assessment: The Council considers deposit security as the paramount function in any treasury dealings or activities. It should be noted that any investment decisions will always be subject to a degree of risk. However, in complying with an agreed Treasury Management Strategy, these risks would be kept to a minimum acceptable level.

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

Climate Change Assessment: No implications relating this report.

1.0 Introduction

1.1 CIPFA's Code of Practice for Treasury Management recommends the annual setting of a Treasury Management Strategy and best practice dictates a half yearly update of treasury performance. This report will not only update

Members on the treasury performance over the first six months of 2019/20, but will also seek approval for the ongoing deposit strategy.

2.0 Treasury Performance 01/04/19 to 30/09/19

2.1 The table below shows the Council's overall treasury management position for the first six months of 2019/20.

Treasury Position	Average Interest	Total Interest as at 30/9/19	Forecast Year end position
Temporary Investments and Deposits	0.75%	£124k	£196k
CCLA dividends	4.19%	£103k	£210k
Commerical activities / Non-financial investments	4.50%	£91k	£209k
Total		£318k	£615k

2.2 The General Fund 2019/20 budget for temporary investment and non-treasury activities is £443k and for the Housing Revenue Account is £83k.

2.2 This first half year has been a time of upheaval on the political front as Theresa May resigned as Prime Minister to be replaced by Boris Johnson on a platform of the UK leaving the EU on or 31 October, with or without a deal. However, so far, there has been no majority of MPs for any one option to move forward on enabling Brexit to be implemented. At the time of writing, (first week in September), the whole political situation in the UK over Brexit is highly fluid and could change radically by the day. The vote in the Commons on 3 September lead to a delay in the date for Brexit to 31 January 2020. There is also the likelihood of a general election. In such circumstances, any interest rate forecasts are subject to material change as the situation evolves. At present, if the UK does achieve an agreed deal on Brexit soon, including some additional clarification wording on the Irish border backstop, then it is possible that growth could recover quickly. The Monetary Policy Committee (MPC) could then need to address the issue of whether to raise Bank Rate when there is very little slack left in the labour market; this could cause wage inflation to accelerate which would then feed through into general inflation.

2.3 On the other hand, if there was a no deal Brexit and there was a significant level of disruption to the economy, then growth could falter and the MPC would be likely to cut Bank Rate in order to support growth. However, with Bank Base Rate still only at 0.75%, it has relatively little room to make a big impact and the MPC would probably suggest that it would be up to the Chancellor to provide help to support growth by way of a fiscal boost by way of tax cuts and / or expenditure on infrastructure projects, to boost the economy. However, infrastructure projects generally take a long time to plan and to start up, and so to feed through into impacting the economy; tax cuts would be much quicker in impacting the level of consumption in the economy.

2.4 Interest rate forecasts:

2.4.1 The Council's treasury advisor, Link Asset Services (formerly Capita Asset Services), has provided the following forecast:

Link Asset Services Interest Rate View											
	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22
Bank Rate View	0.75	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.00	1.25
3 Month LIBID	0.70	0.70	0.70	0.70	0.80	0.90	1.00	1.00	1.00	1.10	1.20
6 Month LIBID	0.80	0.80	0.80	0.80	0.90	1.00	1.10	1.10	1.20	1.30	1.40
12 Month LIBID	1.00	1.00	1.00	1.00	1.10	1.20	1.30	1.30	1.40	1.50	1.60
5yr PWLB Rate	1.20	1.30	1.50	1.60	1.70	1.70	1.80	1.90	2.00	2.00	2.10
10yr PWLB Rate	1.50	1.60	1.80	1.90	2.00	2.00	2.10	2.20	2.30	2.30	2.40
25yr PWLB Rate	2.10	2.30	2.40	2.50	2.60	2.70	2.70	2.80	2.90	3.00	3.00
50yr PWLB Rate	2.00	2.20	2.30	2.40	2.50	2.60	2.60	2.70	2.80	2.90	2.90

3.0 Current Portfolio Position

3.1 The Council's treasury portfolio position as at 30 September 2019 was made up of short-term investments/deposits to the value of £30.28m. These investments comprised:

£ 27.50m in fixed term investments
£ 2.78m in Natwest bank call accounts

Property Fund comprises of:

£ 5.00m with CCLA commercial property fund

Detailed list of deposits/short term investments:

Institution	Principal: (£)	Rate:	Start Date:	Maturity Date:
Cornwall Council	2,000,000	0.65%	05/07/2019	07/10/2019
Goldman Sachs	2,000,000	1.22%	15/10/2018	15/10/2019
Leeds BS	2,000,000	0.71%	14/08/2019	15/11/2019
Coventry	1,500,000	0.92%	22/05/2019	22/11/2019
Coventry	1,500,000	0.92%	03/06/2019	03/12/2019
Lloyds	2,000,000	1.05%	28/03/2019	30/12/2019
Lloyds	2,000,000	1.05%	01/04/2019	02/01/2020
Barclays	1,000,000	0.74%	02/07/2019	02/01/2020
Yorkshire Building Society	1,500,000	0.75%	17/07/2019	17/01/2020
Lloyds	1,000,000	1.05%	25/04/2019	27/01/2020
Goldman Sachs	2,000,000	0.99%	26/04/2019	27/01/2020
Coventry	2,000,000	0.98%	01/05/2019	03/02/2020
Leeds BS	1,500,000	0.79%	02/09/2019	02/03/2020
Goldman Sachs	1,000,000	0.94%	17/09/2019	17/03/2020
Santander	1,500,000	0.83%	01/10/2019	01/04/2020
Close Brothers	1,000,000	1.10%	04/09/2019	02/09/2020
Santander	2,000,000	0.94%	17/09/2019	17/09/2020

3.2 **Property Fund:** The Council currently has £5m deposited with the CCLA (Churches, Charities and Local Authorities) commercial property fund. Dividends are paid quarterly; first two quarters, dividends of 4.50% were earned.

3.3 The Council received an average return of 0.75% on investments during the first six months. The return on investments for the first half of the year has remained stable due to the Bank of England continuing to hold the base rate at 0.75%. The expectation for the second half of the year has some uncertainty given the concerns over the impact of Brexit.

3.4 During 2018/19 an average rate of investment return of 0.77% was earned at the mid-year point.

4.0 Borrowing Requirements

4.1 The Council has no short term borrowing but has existing PWLB loans of £39.83m at the end of September 2019, in addition to £0.28m in finance leases.

4.2 The Council did not undertake any new borrowing during 2018/19. There has also been no new borrowing during 2019/20, however there is £0.50m assumed to be borrowed during the remainder of 2019/20 to deliver the capital programme.

4.3 The Council approved the 3 Rivers Developments Limited business plan in February 2019 which details loans the Council can make to the company. In order to finance the capital loans the Council is able to borrow from PWLB. The latest 2019/20 loans forecast could be up to £9.29m.

4.4 The Treasury Management Strategy Statement (TMSS), for 2019/20 was approved by this Cabinet on 7 February 2019. The underlying TMSS approved previously requires revision in the light of the 3 Rivers Developments Limited business plan and the revised deliverable Capital Programme for 2019/20.

4.5 The proposed changes are set out in the following 3 tables below for the next 3 financial years:

Prudential Indicator 2019/20 £000	Original Estimate	Revised Prudential Indicator Estimate
Authorised Limit	77,000	72,000
Operational Boundary	68,000	63,000
Capital Financing Requirement	64,120	59,721

Prudential Indicator 2020/21 £000	Original Estimate	Revised Prudential Indicator Estimate
Authorised Limit	89,000	96,000
Operational Boundary	80,000	87,000
Capital Financing Requirement	75,510	83,508

Prudential Indicator 2021/22 £000	Original Estimate	Revised Prudential Indicator Estimate
Authorised Limit	98,000	108,000
Operational Boundary	89,000	99,000
Capital Financing Requirement	85,233	96,868

5.0 Annual Investment Strategy

- 5.1 Any fixed term investments in the market place (except Debt Management Office [DMO]) are restricted to a maximum term of two years (previously one year). The Council's substantial commitments (particularly the monthly precepts to Devon County Council, the Police and Fire Authority) constrain the term of investments. The Cabinet of 7 February 2019 resolved to diversify the investment portfolio to include non-UK banks with a minimum Sovereign Fitch rating of AAA (highest possible rating).
- 5.2 The Council will continue to have regard to the MHCLG's Guidance on Local Government Investments ("the Guidance") issued in April 2018 (3rd Edition) and CIPFA's Treasury Management in Public Services Code of Practice and Cross Sectorial Guidance Notes ("the CIPFA Treasury Management Code").

6.0 Lending Criteria and Counterparty Limits

- 6.1 The current policy allows the lending of funds to be deposited with major UK banks and building societies with an investment period no longer than two years and where the counterparty is required to meet the following ratings requirements: Banks (Fitch F1, F1+) and for building societies based upon a minimum Fitch rating of F1 and an asset base level of at least £1bn. The maximum lending limit to any group counterparty is £5m. The policy includes investments with CCLA property fund and money market funds with a limit of £2m on this option. Note that delegation was provided to the s151 officer and Finance Portfolio Holder in 2011/12 to make reactive decisions when market conditions changed due to volatility in rating changes when our own bankers, Natwest, were downgraded, along with other part nationalised banks. We do not invest any term deposits with the Royal Bank of Scotland Group and only have our call accounts with them.

- 6.2 Officers would recommend a continuation of the existing policy for investments with banks and building societies, property funds and money market funds.
- 6.3 In addition to these fixed term deposits, the Council also uses an instant access liquidity account with the National Westminster Bank (the Council's banker) to sweep any small surplus funds which cannot be placed by our brokers. Again, this account will be subject to the same £5m maximum deposit level.
- 6.4 The Council will also continue to lend to:
- Local Authorities, Police, Fire & Rescue, Parish Councils etc and other Public Bodies
 - UK Government (including gilts, Treasury Bills and the DMADF)
 - Other Bodies.
- 6.5 The investments that can be made to the organisations stated in paragraph 6.4, will not be constrained to a maximum deposit of £5m due to their lower level of risk. However, other bodies have a monetary limit of £3m.

7.0 Future Outlook

- 7.1 The first half of 2019/20 has seen UK economic growth fall as Brexit uncertainty took its toll. In its Inflation Report of 1 August, the Bank of England was notably downbeat about the outlook for both the UK and major world economies. This mirrored investor confidence around the world which is now expecting a significant downturn or possibly even a recession in some developed economies. It was therefore no surprise that the Monetary Policy Committee (MPC) left Bank Rate unchanged at 0.75% throughout 2019, so far, and is expected to hold off on changes until there is some clarity on what is going to happen over Brexit.
- 7.2 As for inflation itself, CPI has been hovering around the Bank of England's target of 2% during 2019, (July 2.1%), and is likely to shift only a little upwards over the rest of 2019/20. It does not therefore pose any immediate concern to the MPC at the current time.
- 7.3 In the political arena, if there is a general election soon, this could result in a potential loosening of monetary policy and therefore medium to longer dated gilt yields could rise on the expectation of a weak pound and concerns around inflation picking up although, conversely, a weak international backdrop could provide further support for low yielding government bonds and gilts.

8.0 Conclusion

- 8.1 The first half year performance looks encouraging but as Members will be very well aware, there is considerable financial uncertainty both nationally and internationally which may have a negative impact on our yields.

Contact for more information: Andrew Jarrett – 01884 234242 (ajarrett@middevon.gov.uk) and Gemma Cawsey (gcawsey@middevon.gov.uk)

	20/18/19 Estimate £'000	2019/20 Estimate £'000	2020/21 Estimate £'000
Upper Limit for Total Principal Sums Invested for over 365 days ¹	0%	18%	18%

Note 1 Our policy states has changed for 19/20 to allow investments for 2 years.

Maturity structure of existing borrowing (£m)	Actual	Lower Limit	Upper Limit
Under 12 months	5.77%	0.00%	50.00%
12 months and within 24 months	5.75%	0.00%	50.00%
24 months and 5 years	16.97%	0.00%	50.00%
5 years and within 10 years	28.07%	0.00%	75.00%
10 years and above	43.44%	0.00%	100.00%

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 30 September 2019 at 2.15 pm

Present

Councillors

F W Letch (Chairman)
W Burke, Mrs C P Daw, R Evans, Mrs I Hill,
B Holdman, B A Moore, C R Slade,
R L Stanley, B G J Warren and A Wilce

Apologies

Councillor(s)

R J Chesterton and Ms E J Wainwright

Also Present

Councillor(s)

S J Clist and R M Deed

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Maria De Leburne (Solicitor), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Claire Fry (Group Manager for Housing), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Christopher Davey (Procurement Manager), Tristan Peat (Forward Planning Team Leader), Philip Langdon (Solicitor), Clare Robathan (Scrutiny Officer), Christie McCombe (Area Planning Officer), Paul Tucker (Growth and Regeneration Officer) and Carole Oliphant (Member Services Officer)

55 APOLOGIES AND SUBSTITUTE MEMBERS (00.01.14)

Cllr R J Chesterton gave apologies and was substituted by Cllr C Slade and Cllr Ms E Wainwright gave apologies.

56 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.01.30)

There were no declarations

57 PUBLIC QUESTION TIME (00.01.40)

There were no members of the public present.

58 MEMBER FORUM (00.01.50)

There were no issues raised under this item.

59 MINUTES OF THE PREVIOUS MEETING (00.02.18)

Subject to amendments:

1. Minute 53 (para 3) Councillor Woollatt's response that 'no other local authority in the South West charged people to park overnight' be amended to 'the majority of council owned car parks in the South West do not charge for overnight parking' and;
2. Minute 49 (para 1) Police representatives title be change from Superintendent to Inspector

The minutes of the meeting held on 2nd September 2019 were agreed as a correct record and **SIGNED** by the Chairman.

Cllr B A Moore stated that he wanted his comments that the Cabinet Member for Finance did not attend the last meeting to be recorded but he did not want the minutes changed.

60 **DECISIONS OF THE CABINET (00.05.13)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 19th September 2019 had been called in.

61 **CHAIRMAN'S ANNOUNCEMENTS (00.05.30)**

The Chairman advised the Committee that Matt Barrow, DCC, would be attending the 28th October meeting to give an update on the Broadband rollout in Mid Devon and asked Members to submit any questions they wanted to ask before 14th October 2019.

The Chairman asked for volunteers for the Customer Experience Working Group which was meeting on 1st October 2019 at 2.30pm as Cllr A Wilce had had to withdraw from the Working Group. Cllr I Hill volunteered to be a member of the Working Group.

It was therefore **AGREED** that Cllr I Hill be a member of the Customer Experience Working Group.

(Proposed by the Chairman)

The Chairman advised the Committee that he had attended a meeting with police representatives with Cllr Lloyd Knight, Mayor of Cullompton and the Leader.

The Chairman introduced Clare Robathan as the Scrutiny Officer.

62 **MEETING MANAGEMENT (00.07.20)**

The Chairman advised the Committee (with their agreement) that he would take item 14, the Scrutiny Officer update, as the next item on the agenda.

63 **SCRUTINY OFFICER UPDATE (00.07.35)**

The Scrutiny Officer gave Members some detail on her background in Central Government and that she was bringing useful skills and experience to the role. She

confirmed her working hours to Members and that a large part of her work would be to support the Scrutiny Committee but she also had a remit to support the Environment and Community PDG's with any research required.

She advised the Committee that she would be providing a presentation to Members on the forward work programme at the next meeting.

64 **CABINET MEMBER FOR HOUSING REPORT (00.10.56)**

The Cabinet Member for Housing provided the Committee with a *report on area's within his remit and gave the details of performance against targets in key areas.

He gave personal thanks to Cllr R L Stanley for all the hard work that he had done in relation to the portfolio before he had taken over.

He explained that he was surprised by the attitude of some tenants who were against gas inspections and informed Members that Tommy Walsh would be the guest speaker at this year's Landlords Event.

He expressed his thanks to officers who had made the transition process since May easy and that he had been made to feel very welcome and he explained that he had attended over 100 meetings with officers to date and found the service to be a lean, slick, cohesive and a professional outfit.

In response to Members questions the Chief Executive explained the difference in the number of affordable units which had been secured in the district as to the number of social housing units delivered by the Council itself.

Members asked for responses to the following questions:

1. The figures for affordable housing and social housing be explained in more detail
2. That the HRA figures be clarified, including the exact amount going in each year and the current total pot
3. Request for a full report on the figures currently invested with Wessex Bank, the current amount of monies available, the number of loans made in the past 12 months, how the reserves of £80k have been spent and if any money had been clawed back by the Council
4. Would the previous policy of replacing all coal fired heating systems in Council housing stock with reserves from renewable energy continue?
5. An explanation of where the DARS figures were obtained and the difference between the 18/19 budget and spend
6. Clarification of the £54k lost through non co-operation by tenants for gas inspections
7. Provide a prediction of the amount of rent arrears by the end of the financial year
8. Clarification on why there were more grants and sales for right to buy in 17/18 and 18/19 and to date
9. Clarification of why Band E figures were included on the housing list

The Cabinet Member informed the Committee that he would provide a written response to questions asked.

Members congratulated officers on the amount of successful rogue landlord prosecutions but felt that more could be done.

Note: *report previously circulated and attached to the minutes

65 **STRATEGIC GRANTS AND SERVICE LEVEL AGREEMENT PROGRAMME 2020-2023 (00.50.45)**

The Committee had before it and **NOTED** a *report from the Head of Planning, Economy and Regeneration presented by the Growth and Regeneration Officer outlining the process for the Strategic Grants and Service Level Agreement Programme for 2020-2023.

He explained to the Committee that a recommendation would be presented to the Community PDG to form a working group to consider recommendations on the approach and the levels of grant funding for 2020-2023. He explained that any awards agreed would have to be within the financial constraints of the Council.

Members who had been present in the previous administration of the Council endorsed the current system of Service Level Agreements and confirmed that the current beneficiaries found the system useful.

In response to a question, the Grants and Funding Officer confirmed that the grant awards to the Grand Western Canal, Tiverton Museum of Mid Devon Life and the Tourist Information Centre would be considered by the Economy PDG and was separate from the Service Level Agreement Programme.

Members urged that the award notices were made in a timely manner so that the recipients could plan for the future.

Notes:

1. *Report previously circulated and attached to the minutes
2. Cllr B A Moore declared an interest as a trustee of Involve

66 **CULLOMPTON TOWN CENTRE MASTERPLAN - CONTRACT AWARD (00.56.19)**

The Committee had before it and **NOTED** a *report from the Head of Planning, Economy and Regeneration, presented by the Area Planning Officer, outlining the procurement process for the Contact Award for the Cullompton Town Centre Masterplan.

She outlined the contents of the report which advised Members of the procurement process for the employment of consultants to assist in the preparation of the Cullompton Town Centre Masterplan and the Delivery Plan.

She explained the next steps of the process and that stage 1 would be a public consultation exercise to be completed by the end of the year.

Members expressed a desire that lessons learned from the public consultation exercise in Cullompton regarding the link road be implemented.

Members discussed the number of suppliers who had submitted an expression of interest and that a single supplier had actually submitted a response by the tender deadline.

The Procurement Manager explained that there were issues with the number of skilled trades willing to tender for contracts due to them being employed on the Hinkley Point project. He explained that the Council would try to pre-empt this in the future with pin notices in advance of tenders.

A Member expressed a concern that previous Town Centre Masterplans had not been implemented and that the public were questioning the amount of money spent on them and them not being taken forward. The Area Planning Officer offered to go through the stages of previous Masterplans and explain what had been implemented.

The Chief Executive explained to Members that once the Town Centre Masterplan reached implementation stage it would be down to Members to agree the details. He explained that the work being undertaken was intended to form part of the Council's development and planning framework, giving far greater strength and planning 'weight' to it than perhaps the vision or idea documents of the past.

Notes:

1. *Report previously circulated and attached to the minutes
2. Cllr R L Stanley left and returned to the meeting during the item and did not take part in the discussion

67 **ANNUAL REPORT OF COMPLAINTS, COMMENTS AND COMPLIMENTS (01.08.55)**

The Committee had before it and **NOTED** a *report from the Group Manager for Business Transformation and Customer Engagement providing details of the complaints, comments and compliments received by the Council.

Members asked if the implementation of cashless payments had increased the amount of complaints received by the Council. The Group Manager for Business Transformation and Customer Engagement explained that the Council had not received an increased amount of formal complaints but had received queries from the public on how to access and use the new payment methods.

In response to questions asked about helping customers understand the complaints process, the Chief Executive explained that at the end of every stage 1 complaint the complainant was given details on how to escalate to a stage 2 complaint if they were not satisfied with the response. Any stage 2 response highlighted how to take any further action via the Ombudsman, in order to ensure the highest standards of transparency and accountability.

Members noted that in many areas the numbers of comments outweighed the number of formal complaints received. The Group Manager for Business Transformation and Customer Engagement explained that the comments received

were analysed by the Service Area and Customer Services to see where improvement to the Service could be made.

Members expressed concerns that the highest number of complaints received were in the Waste and Housing Services. The Group Manager for Business Transformation and Customer Engagement explained that the waste services touched every household in the district and was statistically likely to incur more complaints as were Housing whose customers had multiple need for contact. She explained that they worked with these service areas to understand and reduce multiple complaints of the same nature.

Notes:

1. *Report previously circulated and attached to the minutes
2. Cllr A Wilce left the meeting and did not take part in the discussion

68 RIPA ANNUAL UPDATE (01.22.25)

The Committee had before it and **NOTED** a *report from the Group Manager for Legal Services and Monitoring Officer presented by the RIPA Coordinator who stated that the RIPA powers had not been used since 2014.

Members discussed the use of CCTV cameras and if these could be used to record instances of fly tipping and antisocial behaviour. It was explained that any such surveillance would need to be approved by a Magistrate and would be time limited and that only offences that could carry a 6 month prison term would be approved.

Note: *Report previously circulated and attached to the minutes

69 FORWARD PLAN (01.30.20)

The Forward Plan was **NOTED**.

Note: *Forward plan previously circulated and attached to the minutes

70 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (01.30.52)

No items were identified.

(The meeting ended at 3.46 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 8 October 2019 at 5.30 pm

Present

Councillors

R Evans (Chairman)
Mrs C Collis, B A Moore, D F Pugsley,
A Wilce, J Wright and A Wyer

Also Present

Councillors

R M Deed and N V Davey

Also Present

Officers

Joanne Nacey (Group Manager for Financial Services),
Catherine Yandle (Group Manager for Performance,
Governance and Data Security), David Curnow (Deputy
Head of Devon Audit Partnership) and Sarah Lees
(Member Services Officer)

Also in

Attendance

Andrew Davies (Grant Thornton)

33. APOLOGIES

No apologies for absence had been received.

34. DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

35. PUBLIC QUESTION TIME

There were no members of the public present.

36. CHAIRMAN'S ANNOUNCEMENTS (00:03:18)

The Chairman had the following announcements to make:

1. Cllrs A Moore, A Wyer and the Chairman had attended the SWAP and DAP training day at Buckfast Abbey on 1st October. This had been a very useful training session and the Chairman requested that the training slides from the day be circulated to the whole committee.
2. He had attended the Community Policy Development Group meeting that afternoon on behalf of the Audit Committee, to provide more information in relation to their recommendation that the Community PDG consider the encouragement of a customer engagement 'champion' in relevant service areas. Having considered the Audit Committee's recommendation, the Community PDG had recommended that the Leader, Audit Committee

Chairman and Cabinet Member for Community Well Being take up the issue and discuss together how this could be taken forward. This was highlighted as a constructive dialogue between two non-executive committees of the Council which was helpful and inclusive.

37. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 27 August 2019 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

38. PERFORMANCE & RISK REPORT (00:04:02)

The Committee had before it, and **NOTED**, a report * from the Director of Corporate Affairs & Business Transformation providing Members with an update on performance against the Corporate Plan and local service targets for 2019-20 as well as providing an update on the key business risks.

The contents of the report were outlined with reference to the following:

- This was the second report of the current financial year showing results up to the end of August 2019.
- Measures in relation to FOI's granted in full and decision notices had now been added into the report as requested at the last meeting.
- It was noted that the figures in relation to the number of empty shops in Cullompton were particularly disappointing. The committee were reassured that this situation was closely monitored by the Economy PDG and the team supporting it. It was reported that the next count would be conducted very shortly. The concerns of the committee were requested to be referred back and further information sought as to what the Growth and Economic Delivery team plans were with regard to this issue.
- The performance indicator (PI) in relation to 'Minor applications overturned at appeal (over the last 2 years)' was considered to be meaningless. It was requested that there be an additional PI to read 'Minor applications which go to appeal and are subsequently overturned'. It was felt this would be a more meaningful measure.
- It was confirmed that a proposal from Exeter University for carbon footprint work had been received and was being considered by the Group Manager for Corporate Property and Commercial Assets.
- It was requested that information provided in relation to 'mitigating actions' be as full as possible, wherever possible.

Discussion took place regarding the risks in relation to 3 Rivers Development Ltd:

- Clarity was sought with regard to the fact that within the Performance and Risk report, the risk severity had been allocated the highest score of 5 and a likelihood score of 4. However the external auditors report had not highlighted 3 Rivers as a significant risk although it had proposed a recommendation for some improvement. The thresholds in relation to the scoring system were explained. The question was asked as to what the Council was doing to reconcile the differing opinions in relation to the risks. The committee were informed that there was now a quarterly officer programme board which the

Group Manager for Financial Services and the Chief Executive attended. There was also regular monitoring and a constant eye was being kept on activity in relation to this subsidiary company. Judgements were made on a weekly basis in relation to relevant risk factors. There were agreements for all loans and the first repayment was due in December 2019.

- In terms of the 3 Rivers 'assets' this was described within the balance sheet as being 'work in progress' as they were developments for onward sale.
- Loans were seen as being 'secure' since the Council ultimately owned the land and the development (albeit it may still be under construction).
- It was confirmed that capital works and overheads were added into the cost of a projects as well as being factored into any calculation of profit at the end of the project.

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

39. **PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN (00:34:27)**

The Committee had before it, and **NOTED**, a report * from the Group Manager for Performance, Governance and Data Security providing it with an update on progress made against the Annual Governance Statement 2018/19 Action Plan.

The officer explained that 8 issues had been identified as needing action in the AGS action plan and an update was provided in relation to each:

- No. 1 – in relation to systems needing to provide a full overview of the trigger points for all s106 agreements – progress had been steady and regular meetings held. It had been decided that the in house IT team would develop the necessary software. The committee were informed that the Chairman of Scrutiny wanted to take a look at s106 but would probably wait to do this until the software had been implemented.
- No. 2 – it was confirmed that Leadership Team had received the Ethics briefing and were considering it for approval. This would be published imminently.
- No. 3 – the Members Away Day had now taken place.
- No.4 and 5, had now been completed.
- No.6 – it was explained that the Standards Working Group had reviewed the report in relation to 'Standards in Public Life' and this would be discussed at the Standards Committee the following day.
- No. 7 – the Single Equalities Policy and Equality Objectives had been discussed by the Community Policy Development that afternoon.
- No. 8 – on track to be completed according to the identified timescales.

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

40. **INTERNAL AUDIT PROGRESS REPORT (00:40:17)**

The Committee had before it, and **NOTED**, a report * from the Head of the Audit Partnership reviewing the progress and performance of Internal Audit.

It was highlighted that overall, based on work performed during 2019/20 the Head of Internal Audit's Opinion continued to be one of 'Substantial Assurance' on the adequacy and effectiveness of the Authority's internal control framework.

The following was also highlighted within the report:

- A skills assessment survey of the Audit Committee had recently been undertaken.
- There was a piece of work being undertaken in conjunction with Grant Thornton regarding the Housing Benefit subsidy claim.
- 3 specialist staff had been brought on board to help with outstanding audit work and they would be particularly looking at the specialist areas of, for example, IT.
- It was confirmed that no issues in relation to fraud or any other irregularities had been identified.

Discussion took place regarding the issue of potential fraud – the Chairman had asked the Deputy Chief Executive (S151) and Group Manager for Financial Services what arrangements were in place this year for fraud detection and prevention. Once he had heard back he would update the committee. In the previous financial year an amount of money had been spent to bring in some external expertise to ensure this area was reviewed in depth. It had been concluded that this had been money well spent. Staff were encouraged to be very aware of the potential for fraud, however, fraudsters were very clever and the external expertise had and would prove very helpful to the Council. It was **AGREED** that the committee receive a presentation from the Counter Fraud Manager providing further information and assurances in due course.

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

41. **EFFECTIVENESS OF THE AUDIT COMMITTEE - SELF ASSESSMENT (01:01:28)**

The Committee had before it a report * from the Audit Manager considering the Chartered Institute of Public Finance and Accountancy (CIPFA) self-assessment checklist for Audit Committees.

The Audit Manager explained that the survey had been circulated to all committee Members and its substitutes. Of the 12 surveys sent out, 8 had been received back. In addition to this he had completed the CIPFA Self-Assessment checklist on behalf of the committee with only the following areas being identified as 'partially' completed:

- The skills survey – this was almost complete and a discussion of the committee's training needs would be held later in the item.
- The Chairman's annual report could include a section on how the committee added value to the organisation in addition to accounting for its performance and explaining its work.

The Audit Manager provided the Committee with a presentation showing statistical analysis in relation to the answers given in the survey. This had identified some training needs in relation to:

- Governance and Internal Audit
- Risk Management
- Financial; Management & Accounting
- Counter Fraud

It was suggested that since there would be a light agenda for the scheduled meeting on 28 January 2020 that a training session be held following this meeting, to address each of the areas above and which would include a presentation from the Counter Fraud Manager. This was **AGREED**.

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

42. **EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE (01:18:29)**

The Committee had before it, and **NOTED**, a report * from Grant Thornton providing it with an update on progress in delivering their responsibilities as the Council's external auditors.

The following was highlighted within the report:

- Housing Benefit Certification work was on-going and was being aided by the Internal Audit team.
- The 2018/19 audit was now fully complete with the Annual Audit Letter being the last 'piece of the puzzle'.
- Planning in relation to the 2019/20 audit would commence before Christmas. The audit plan would be brought to the committee at its meeting in January.
- The Code of Audit Practice now needed to be reviewed and the National Audit Office were consulting on potential changes to the Code in two stages. Stage one involved engagement with key stakeholders and public consultation on the issues that were considered to be relevant to the development of the Code. Stage two of the consultation involved consulting on the draft text of the new Code. The most significant changes were in relation to the Value for Money arrangements. An update would be provided once more was known.

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

43. **ANNUAL AUDIT LETTER (01:22:28)**

The Committee had before it and **NOTED**, a report * from Grant Thornton summarising the key findings arising from the work that they had carried out at the Council and its subsidiary for the year ended 31 March 2019. It was explained that this was the public facing document and confirmed their opinions in relation to the financial statements and value for money.

Consideration was given to the following:

- The external auditor's conclusions in relation to 3 Rivers Development Ltd being apparently out of kilter with the risks identified by the Council itself. The officer from Grant Thornton explained that there was a willingness for the Council to progress with the company but that governance arrangements need to be as open and transparent as possible. It was confirmed by the Group Manager for Financial Services that the VFM conclusion related to openness

and transparency rather than the viability of the company. The Group Manager also confirmed that regular updates were being provided to Members and that a 3 Rivers Shareholders Group now met on a regular basis to discuss the performance of the company, the Group Manager attends these meetings.

- The external auditors had identified a number of additional fees that they were intending to propose as a result of additional costs to them. These included £1.5k in relation to assessing the impact of the McCloud ruling, £1.5k in relation to the Financial Reporting Council highlighting a need to improve the quality of work in respect of IAS 19 and £1.5k in relation to the need to improve the quality of work on Property, Plant and Equipment (PPE) valuations. The committee expressed concern regarding these additional fees when they had already been told the level of fees earlier in the year. It was also stated that the fee in relation to PPE was not relevant as this work had not been carried out during the 2018/19 audit. It was also felt that, as customers, the Council should have been informed about the additional fees at a much earlier point. The Chairman suggested that officers talked to Grant Thornton about these extra fees outside of the meeting with a view to coming to some agreement and that they report back to this committee at the next meeting. This was **AGREED**.

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

44. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:44:14)**

The following was requested to be on the agenda for the next (or future) meeting in addition to the items already listed in the work programme:

- An update in relation to the additional fees proposed by the external auditors.
- Where the Tenants Together group (TT) had conducted a review, that their report come to the Audit Committee as stated in the TT terms of reference. It was also requested that the latest TT report be emailed to the Committee so that they could determine whether their sight of it held some value.

(The meeting ended at 7.20 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 24 September 2019 at 5.30 pm

Present

Councillors B G J Warren (Chairman)
D R Coren, C J Eginton, R Evans,
B Holdman, R F Radford,
Ms E J Wainwright and J Wright

Apologies

Councillor(s) E J Berry and R L Stanley

Also Present

Councillor(s) R M Deed and L D Taylor

Also Present

Officer(s): Stephen Walford (Chief Executive), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Joanne Nacey (Group Manager for Finance), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Tristan Peat (Forward Planning Team Leader), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

26 **APOLOGIES AND SUBSTITUTE MEMBERS (00.02.53)**

Apologies were received from Cllr E J Berry who was substituted by Cllr C J Eginton and Cllr R L Stanley who was substituted by Cllr R Evans.

27 **PUBLIC QUESTION TIME (00.02.53)**

Marie Yexley referring to item 9 on the agenda asked if MDDC were going to sign up to the Office for Low Emission Vehicles Government funding for residential on-street charging for plug-in vehicles which can give residents access to funding for electric car charging points on the road.

The Forward Planning Team leader advised the member of the public that this would be investigated and the Group would be updated at the next meeting of the PDG.

Amanda Davies referring to item 10 asked how the council could help council tenants to go low carbon as she had missed out on having solar panels installed and questioned if there was a plan to install double glazing.

The Group Manager for Corporate Property and Commercial Assets advised the Group that he would take the details of the member of the public and respond direct to her about her questions.

Sally Chapman from Sustainable Tiverton referring to item 10 on the agenda said she had attended the climate change conference in Tiverton on Friday 20th September where there were over 40 people present. She stated that people wanted to be involved and asked if community organisations could be co-opted onto the Working Group which was being set up.

The Chairman advised that this question would be addressed at the appropriate item on the agenda.

28 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.08.42)

There were no declarations made

29 MINUTES OF THE PREVIOUS MEETING (00.08.57)

The minutes of the meeting held on 6th August 2019 were approved as a correct record and **SIGNED** by the Chairman.

30 CHAIRMAN'S ANNOUNCEMENTS (00.09.56)

The Chairman had no announcements to make.

31 MEETING MANAGEMENT (00.09.58)

The Chairman informed the Group (with their agreement) that he would move item 7 on the agenda, Financial Monitoring, to the next item on the agenda.

32 FINANCIAL MONITORING UPDATE (00.10.29)

The Group **NOTED** a verbal report from the Group Manager for Finance presenting a financial update in respect of the income and expenditure so far in the year.

She explained that the June figures showed that the Council was looking at a £427k deficit on the overall budget and this had reduced to £378k in July.

For the Environment PDG budget the figures showed a £5k variance in favour in June and that had increased to £31k to the good for July. She explained that this was partly due to increases in the customer base in trade waste and mixed plastics being collected.

33 PERFORMANCE AND RISK (00.14.29)

The Group had before it and **NOTED** the *Performance and Risk report from the Group Manager for Performance Governance and Data Security who explained that this was the second report for 2019/2020.

She explained that the Council was waiting for Devon County Council to verify the performance figures for increased recycling and reduction of the amount of waste.

With regard to the measure for reducing the Councils carbon footprint she explained that the proposal from Exeter University for the benchmarking of MDDC's carbon footprint had been received and was being considered.

Members pointed out that the target of 0.03% for missed collections very low compared to the amount of collections completed on a monthly basis.

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

34 **MEETING MANAGEMENT (00.19.00)**

The Chairman informed the Group (with their agreement) that he would move item 9 on the agenda, Update of Home Electric Car Charging Points, to the next item on the agenda.

35 **UPDATE OF HOME ELECTRIC CAR CHARGING POINTS (00.19.15)**

The Group had before it and **NOTED** a *report from the Head of Planning, Economy and Regeneration and the Chairman explained to the Group why he had requested the report.

Members expressed concern that the report had references to the GESP but their own investigations into the status of GESP had shown that the telephone numbers and email addresses were unobtainable. There was concern that as the Council was a member of GESP very little information had been received on the progress 5 months on from the local elections.

The Chief Executive informed the Group that the changes in administration and Leaders for all of the Local Authorities involved with GESP was a factor and that the new Leaders had taken some time to understand what officers were presenting to them. He explained that the new administrations would want to add their own ideas on the scope of GESP but that there were meetings due shortly and various reports on the scope of GESP would be presented to each of the Council's cabinets in due course.

The Chairman updated the Group on the decision of the Planning Inspector to place a condition on an upheld planning application appeal in Willand that all of the new build properties granted planning permission on the site required an electric car charging point.

Note: *report previously circulated and attached to the minutes

36 **WASTE AND RECYCLING ANNUAL UPDATE (00.25.02)**

The Group received and **NOTED** the annual Waste and Recycling update by way of a presentation from the Group Manager for Street Scene and Open Spaces who explained that returning Members had seen the format before but he would explain to new Members the journey that the Council had been on with regard to Waste since 2015.

He explained that MDDC was responsible for the collection of waste and that DCC was responsible for the disposing of it. He informed the Group that recycling rates had increased from below 10% in the 1990's to over 50% today.

He provided Members with details of the total tonnage of waste collected and explained that changes in the frequency of collection of residual waste had increased the amount of waste which was recycled.

There was a general discussion on the role that supermarkets could take to help reduce the amount of single use plastic that was being thrown away. Members felt that some of the supermarkets were now seeing that the reduction in the use of plastic on fruit and vegetables was a potential growth area for them and they were championing it.

In response to Members' questions about whether the Council knew that everything sent off for recycling was actually recycled, the Group Manager for Street Scene and Open Spaces explained that there were laws which dictated the reporting where materials ended up. He explained that although some authorities were selling their mixed recycled waste outside EU, MDDC used kerb side sort collection schemes that sorted and split the materials which could then be sold to specialist recycling plants within the UK and the EU.

The Cabinet Member for the Environment confirmed that a decision on changing the frequency of waste collections had not yet been taken.

The Group Manager for Street Scene and Open Spaces gave an overview of the service plan for 2019/2020 which included:

- Street Scene Service redesign
- Start of fleet supply and maintenance contract
- WEEE collections bid (small electrical equipment)
- Future refuse service options
- Mini round reschedule
- Expand recycling on the go
- Shared transport service

He gave Members an overview of the work of the Recycling Officer who was working with collection crews to identify households that don't recycle and the number of households who had received information about the scheme and a stage 1 notice to comply with current requirements.

37 **CLIMATE CHANGE DECLARATION (00.58.30)**

The Group received and **NOTED** a verbal update from the Group Manager for Corporate Property and Commercial Assets on the action taken to calculate the Council's corporate carbon footprint and he explained that there was a coordinated approach ongoing with other District Authorities to scope out the level of emissions currently being used. He explained that this work would form part of the carbon footprint key performance indicator and would be reported back to members in line with the information being shared with other local authorities in the area.

Addressing the member of the public that asked a question on the carbon reduction measures being undertaken in council properties he stated that he would investigate the measures in her particular property but it could be an issue which could be raised at the Homes PDG.

Members then discussed the formation of the Working Group and the Chairman explained his thoughts that the group should explore how the PDG engaged with local community groups in the first instance and that information and ideas could be collected from them.

Members expressed a view that the Working Group should be a conduit for members of the public, environment community groups, farmers and school children to engage in conversation with the Council and bring their ideas forward to be considered.

Members requested that current constitution be checked to establish who could be co-opted as a member of the Working Group.

The Chief Executive reminded the PDG that the Climate Change declaration was to complete the baseline work within 6 months and that the Council was working with other Councils to align this. He explained that the baseline emissions would need to be established first and then the Council could look at ways to reduce them. Alongside this DCC were setting up a Citizens Assembly with the aim of getting public buy in for a Devon wide plan. He explained that the Working Group could be empowered to have discussions with the community groups and members of the public and bring those views back to the PDG.

The Group **AGREED** to the formation of a Working Group to consider:

1. Being a place for the community voice to be fed to the Council
2. To map that community voice and ideas against the Devon Carbon Plan
3. To present further recommendations for what MDDC could do as a District that goes beyond the Devon Carbon Plan

(Proposed by the Chairman)

Members suggested that the makeup of the Working Group should be of Members and not members of the public.

The Members of the Working Group were **AGREED** as:

- Cllr B Holdman
- Cllr Ms E Wainwright
- Cllr J Wright

Members discussed the Chairman's proposal that a recommendation be made to Cabinet that a lead Cabinet Member be assigned to progress the work of the Climate Change Declaration.

Members discussed the proposal and agreed that the public were unaware that the Cabinet Member for the Environment was currently also responsible for Climate Change and that this should be made clear.

The Group therefore **AGREED** to:

RECOMMEND to the Cabinet that the Cabinet Member for Environment title be changed to Cabinet Member for Environment and Climate Change.

(Proposed by Cllr Ms E Wainwright and seconded by Cllr C Eginton)

38 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (01.34.12)

There were no items identified.

(The meeting ended at 7.05 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 1 October 2019 at 2.15 pm

Present

Councillors

R J Dolley (Chairman)
B Holdman, J Cairney, D R Coren, L J Cruwys, C J Eginton and
S J Penny

Apologies

Councillors

Mrs E M Andrews and Mrs I Hill

Also Present

Councillors

R M Deed and R L Stanley

Present

Officers

Andrew Pritchard (Director of Operations), Claire Fry (Group Manager for Housing), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Mark Baglow (Group Manager for Building Services), Joanne Nacey (Group Manager for Financial Services), J P McLachlan (Principal Accountant) and Sarah Lees (Member Services Officer)

29 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs E Andrews and Cllr Mrs I Hill who was substituted by Cllr B Holdman.

30 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

31 **PUBLIC QUESTION TIME**

There were no questions from the one member of the public present.

32 **MINUTES**

The minutes of the meeting held on 13 August 2019 were confirmed as a correct record and **SIGNED** by the Chairman.

33 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had the following announcements to make:

- The development at Turner Rise, Palmerston Park, Tiverton, had had its official opening on 26 September 2019. It was hoped tenants would be occupying the properties as soon as possible.
- He reminded the Group that there was a Landlord Networking Event at the Hartnoll Hotel the following day between 4pm and 9pm and all Members were welcome.

34 **PERFORMANCE AND RISK REPORT(00:04:38)**

The Group had before it, and **NOTED**, a report * from the Director of Operations providing Members with an update on performance against the Corporate Plan and local service targets for 2019/20 as well as providing an update on the key business risks.

The contents of the report were briefly outlined and consideration was given to the average number of days to re-let a property having a target of 14 days. It was explained that this was a challenging target but the Council continued to remain in the top quartile for performance. There was a fixed resource available and during school holidays there had been some issues but overall 14 days, or near about, was achievable.

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

35 **FINANCIAL MONITORING (00:08:31)**

The Group received, and **NOTED**, a verbal update from the Group Manager for Financial Services summarising the income and expenditure position in the year to date.

Key highlights within the update including the following:

- There was still predicted to be a deficit against the budget at the year end. Figures for July indicated this to be in the region of £378k.
- The main area providing the variance was in Planning. Since it was a demand led service it was very reliant on applications coming forward. Should they do so within the remaining months of the financial year, the position could improve significantly.
- The position regarding General Fund Housing had not changed since June.
- A favourable forecast for the Housing Revenue Account was still predicted. Some of this related to a number of vacant posts.
- The Group were pleased that the Economy PDG had recommended that the Council retain car parking overpayments and recognised that it would have cost more to administer the overpayments than the amount overpaid in the first place.

36 **COUNCIL TENANCY RENT DEBIT FREQUENCY (00:12:07)**

The Group had before it a report * from the Group Manager for Housing Services reviewing the weeks over which rent was charged on a yearly basis.

The officer outlined the contents of the report and made reference to the following key factors:

- 385 tenants were in receipt of Universal Credit. Some of these tenants were in a vulnerable position having to learn how to manage their money which was paid directly to them on a monthly basis.
- The Tenants Together Group had been consulted on the proposed change from 48 weeks to 52 weeks and there had been no feedback from them.

- This was just a proposal at this stage and if approved by the Cabinet the Housing Act 1985 would require the Council to conduct a full consultation with the whole tenant base before any changes could be implemented.

Consideration was given to the following:

- The average rental costs of council owned properties depending on the number of bedrooms.
- Tenants would be encouraged to move to direct debit payments where they had not already done so.
- Tenants had an obligation to pay their rent regardless of whether or not they are in receipt of Universal Credit.

RECOMMENDED to the Cabinet that Council tenants be charged rent over 52 weeks each year and not 48 as currently.

(Proposed by Cllr J Cairney and seconded by Cllr B Holdman)

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

37 **UPDATE ON PROGRESS RELATING TO THE REVIEW OF THE HOMELESSNESS STRATEGY (00:30:19)**

The Group had before it, and **NOTED**, a report * from the Group Manager for Housing Services stating that the Homelessness Strategy was being currently reviewed.

The following was highlighted within the report:

- The Housing Services department were seeing a lot more people through the door presenting themselves as homeless.
- The Homelessness Reduction Act 2017 required the Council to conduct a full data review and stated that it must work closely with tier one authorities such as Devon County Council.
- The existing Homelessness Strategy was extended to the end of December 2019 under delegated powers by the Cabinet Member for Housing to allow a thorough review of the Strategy to take place.

Discussion took place with regard to:

- Whether homelessness was worse in the towns? It was explained that homelessness was just as acute in the rural areas but the agencies providing support were probably located in the towns. Just because a large number of homeless people visited CHAT for example in Tiverton that didn't mean there was a bigger problem in Tiverton than anywhere else.

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

38 DEPOSIT AND ADVANCE RENT SCHEME (00:35:46)

The Group had before it, and **NOTED**, a report * from the Group Manager for Housing briefing Members on the Deposit and Advance Rent Scheme (DARS). The contents of the report were outlined with the following key areas being highlighted:

- This scheme was one of the tools used by the Housing Service to manage homelessness and it was a valuable resource.
- For some tenants their previous history prevented them from accessing bank loans.
- The scheme assisted in reducing the amount of money the Council needed to spend on temporary accommodation and was sometimes a very cost effective solution all round.

Consideration was given to:

- This being a loan like any other loan and robust measures were taken to recover outstanding monies.
- It was confirmed that the loan was considerably cheaper than the cost of temporary accommodation for a tenant.
- The circumstances of everybody who presented as homeless were investigated. Housing options advice was given whenever possible, DARS being one option.
- Last year central Government had provided some funding to local authorities to help support the council with rough sleepers.
- Because the numbers of homeless people were increasing work in this area had also increased within the Housing Service.
- Is someone applying for social housing had an outstanding debt to the Council, they would be asked to agree an arrangement for repayment otherwise their housing application could be excluded from the housing register.

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

39 REVIEW OF THE HOUSING SERVICE HARASSMENT POLICY (00:50:04)

The Group had before it a report * from the Group Manager for Housing reviewing the Housing Service's Harassment Policy.

The content of the report was outlined with the following key factors being highlighted:

- It was important to be aware of the regulations in relation to this issue.
- At a recent meeting of the Tenants Together Group there had been a lot of discussion around the issue of 'Equality Impact Assessments' and as a result more emphasis would be placed on this section of PDG policies in the future.
- The Harassment Policy is related to the ASB policy and procedures. Mediation is a key part of the Council's strategy to manage low level nuisance but officers did not feel that it was a tool which could be used in a serious case such as that of harassment..

A brief discussion took place regarding the very serious nature of harassment and that a true definition of it would include reference to the victim fearing for their safety. It was not just about throwing grass clippings over a garden fence, for example.

RECOMMENDED to the Cabinet that the changes identified in the tracked changed Harassment Policy be approved.

(Proposed by Cllr D R Coren and seconded by Cllr J Cairney)

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

40 **REVIEW OF HOUSING SERVICE HOARDING POLICY (01:00:32)**

The Group had before it a report * from the Group Manager for Housing Services reviewing the Housing Service's Hoarding Policy.

The contents of the report were outlined with the following key factors being highlighted:

- There had only been minor changes to the policy and these were tracked for ease of reference.
- People who hoarded were sometimes very vulnerable and often there were mental health issues. However, the Council had a duty to assess a situation from a health and safety perspective as well as supporting the tenant who was hoarding. The possibility of fire was a particular concern as was being able to get to parts of a property to conduct necessary repairs.
- If a situation was particularly bad, for example, if rodents were an issue, then legal action would be pursued.
- Housing officers worked very closely with the Building Services team to monitor and maintain affected properties.

RECOMMENDED to the Cabinet that the tracked changes in the revised Hoarding Policy be approved.

(Proposed by Cllr B Holdman and seconded by Cllr D R Coren)

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

41 **REVIEW OF THE HOUSING SERVICE PETS AND ANIMALS POLICY (01:07:28)**

The Group had before it a report * from the Group Manager for Housing Services reviewing the Housing Service's policy in relation to pets and animals.

The contents of the report were outlined with particular reference to the following:

- There was the potential for pets and animals to cause a real issue for tenants, for example, a barking dog, chewed door frames and rotting floor boards.
- Tenants needed to be aware of the policy and have a full understanding of what the boundaries were.
- The Housing Service did understand that people get very attached to their pets.
- The policy provided clear guidance to officers dealing with these issues.

A brief discussion took place regarding the policy clearly stating that a maximum of two cats or dogs were allowed, the Group felt that it was important the Council adhered to this and took action when the policy was breached.

RECOMMENDED to the Cabinet that the revised changes to the Pets and Animals Policy be approved.

(Proposed by the Chairman)

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

42 **HOUSING UPDATE REPORT (01:13:01)**

The Group had before it, and **NOTED**, a briefing paper * from the Group Manager for Housing Services providing information on the latest developments relating to social housing.

Note: * Briefing paper previously circulated; copy attached to the signed minutes.

43 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:19:23)**

In addition to the items already listed for the next meeting the following was requested to be on the agenda:

- **Devon Home Choice** (how it operated, what were the difficulties, examples of where it hadn't worked). Demonstration to be provided to the Group.
- **Syrian Vulnerable Persons Resettlement Scheme** – update.
- **Housing Benefit** – update, including the roll out of Universal Credit, what were the caps, the limits, how much was being claimed etc?

(The meeting ended at 3.45 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 26 September 2019 at 5.30 pm

Present

Councillors

J M Downes (Chairman)
N V Davey, R J Dolley, Mrs S Griggs, T G Hughes,
D F Pugsley, R F Radford, A Wyer and B Holdman

Apologies

Councillor

J Wright

Also Present

Councillors

L J Cruwys and R Evans

Present

Officers

Adrian Welsh (Group Manager for Growth, Economy and Delivery), Joanne Nacey (Group Manager for Finance), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Chris Shears (Economic Development Officer) and Sarah Lees (Member Services Officer)

27 **Apologies and Substitute Members**

Apologies were received from Cllr J Wright who was substituted by Cllr B Holdman.

28 **Declaration of Interests under the Code of Conduct**

No interests were declared under this item.

29 **Public Question Time**

There were no members of the public present.

30 **Minutes**

The minutes of the meeting held on 8 August 2019 were confirmed as a true and accurate record and **SIGNED** by the Chairman subject to the removal of the following sentence from the second bullet point in minute number 23 'Economic Development Projects Update':

'This was due to an oversubscription of bids being made.'

31 Chairman's Announcements

The Chairman informed the Group that Matt Barrow, a Devon County Council officer from Economy, Enterprise and Skills, would be providing an update to the Scrutiny Committee on 28th October regarding Broadband provision in Mid Devon. The Economy Policy Development Group were specifically invited to attend this meeting since Broadband fell within their remit and the issue would be of particular interest.

32 Performance and Risk Report (10 minutes)(00:08:50)

The Group had before it, and **NOTED**, a report * from the Head of Planning & Economic Regeneration providing it with an update on performance against the Corporate Plan and local service targets for 2019/20 as well as providing an update on the key business risks.

The Group Manager for Performance, Governance and Data Security outlined the contents of the report explaining that the figure showing for August 2019 in terms of the number of businesses assisted was 69 within the report, this was incorrect and should have been recorded as 114 as it needed to also include the number of new business enquiries as well.

Discussion took place regarding:

- 'An empty shop' might include more than one unit.
- Whether an approach was made to shop or business owners when they vacated a property in terms of offering them help and support? The Group Manager for Growth, Economy & Delivery explained that where they could, the team did all they could to gather information from the vacating business owner. However, it was not always possible to do so as the team may not have become aware of the vacation until after it had happened. However, they understood that one of the reasons for vacating a premises was often due to diversification or just relocation within the town to trade somewhere else which in their view presented a more beneficial proposition.
- There were many attempts being made to increase footfall figures within the town including working in partnership with others, particularly the traders themselves, holding events and development of the destination website.
- A close eye would need to be kept on the future Cabinet decision in relation to the Tiverton Masterplan and how this would affect trading activity within the town.
- Whilst Fridays were busy in the Tiverton Pannier Market and increasingly more traders and activities bare being held on the other days of the week, it was acknowledged that more needed to be done to increase footfall on these other days of the week.
- Consideration needed to be given to making the Tiverton Pannier Market warmer during the winter months especially for traders who were often in there for many hours.

The Group was informed that the National Association of British Markets had awarded the Tiverton Pannier Market 'Market Team of the Year', the Group congratulated the team.

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

33 **Financial Monitoring (10 minutes) (00:22:27)**

The Group received, and **NOTED**, a verbal report from the Group Manager for Financial Services updating it on the position regarding income and expenditure so far in the year.

The following was highlighted regarding the current position:

- There had been a slight improvement in figures between June and July 2019.
- The main area of concern lay in the area of Planning which was predicted to show a significantly under budget level of fees by the end of the year. This was due to a combination of factors including some that were offset by Earmarked Reserves (£159k). The residual overspend related to £329k of planning income due to a drop off in large applications. However, the comment was made that this position might be improved as a result of the Tiverton Eastern Urban Extension and North West Cullompton developments.
- Car park income was still down in the MSCP although there had been some increased income in the market car park to offset this.
- The Housing Revenue Account had not moved from the favourable position that was reported in June 2019.

A brief discussion took place regarding the recent approval by the Cabinet of the Car Parking Working Group recommendations and when these revised fees might come into force. It was explained that there was still a consultation process to go through first and that it would take 3 months for the off street parking order to be processed. However, it was hoped that the new charges would come into effect sometime shortly after Christmas 2019.

34 **Recommendation from the Cabinet that the Economy PDG consider the issue of overpayments for car parking (15 minutes) (00:30:15)**

On 22 August 2019, as part of their consideration of the Car Parking Working Group report, the Cabinet made a recommendation that:

“The Economy PDG be requested to consider the issue of overpayments for car parking and what should happen to the additional income.”

Consideration was given to:

- The actual figure relating to overpayments was not significant being in the region of £2k. In the past, due to charges being non-rounded, there had been an annual overpayment of approximately £15k, however, when the pricing policy was changed 3 years ago the majority of charges were rounded reducing the ability for customers to over pay.
- It was further explained that the Council already offered a number of concessions such as 30 minutes free parking at night time and free parking at school drop off and pick up times for 2 schools in the district.
- The Council also provided significant funding to organisations within the voluntary sector on an annual basis in the region of £157k. The Group also needed to bear in mind that there was still a £1.4m gap in the budget for next year.

- It would cost significantly more in officer time to manually calculate overpayments and it was felt this would be a time consuming and costly job for very little purpose.

Having considered the issue in depth and recognising that the Council already provided funding for a number of charitable organisations on an annual basis, it was:

RECOMMENDED to the Cabinet that any small monies overpaid from car parking are retained and utilised within the overarching car park budget.

(Proposed by Cllr N V Davey and seconded by Cllr Mrs S Griggs)

35 Free parking in towns in the run up to Christmas - could Town Councils choose to use these 'free' parking days at other times of year? (15 minutes) (00:36:31)

It was requested at the previous meeting that further consideration be given to allowing Town Council's the opportunity to decide for themselves when to use the 'free parking' option currently available to them on the three Saturdays leading up to Christmas and on Christmas light switch on days.

The provision of free car parking in the three town's long stays car parks had come about historically with Town Councils being written to each year to ask when they would like their free car parking in the long stay car parks. Town Councils had already requested the free parking be provided on the Saturdays before Christmas for 2019. It was noted that this was an approximate loss to the Council of £3.5k per annum which had to be subsumed within an overall budget deficit.

It was felt that to offer random days throughout the year might be slightly confusing for members of the public who had got used to the free parking on the Saturdays before Christmas.

The Group unanimously **AGREED** that, in consultation with the Cabinet Member for Finance, Town Councils should be written to next year offering them the chance to hold their free parking days at other times of the year should they wish or to maintain the current arrangement.

36 Economic Development Service Update (15 minutes) (00:42:14)

The Group had before it, and **NOTED**, a report * from the Head of Planning, Economy and Regeneration updating it on progress with Economic Development activities. The Chairman requested that the Group focus their attention on those activities appearing in the report with a red risk factor status.

Discussion took place with regard to:

- The Business Awards initiative was currently showing with a red risk status. However, the Group Manager for Growth, Economy and Delivery stated that it was not pragmatic to continue to the award ceremony this year. The media company the District Council had been working with in partnership with had not been able to secure sufficient private sponsorship for an award ceremony to take place this year. However, discussions would continue to attempt to deliver this initiative in 2020.

- Since the publication of the agenda, the Council had been successful in passing stage 1 of the Cullompton Historic England bid. The team were now waiting for details of the second stage assessment.
- Whether there was funding available to support the rear of shops being tidied up in the same way that there was a shop front enhancement scheme. The team explained that they would investigate whether such schemes existed.
- There was disappointment that the implementation of the destination website had been delayed, however, in moving forwards it would be vital for businesses to be fully on board and regularly consulted allowing them the opportunity to add their own content. An update would be brought to a future meeting once this project had progressed.
- In relation to the Hydromills project, a meeting had been held with Neil Parish MP who was offering his support and who had been involved in coordinating the submission of documents and updates to the Environment Agency. There had been positive interactions with the angling community regarding the Tiverton Weir but there had been some challenges in negotiations regarding the Thorverton Weir. The anglers had been involved at every stage and the team were confident a satisfactory position would be agreed with the ecology of the rivers being the number one priority.
- Work was ongoing regarding consultation and tender preparation in relation to WiFi within Tiverton.
- It was felt that a Council owned shop on the corner of the entrance to the Pannier Market on Fore Street in Tiverton needed some tidying up on the outside. It was currently in a very dirty state and comments had been made by the public. The team agreed to look into this.

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

37 **Cost Recovery & Commercialisation in Growth, Economy & Delivery (15 minutes) (00:58:46)**

The Group had before it a report * from the Head of Planning, Economy and Regeneration presenting it with the steps necessary to introduce cost recovery into the Growth, Economy and Delivery Service, and updating it with regard to potential next steps for further commercialisation within the service.

The Economy PDG at its March 2019 meeting considered cost recovery opportunities. The Group had expressed concern that charging for business support services could be a disincentive particularly for fledgling companies. The Group had also wished to better understand how other authorities were grappling with these financial challenges. Since the March meeting officers had been undertaking more research. It was felt that of the opportunities relating to cost recovery the area which officers considered could be introduced most simply and quickly and which had the necessary mechanisms in place was the input of the Service into the planning process. This related to both pre-application enquiries and economic development input into Planning Performance Agreements.

Discussions with other local authorities had identified that there were no directly relevant nearby examples of charging for some areas previously considered. More work was required to better understand available opportunities. This would include discussions with relevant development agencies and it was confirmed that the Economic Development team would be applying under the LGA's Productivity Expert

Programme for support from a Local Economic Growth Advisor to advise on opportunities for commercialism within the service.

Discussion took place regarding:

- What level of support and advice was included within the proposed fees? It was confirmed that supplementary advice was included and this might include a visit. The fees were consistent with other charging schedules in the planning service.
- The planning pre-application advice fee would be administered through the existing planning administration team; any LGA activity would be administered through the Economic Development team.
- It was confirmed that under the current arrangement the Council could only seek the recovery of costs.

RECOMMENDED to the Cabinet that:

- a) The bill of charges for economic development related advice with regard to the planning process laid out in Section 2.0 be approved.
- b) Officers be tasked with seeking LGA funding to help investigate opportunities within the Service for further commercialisation including the potential to develop a commercial arm for the delivery of some discretionary services.

(Proposed by Cllr N V Davey and seconded by Cllr R J Dolley)

Note: * Report previously circulated; copy attached to the signed minutes

38 The Mid Devon Economy and the UK leaving the European Union (30 minutes) (01:08:48)

The Group had before it, and **NOTED**, a report * from the Head of Planning, Economy and Regeneration informing it about the potential impact of the UK leaving the European Union on the local economy and the support structures in place to help ensure business activities continue with minimal disruption.

The officer outlined the contents of the report summarising the key points of information under each of the headings listed.

Consideration was given to:

- How the Group wished to be updated on Brexit matters. The Chairman emphasised the point that it was not the responsibility of this Group to consider the Brexit issue as a whole but rather how Brexit impacted on the economy of Mid Devon. It was **AGREED** that consideration of Brexit in this regard would become a standing item on the Economy PDG agenda moving forwards and that should a special meeting be needed, as and the situation changed nationally and locally, it would be arranged. Relevant information would also be emailed to Members as and when it was received. It was also acknowledged that an all Member briefing on Brexit and how this Council was equipped to cope with it would be held on Thursday 24 October 2019.

- Members who had attended the Tiverton Business Forum the previous evening had been very impressed by a speaker from 'Taste of the West' who had been positive, hopeful and full of aspiration in terms of the opportunities offered by Brexit. The Group requested that he be approached to attend a future meeting of this Group.

Note: * Report previously circulated; cop attached to the signed minutes.

39 **Identification of items for the next meeting (01:33:55)**

In addition to the items already listed in the work programme, the following was requested to be on the agenda for the next or a future meeting:

- More information in relation to the Council's bid to the 'Future High Street Fund' which had been unsuccessful. This had been reported to the Group at their meeting on 8 August 2019.
- Update on the impact of Brexit on the Mid Devon economy.
- Invitation to Mr John Sheaves from 'Taste of the West' to discuss his views on the impact of Brexit in the food and drink sector.

NB: The Group requested that additional approaches be made to representatives from the farming, agriculture and business sectors in due course to gain a better understanding of how Brexit would affect the local economy from those directly affected.

(The meeting ended at 7.10 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 8 October 2019 at 2.15 pm

Present Councillors

C R Slade, W Burke, Mrs C P Daw,
J M Downes, Mrs I Hill, B Holdman,
E G Luxton and B A Moore

Apologies Councillor(s)

Miss J Norton and Mrs M E Squires

Also Present Councillor(s)

E J Berry, L J Cruwys, R M Deed and R Evans

Also Present Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), John Bodley-Scott (Economic Development Team Leader), Rob Fish (Principal Accountant), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

28 **APOLOGIES AND SUBSTITUTE MEMBERS (00.00.40)**

Cllr Ms J Norton gave apologies and Cllr Mrs M E Squires gave apologies and was substituted by Cllr B A Moore.

29 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.00.58)**

There were no declarations made.

30 **PUBLIC QUESTION TIME (00.01.09)**

There were no members of the public present.

31 **MINUTES OF THE PREVIOUS MEETING (00.01.13)**

The Minutes of the Meeting held on 20th August 2019 were approved as a correct record and **SIGNED** by the Chairman.

32 **CHAIRMAN'S ANNOUNCEMENTS (00.01.43)**

The Chairman had no announcements to make.

33 **PERFORMANCE AND RISK (00.01.53)**

The Group had before it and **NOTED** the *Performance and Risk report from the Group Manager for Performance Governance and Data Security who explained that this was the second report for 2019/2020.

She explained that this was the second regular review of Performance and Risk and included results to the end of August.

Members discussed the results and there were no questions for officers.

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

34 **SINGLE EQUALITIES POLICY AND EQUALITY OBJECTIVE (00.03.57)**

The Group received a *report from the Group Manager for Performance, Governance and Data Security outlining the Council's statutory duties under the Equality Act 2010.

She explained that the Leadership Team had introduced a new objective to look in more depth at issues in relation to specific Protected Characteristics and this would begin with mental health issues which would contribute to the work to reduce staff sickness but also work for the wider community such as Dementia awareness. She informed the Group that a meeting with staff had been set for 22nd October to debate a way forward and that once a terms of reference had been agreed it would be opened up to Members and other groups.

In response to a question asked she detailed the Protected Characteristics:

- Age
- Disability (including people with learning disabilities, people with mental illness and people living with HIV and/or AIDS)
- Gender reassignment
- Material status, family circumstances, or caring responsibilities
- Pregnant women and mothers with young children (under 5's)
- Race, including nationality, national or ethnic origin, being a traveller or gypsy
- Religion or belief
- Sex
- Sexual orientation

The Group discussed the report and it was:

RECOMMENDED to the Cabinet that the Equality Policy and Objectives for 2019-2021 be approved.

(Proposed by Cllr B A Moore and seconded by Cllr W Burke)

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

35 AIR QUALITY ACTION PLAN FOR CULLOMPTON AND CREDITON (00.07.53)

The Group had before it and **NOTED** a *report from the Group Manager for Public Health and Regulatory Services providing progress on the adopted Air Quality Action Plan for Crediton and the Cullompton Air Quality Management Areas.

He explained the legal framework and that it was statutory requirement for the Council to provide an action plan in Air Quality Management Areas. He informed the Group that there were various conflicts between two sets of Government policy and that air quality issues were the cause of 60,000 deaths a year which was on a par with smoking.

He explained to the Group the status of air quality across the district and that there had been a slight deterioration since 2018 which could be attributed to a change in weather patterns and had been replicated across the UK.

Members expressed concerns that although an action plan had been in place in Crediton for over a decade no practical action had appeared to have been taken by the Council and they asked about the likelihood of monies being used to combat the issues and identify measures which could make a difference.

The Group Manager for Public Health and Regulatory Services explained that key progress and improvements had been delivered in the Exeter Road area of Crediton but there had been challenges around heritage and traffic management and getting key partners on board but the Council was trying hard to find solutions for the High Street. A new approach to combine street scene enhancements with more innovative traffic management measures set out in the PJ Associates study led by the town council was likely to result in a series of new measures key stakeholders could support. He further explained that previous S106 contributions had been held back until these new solutions had been agreed and the Council was currently looking to see if there were some early wins once these had been fully evaluated, costed and prioritised. A key update for the Action Plan was being brought forward to 2020 to enable these specific measures to be properly incorporated and subsequently delivered.

He also informed the Group that new air quality monitors had been installed in Crediton and Cullompton and that there could be a possibility of situating these outside of schools in the future to monitor the air quality in those areas, with opportunities to work alongside teachers and pupils for additional educational benefit.

Members then discussed the air quality issues outside of schools and that it was difficult to encourage parents to stop using cars for the school runs.

In response to questions asked the officer explained that the Council worked closely with DCC on the local transport plan and where there were gaps in the strategic approach they were working to try and influence this.

He explained that if the public wanted to see a more interlinked public transport system which included greener links to the rail network then this would have more influence as part of the relevant towns Neighbourhood Plans.

Consideration was given to:

- Walking was better than travelling in cars
- A shuttle bus from Tiverton to Tiverton Parkway Station
- Cycle Lanes outside every school in the district
- A survey which suggested 70% of parents who drove to school lived within 1km

Note: *Report previously circulated and attached to the minutes

36 **STRATEGIC GRANTS AND SERVICE LEVEL AGREEMENT PROGRAMME 2020-2023 (00.43.35)**

The Group had before it and **NOTED** a *report from the Head of Planning, Economy and Regeneration presented by the Growth and Regeneration Officer outlining the process for agreeing the level of grant funding for the Strategic Grants and Service Level Agreement Programme for 2020-2023.

He explained that the report set out the process for the 5 recipients of strategic grants and that a Working Group would be required to agree the suggested level of funding and the process to be used. He informed the Group that the timescales were quite tight and that the Working Group's recommendations would need to be presented to the PDG at the next meeting on 10th December in order to assist with the budget setting process.

The Group **AGREED** to set up a Working Group to review the level of funding to individual strategic grant recipients in light of the reduced level of council funding. The members of the Working Group were agreed as:

- Cllr W Burke
- Cllr B Holdman
- Cllr Mrs M E Squires

(Proposed by the Chairman)

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

37 **FINANCIAL MONITORING (00.48.22)**

The Group received and **NOTED** a verbal update from the Principal Accountant presenting a financial update in respect of the income and expenditure so far in the year.

He explained that the largest variance was in Planning (mainly related to a forecast under recovery in budgeted Planning Fee income to the end of the year) and that as this was a demand led service it was experiencing a reduced level of revenue. He explained that the service was dependant on the size, scale and numbers of planning applications received.

In response to questions he explained that the figures quoted for the Planning service was the amount of revenue collected to date from planning applications and associated services and forecast income to the end of the year.

38 **COMMUNITY ENGAGEMENT (00.56.41)**

The Group received a **RECOMMENDATION** from the Audit Committee that the PDG considered the internal auditor's recommendation that a Customer Engagement Champion was introduced by the Council.

The Chairman of the Audit Committee addressed the Group and explained that the overall remit of the Committee was risk which was not always about money but included health and safety and the Council's reputation. He explained that internal audit had highlighted that the engagement process could be improved and that the Engagement Champions did not have to be officers but could be Members.

Members felt that the idea was good and a discussion took place about who would be best served to act as a Customer Engagement Champion. Members felt that the Leader, the Cabinet Member for Community Wellbeing and the Chairman of the Audit Committee would be best placed to make that decision.

The Group therefore endorsed the recommendation and **AGREED** that the Leader should consult with the Chairman of the Audit Committee and the Cabinet Member for Community Well-Being to agree a way forward.

39 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.05.12)**

Recommendations from the Strategic Grants and SLA Programme Working Group to be presented at the next meeting.

Members requested that as part of the 6 month leisure update, the policy for allowing opposite sex children into changing rooms with their parents within Council run Leisure Centres be investigated.

(The meeting ended at 3.22 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 18 September 2019 at 10.00 am

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs C P Daw, Mrs C Collis, R F Radford,
E J Berry, L J Cruwys, S J Clist, F W Letch,
E G Luxton, D J Knowles and B G J Warren

Also Present

Councillor(s)

Mrs E M Andrews and R J Chesterton

Present

Officers:

Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Tina Maryan (Area Planning Officer), Ian Sorenson (DCC Highway Authority), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

45 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

46 **PUBLIC QUESTION TIME (00-03-00)**

Elizabeth Pole referring to item 6 on the agenda stated as Chairman of Tiverton and Honiton Constituency Labour Party: I am here with a question about housing in Cullompton. The Council is currently proposing to erect 600 houses in Cullompton representing only phase 1 of the urban extension. The people of Cullompton are being asked to forfeit large chunks of their natural environment and one of the promises of those elected to this council made to them was that 28% of any houses built would be so called affordable housing. The proposal before this committee today would disappointingly but unsurprisingly reduce the number of affordable units from 28% to a mere 10% of the total. That is to say instead of moving their families into 168 homes local people will have to compete for the keys to just 60. And let us look at what it means for affordable housing, we are talking about homes available at 80% of market rates. While they provide some relief for people struggling to afford to live in their communities people who live here are struggling on wages which are on average, and bear in mind, this average will be skewed by perceived increases in inequality which we have seen since 2010 on wages which are on average 0.10% of the amount the government says is needed to be able to live in a house in Cullompton. So what should be done? This Council's own Corporate Plan for 2016-2020 is to build 250 new council houses in Mid Devon. We are now $\frac{3}{4}$ of the way through this period and so far the cumulative number of council houses Mid Devon District Council has built towards its own grand total of 250, according to the

performance indicators from Scrutiny Committee report is 6. 6 council houses against a total plan of 250, as a percentage about 2.4% of target. Now that we are approaching the end of the planning period there are 244 council houses yet to be built against the district target, Cullompton is to get 600 new houses of which according to the local plan 101 homes should be for social rent. My proposition to the committee on behalf of the Labour Party and standing up for the people of Cullompton who are attempting to live in their own community on incomes which cannot keep up with the cost of housing, taking into consideration the underlying spend of this council against its budgeted housing revenue account is this. As a minimum all 60 of the affordable homes that would result from the proposal now before the committee should be built as council houses. These 60 council houses would represent 36% of the affordable homes Cullompton residents were promised in phase 1 of the urban extension and would represent barely 24% of the council houses that the people of Mid Devon were led to expect from the Councils 2016-2020 Corporate Plan. Building 60 council houses for Cullompton is the very least the council could do to start making good on its very recent housing strategy promise.

The Chairman indicated that answers would be provided when the item was debated.

47 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-06-55)

Members were reminded to make any necessary declarations of interests when appropriate.

48 MINUTES OF THE PREVIOUS MEETING (00-07-03)

The minutes of the meeting held on 28 August 2019 were approved as a correct record and signed by the Chairman.

49 CHAIRMAN'S ANNOUNCEMENTS (00-07-45)

The Chairman informed the meeting that the items on the agenda were intertwined in terms of the Section 106 agreement and that the process was not straightforward, she informed the meeting how she proposed to handle the agenda.

Item 6 would be opened for discussion so that Members could explore the total section 106 package on offer. She would then adjourn the decision on the package, so that the individual applications could be discussed.

Items 7 and 8 had already been decided by this Committee, subject to the Section 106 package being finalised. She was therefore proposing to bring forward item 9 which had yet to be decided. This would follow the initial discussion on the Section 106 package under item 6.

Items 7 and 8 would then follow – but only for noting the update report.

Depending on what happened earlier in the meeting, she then proposed to return to item 6 to formally resolve on the Section 106 package.

50 **S106 MATTERS, APPLICATIONS COMPRISING PHASE 1 OF DEVELOPMENT AT NW CULLOMPTON URBAN EXTENSION, RELATING TO APPLICATIONS 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT (00-10-37)**

The Committee had before it a * report of the Head of Planning, Economy and Regeneration considering the overarching S106 package between the three planning applications currently under consideration.

The Area Planning Officer outlined the contents of the report explaining that the 3 applications for North West Cullompton were all intertwined via the proposed Section 106 Agreement. Agenda items 7 and 8 had already been determined subject to the acceptance of the S106 agreement. Item 9 on the agenda had been deferred from the previous meeting for consideration of various issues raised and therefore required determination.

She referred members to the revised recommendations within the report highlighting the timing, funding and delivery of the linking road through the application site, the offsite highway works proposed, which included the pedestrian footway and crossing in Willand Road, the traffic calming proposals and the footpath extension in Millennium Way to link to the bus stops; the financial contribution to the Town Centre relief road, the land for the primary school and other education contributions, the expansion of the doctors surgery, the provision and maintenance of the Rull Hill green infrastructure, the upgrade to the existing public rights of way and the creation of a health garden. She also outlined the proposals within Phase II of the development, that of: the contribution towards the bus improvements, recycling facilities, the community building, the additional sports pitch, allotments, the second community orchard and the additional footpath extension works in Millennium Way. She added that the S106 agreement would be apportioned in the event that one or more of the applications in question did not come forward for development.

The Head of Planning, Economy and Regeneration then responded to questions posed in public question time with regard to the amount of affordable housing proposed within Phase 1 of the development, she stated that there were clear reasons why 10% of affordable housing had been proposed during Phase 1, extensive discussions had taken place with regard to the provision of a large amount of infrastructure during this phase, that of the new road through the development and the contribution towards the Town Centre relief road as well as education contributions as previously explained. There had been a large amount of front loading in respect of these additional requirements in Phase 1 hence she felt that there was justification for 10% affordable housing. With regard to the provision of Council houses and planning policy, the committee were required to consider the development plan policies and material considerations, not the corporate approach nor the workings of the Housing Revenue Account.

Consideration was given to:

- The contributions to the Education Authority (DCC) and the timetable for the provision of the new school
- Whether to include consultation with the Chairman and Vice Chairman of the Planning Committee and Ward Members with regard to any apportionment required of the various obligations between the 3 individual Section 106 agreements and the exact composition of the Rull Hill green infrastructure

- The view of the applicants representative with regard to the amount of work that had taken place with the Local Planning Authority and the community over 6 years which had included the provision of a masterplan for development, the additional upfront costs that were required for infrastructure within Phase 1 of the development, the change in the construction access to the site which now did not include St Georges View, the development of the school and the total cost of the package which was proposed. 60 affordable houses were still proposed as well as the additional infrastructure and that the development on completion would deliver 300 affordable homes.
- The views of the representative from the Town Council who stated that the Town Council had agreed the principle of development in the area and supported the detail of the S106 agreement
- The view of one of the Cullompton Members who was disappointed at the amount of affordable housing being proposed

At this point the Chairman indicated that she felt that a decision on the S106 package should take place following consideration of the following application.

Notes:

- (i) Mr Turner on behalf of the applicants spoke;
- (ii) Cllr Guest spoke on behalf of Cullompton Town Council;
- (iii) Cllr Mrs E M Andrews spoke;
- (iv) * Report previously circulated, copy attached to minutes;
- (v) The following late information was provided:

HIGHWAY AUTHORITY – 9th September 2019

The Highway Authority has looked at the time taken to reach the Station Road roundabout from the site via various routes and the journey time to the roundabout via Head Weir Road is longer than using the roundabout at Millennium Way. It is for this reason that traffic calming has been requested for Saxon Way to increase journey times and dissuade its use. As Head Weir Road takes longer than the preferred route, there is no reasonable reason to seek further restrictions.

51 **APPLICATION - 17/01178/MFUL - ERECTION OF 200 DWELLINGS, FORMATION OF NEW ACCESS, PROVISION OF PHASE OF LINK ROAD, PRIMARY SCHOOL SITE, OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS - LAND AT NGR 302103 108277 (WEST OF WILLAND ROAD) CULLOMPTON DEVON (00-35-05)**

The Committee had before it a * report of the Head of Planning, Economy and Regeneration regarding the above application.

The Area Planning Officer outlined the contents of the report highlighting by way of presentation an aerial view of the site which depicted the site layout, the proposed number of dwellings, the school site, landscaping proposals, the proposed link road,

walking routes, attenuation ponds and the pedestrian link to Rull Lane. She informed the meeting that the issues raised at the previous meeting had been addressed, that of the parking layout in the school area, clarification with regard to the size of the gardens and the positioning of the retaining wall within some of the gardens and the traffic calming proposed. She outlined the street elevations across the site, the site sections, the house types which all now complied with the National Space Standards, the garages and bin stores and Members viewed photographs from various aspects across the site.

Consideration was given to:

- The police concerns with regard to the fencing which had been addressed by Condition 23
- Issues to do with the public right of way which had been addressed by Condition 8
- The number of electric car charging points, addressed within condition 9
- Possible visual impact issues
- Maintenance and general upkeep of the trees and hedges within the development site
- The pedestrian routes and cycleways and their segregation
- The views of the applicant with regard to the issues raised at the previous meeting and the amendments that had been made to the application: the issue of parking arrangements had been resolved, electric charging points could be increased where possible, the character areas within the development, the cycleways and footpaths set back from the road, the issues with the gardens and that the dwellings would be built in line with 'Fabric First Design'.
- The views of representative from the Town Council with regard to the width of the road and pavements and the provision of adequate car parking on the site, the reality of using cars rather than walking or using public transport, the need for adequate garage sizes, the aging population and the need to reflect on this with regard to pedestrian access and house types and the position of the attenuation ponds.
- The views of one of the Cullompton Members with regard to the size of the houses proposed.

It was therefore:

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration subject to the following:

Condition 7: the reference to "condition 4" in 7.D. should read "condition 5".

Condition 23: this condition should be amended to read:

First occupation of any dwelling shall not take place until the boundary treatments for that dwelling have been installed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Only such approved boundary treatments shall be installed.

and the prior signing of a S106 agreement for:

- i) The overall S106 package between the three applications set out in the separate over-arching Section 106 report at Appendix A to this report, and
- ii) To secure the provision of the community orchard, health garden and other public open space together with its long term management and maintenance.

(Proposed by the Chairman)

Notes

- i) Cllr Guest (Cullompton Town Council) spoke;
- ii) Mr Smith, the applicant spoke;
- iii) Cllr Mrs E M Andrews spoke;
- iv) *Report previously circulated copy attached to signed minutes.
- v) The following late information was provided:

HIGHWAY AUTHORITY – 9th September 2019

The Highway Authority has confirmed as follows:

1. The spine road will be along the route as shown on the detailed plans submitted with the application. Any variations from these details will require an amendment to the plans which the Town Council will be notified of.
2. The junction priority will be for Willand Road to enter the site and run through to Tiverton Road. The remaining part of Willand Road to the signals at Station Road will be subservient with a give way marking. Mini-roundabouts would not be acceptable to provide access to a new development and are contrary to that set out by Design Manual for Roads and Bridges. An alternative option is for a full roundabout, however, this is likely to introduce a greater stop start element in the Air Quality Action Zone.
3. The Highway Authority has agreed a mini-roundabout design at the school entrance which will cater for a Leopard Coach (52 Seater). The Highway Authority would not advocate a second access, and would wish to see inclusion of the off-line parallel parking bays to dissuade any parking on the spine road. The spine road would also be subject to appropriate Traffic Regulation Orders where necessary and appropriate.
4. The residential roads will be 4.80 metres wide, compliant with Government advice on road widths and in keeping with the adopted Masterplan SPD. Turning heads will be of sufficient size to cater for turning manoeuvres. Any vehicle that parks on the public highway and causes an obstruction can be prosecuted under the Highway Act by the police. There are no rights to park on the public highway within the Highway Act and the primary function set out by the Highways Act is for all traffic to pass and repass.
5. The Highway Authority does not consider that the Willand Road/Millennium Way junction will be problem for construction traffic. However, as part of the Construction Management Plan a swept path analysis can be requested and any mitigation measures put in place.

6. A formal restriction to stop motorised vehicles from using the pedestrian accesses onto Rull Lane can be part of the Section 38 Agreement (highways adoption agreement) design.
7. Part of the Section 106 Agreement improvements is works to the public rights of way, which includes consideration of this footpath.
8. With regard to the consideration of the impacts of increased traffic on Willand, this was considered alongside traffic generation from the two outline applications and initial concerns over the increased queues were superseded by the Planning Inspector's decision on the Willand site. There is a desire to see contributions towards the Town Centre Relief Road being sought through Section 106 monies and given these improvements, congestion in Willand is not considered an issue.

ENVIRONMENTAL HEALTH – 9th September 2019

1. The low emission assessment provided detail regarding the Travel Plan and cumulative air quality impact. Given that the revised application makes no changes impacting on air quality, there are no additional comments to be added by Environmental Health. The distribution of development traffic, according to the Travel Plan, indicates only a minor adverse impact along Willand Road, Cullompton as a result of the development and cumulative developments. Subsequently, there are no adverse concerns regarding the air quality in Willand. MDDC currently monitor the air quality to the closest receptors at Ash Close along the B3181 in Willand and the results are well under the air quality objective as required by Defra.

Conditions – 17 September 2019

1. Condition 7: the reference to “condition 4” in 7.D. should read “condition 5”.
2. Condition 23: this condition should be amended to read:

First occupation of any dwelling shall not take place until the boundary treatments for that dwelling have been installed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Only such approved boundary treatments shall be installed

52 **APPLICATION - 17/01170/MOUT - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 200 DWELLINGS, TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND OTHER WORKS, INCLUDING VEHICULAR ACCESS, ON LAND COMPRISING NORTHERN PORTION OF PHASE 1 OF THE NORTH WEST CULLOMPTON URBAN EXTENSION - LAND AT NGR 302186 108607 NORTH OF RULL LANE AND TO THE WEST OF WILLAND ROAD CULLOMPTON DEVON (1-16-06)**

The Committee had before it * report of the Head of Planning, Economy and Regeneration regarding the above application.

RESOLVED that the updated report be **NOTED** as the application had already received planning permission subject to the approval of a Section 106 Agreement.

(Proposed by the Chairman)

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

- 53 **APPLICATION - 17/01346/MOUT - OUTLINE HYBRID PLANNING APPLICATION FOR THE ERECTION OF 200 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND PUBLIC OPEN SPACE AND FULL PERMISSION FOR PORTION OF LINK ROAD (LAND COMPRISING SOUTHERN PORTION OF PHASE 1 OF NORTH WEST CULLOMPTON URBAN EXTENSION) - LAND AT NGR 301536 107900 NORTH OF TIVERTON ROAD, CULLOMPTON DEVON (1-17-05))**

The Committee had before it * report of the Head of Planning, Economy and Regeneration regarding the above application.

RESOLVED that the updated report be **NOTED** as the application had already received planning permission subject to the approval of a Section 106 Agreement.

(Proposed by the Chairman)

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

- 54 **S106 MATTERS, APPLICATIONS COMPRISING PHASE 1 OF DEVELOPMENT AT NW CULLOMPTON URBAN EXTENSION, RELATING TO APPLICATIONS 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT (CONTINUED) (1-17-52)**

Following consideration of the applications on the site, Members as mentioned in Minute 50 further considered the S106 package.

It was **RESOLVED** that:

1. The Section 106 package of obligations to be applied in total across applications 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT, is agreed as follows:
 - 1) 10% affordable housing across the whole of Phase 1
 - 2) Timing, funding and delivery of a linking road between Willand Road and Tiverton Road including financial contribution towards its provision (latter, application 17/01170/MOUT)
 - 3) Off-site highway works: improvements to J28 of the M5, pedestrian footway and crossing in Willand Road, traffic calming in Saxon Way, Plantagenet Drive and Norman Drive, and footpath extension in Millennium Way to link to bus stops
 - 4) Financial contribution of £3.0 million towards the Town Centre Relief Road
 - 5) Transfer of 1.2 hectares of land for primary school (with access and servicing) and school sports pitch to Devon County Council
 - 6) Financial contribution of £672,361 towards St Andrews primary school expansion
 - 7) Financial contribution of £1,577,972 toward delivery of the new primary school
 - 8) Financial contribution of £150,000 towards early years provision
 - 9) Financial contribution of £795,072 towards secondary provision
 - 10) Financial contribution of £87,339 towards special educational needs provision
 - 11) Financial contribution of £231,224 towards expansion of doctors surgery
 - 12) Provision and maintenance of Rull Hill green infrastructure to include landscaped areas, multi-use games area and play area
 - 13) Upgrade to existing public rights of way (Goblin Lane and bridleway between Willand Road and Rull Lane)
 - 14) Transfer of land to Culm Valley Integrated Health Centre (College Surgery) for a health garden

2. It be agreed that the following Phase 1 items be delivered in Phase 2 to aid viability:
 - 1) Financial contribution of £1.2 million towards bus improvements
 - 2) Financial contribution of £96,000 towards recycling facilities
 - 3) Provision of land for community building at the beginning of phase 2 (community building itself in Phase 2)
 - 4) Provision of additional sports pitch
 - 5) Allotments and second community orchard
 - 6) Additional footpath extension works in Millennium Way
3. Delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Chair and Vice Chairman of the Planning Committee and Ward Members to negotiate the apportionment of the various obligations between the three individual Section 106 Agreements and the exact composition of the Rull Hill green infrastructure and enter into S106 agreements accordingly.
4. Delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Chair and Vice Chair of Planning Committee and Ward Members to negotiate and enter into a fall-back position in the S106 agreements that seeks to prioritise and apportion S106 requirements in the event that one or more of the planning applications in question do not come forward for development.
5. The S106 in respect of application 17/01178/MFUL also secure the provision of the community orchard, health garden and other public open space together with its long term management and maintenance.

(Proposed by Cllr B G J Warren and seconded by Cllr C A Collis)

(The meeting ended at 11.37 am)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 25 September 2019 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs C P Daw, Mrs C Collis, R F Radford,
E J Berry, L J Cruwys, S J Clist, F W Letch,
E G Luxton, D J Knowles and B G J Warren

Present

Officers:

Adrian Devereaux (Area Team Leader),
Daniel Rance (Principal Planning Officer),
Philip Langdon (Solicitor) and Sally Gabriel
(Member Services Manager)

55 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

56 PUBLIC QUESTION TIME (00-01-28)

There were no members of the public present.

57 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-01-36)

Members were reminded of the need to declare any interests when appropriate.

58 MINUTES OF THE PREVIOUS MEETING (00-01-49)

The minutes of the special meeting held on 18 September 2019 were approved as a correct record and signed by the Chairman.

59 CHAIRMAN'S ANNOUNCEMENTS (00-02-31)

The Chairman reminded members of the training session that would take place on Friday 4 October at 3pm with Devon County Council Highway Authority.

60 DEFERRALS FROM THE PLANS LIST (00-03-02)

There were no deferrals from the Plans List.

61 THE PLANS LIST (00-03-12)

The Committee considered the applications in the plans list *.

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

a) No 1 on the Plans *List 19/01160/FULL – Siting of an open fronted storage building at Mid Devon District Council, Unit 3, Carlu Close, Hitchcocks Business Park.*)

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the location, a block plan and elevations of the proposal. He informed the meeting of the history of the site and the various applications that had been considered.

Consideration was given to:

- Whether any representation had been received from the Parish Council
- The B1, B2 and B8 restrictions on the site

It was therefore:

RESOLVED that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Note: the following late representation was received:

An e-mail dated 23rd September with regard to the report not dealing with 2 aspects raised by an objector as part of the application. Outlining that there is a link between the expansion of the Business Park under planning application 19/00928/MFUL and this application for a container on an existing industrial site, and that there is a conflict of interest that MDDC will be swayed to approve the expansion of the Business Park because of this application.

Response of the Case Officer

1 There is no link between this application and 19/00928/MFUL (expansion of Hitchcocks Business Park)

2 There is no conflict of interest or predetermination of this application.

62 **MAJOR APPLICATIONS WITH NO DECISION (00-11-59)**

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

Note: *List previously circulated; copy attached to the Minutes

63 **APPEAL DECISIONS (00-12-12)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to Minutes.

(The meeting ended at 2.30 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 23 October 2019
at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs C Collis, R F Radford, E J Berry,
L J Cruwys, S J Clist, F W Letch,
E G Luxton, D J Knowles, B G J Warren
and B A Moore

Apologies

Councillor(s)

Mrs C P Daw

Also Present

Councillor(s)

R M Deed, C J Eginton, R Evans and
R L Stanley

Present

Officers:

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Lucy Hodgson (Area Team Leader), Sally Gabriel (Member Services Manager) and Ian Sorenson (Devon County Council, Highways Authority)

64 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs C P Daw who was substituted by Cllr B A Moore.

65 **PUBLIC QUESTION TIME**

Samantha Baker referring to item 1 on the plans list stated: what I would like to ask is the committee aware just how precious this field has been over decades as a social meeting place for generations in this village. This is where people come to walk their dogs, there is nowhere else in the village for us to do that, we have a children's park where no dogs are allowed. This brings old and younger generations together and I am in this field on a daily basis and I have spoken to old people that come and say they feel safe in this field to walk their dog and let it off because they know they are seen by the houses at the lower end of Silverdale. It mixes the generations together in a way that Silverton doesn't offer in any other way. I think it's really important at this time that we continue to bring generations together in a positive social way.

Mr Campbell speaking with regard item 1 on the plans list stated: I am a resident of Silverdale the question I am asking is why during the preparation of the Neighbourhood Plan there is consultation with the public, it was strongly felt that only small developments would be acceptable. This proposal goes against everything the local people who took part requested. If this is granted it makes a mockery of all the hard work that has been done by the Neighbourhood Plan Committee.

Mr Byrom referring to items 10 and 11 on the agenda stated that residents of Sampford Peverell are deeply concerned and confused by Items 10 and 11 on your agenda (concerning your very proper refusal of permission for 60 houses at Higher Town).

Councillors, we fear that officers may be trying to persuade you to soften some aspects of your 'Reasons for Refusal'. Undertaking this in a 'private' session would allow officers to hide embarrassing errors made in processing the application. Objectors have pointed out such errors at intervals but have had no response. Maybe expensive legal advice has finally brought this home. Or maybe officers will continue to use error-strewn arguments and careless mis-reading of drawings and reports as they attempt to weaken your resolve. How can we ever know?

So, my questions to officers are -

1. As 'statutory parties' to an appeal, objectors should have been informed of its 'Start Date'. That has not happened. The PINS website shows no appeal relating to this application. There is therefore currently no appeal. In these circumstances, please will you withdraw items 10 and 11 from today's agenda. It is wrong to discuss an appeal that does not exist.
2. Please will you confirm that **all** additional costs incurred by this Council in processing this application have been and will be clearly identifiable (as soon as they are known) within the payment statements published by Mid Devon? If there are other costs or gains that have not been published, please publish them straight away.
3. Will you please give a clear, unambiguous and direct assurance to public and press that 'Three Rivers Development', a 'wholly owned company of Mid Devon District Council' has never and will never be involved in any aspect of the development of the Higher Town site.
4. If it is agreed that any part of the discussion of agenda Item 11 must take place without the press or public being in attendance, please will you ensure that the minutes of the meeting record the substance of those discussions as well as any decisions arising from them?
5. Comments made by the Highway Authority officer to this Committee on 31 July bring questions of direct harm to designated heritage assets into play with new force. This, in turn, would affect the 'tilted balance' in this application through paragraph 11 and footnote 6 of the Framework. Would Mrs Tebbey be prepared to meet me to discuss this matter along with those Members and other persons who are now acting for the Council in any potential appeal? After all, surely we are all now working together to defend this Council's decision to refuse planning permission?

Peter Dumble addressing items 10 and 11 on the agenda stated: councillors I hope you as angry, puzzled and concerned as I and many others are in Sampford Peverell at the extraordinary inclusion of items 10 and 11 on the agenda. We have of course no idea why or what information officers are asking you to discuss in secrecy and behind closed doors. And not knowing the process being followed here I am assuming, perhaps wrongly, that all councillors have already had sight of the 95 pages of redacted material. How you would decide the public interest otherwise escapes me. And if you haven't seen the whole document I urge you to postpone this item for another day to allow you time to do so. Perhaps you could confirm if you have seen it or not? Forgive us for suspecting that the resolution in item 10 is more to do with a cover up of embarrassment surrounding financial and legal arrangements. I will say that again, cover up of embarrassment surrounding financial and legal arrangements and errors made in the process which Mr Byron has pointed out, there are many. Are the chickens coming home to roost or is pressure being applied to water down your grounds for approval at appeal. So whatever the reasons, councillors all we can ask today is that you robustly challenge and scrutinise the real need for confidentiality so that you can make an informed judgement on whether the public interest is truly being served or if the motion is simply and inappropriately being used to circumvent and hide inconvenient and embarrassing truths. We have learnt to respect this committees judgement over the last 2 years and today more than ever we need you to do your job forensically and as well as you can. Councillors this is a serious moment and the reputation and integrity of our Council is in your hands.

The Chairman indicated that the answers to questions with regard to the Silverdale application would be provided when the item was debated, however as Item 11 was a Part II report, the Head of Planning, Economy and Regeneration would provide answers at this point in proceedings.

The Head of Planning, Economy and Regeneration referring to Mr Byrom's questions stated that a letter had been received from the Inspectorate on 9 October with regard to an appeal, however the appeal was not yet live as further documentation had been requested. Notification to interested parties did not take place until the appeal was deemed live. With regard to additional costs, we would not normally separate out spend against general consultancy or legal consultancy budget lines by project in our financial reporting to Committees. With regard to the involvement of 3 Rivers Development Limited with the site, She was not aware of any involvement by that company to date, but could not give assurances on who develops any site that gains planning consent; with regard to the minutes, the minutes would be provided within the limitations of Local Government Act 1972.

The Group Manager for Legal Services and Monitoring Officer stated that with regard to a meeting, she would respond in writing to Mr Byrom, she reiterated that the appeal had been lodged but not validated.

Referring to Mr Dumble's question regarding whether the committee had been sent all the paperwork, the Head of Planning, Economy and Regeneration confirmed that they had.

Lisa Broom referring to item 1 on the plans list stated: I would like to question the inaccurate and flawed traffic statement provided by the applicant. I live at the junction of Tiverton Road and Upexe Road which Highways have rightly stated is substandard. It is jammed on a daily basis with cars, HGV's and tractors due to it being very narrow. The proposed development will make far more than the 9 peak journeys as stated and is also not taking into account any provision of safety for pedestrians, cyclists and wheelchair users. The site is not a suitable location for provision of accessible affordable housing due to the substandard access to the village. Section 106 mitigation does not address these issues. It is also important to note there are currently 20 family homes for sale in Silverton which include 5 new build homes in the centre which have been unsold for a year. The proposed development is also not supported by the Neighbourhood Plan or Local Plan, the site if on time for submission would not have been considered by the community. A small scale development is preferred at various sites. It appears that the planning officer has also been misled by Mr King Smith of Stags Planning on this so in summary I urge the committee to refuse the application as it stands.

Mrs Nova Odgers speaking about item 1 on the plans list asked: I would like to know the motivation for this development because as the previous speaker said there are many houses in the village that are up for sale and are hard to sell. So I wonder why the developer thought that there would be a need for more houses, perhaps the low cost element comes into play but we have so many terraced cottages in the village that you would consider to be at the bottom end I wonder what the need is?

Ross Clements referring to item 1 on the plans list stated: my concerns would be about the 9 vehicle figure that has been published, I don't believe that those figures are accurate to support a 20 house proposal. Currently there are 6 houses within the Exe View development and at peak hours they produce 10 vehicles leaving so multiply that and I think it will substantially more than the 9. Secondly I would like to bring to your attention that as a resident of Exe View we have 2 parking spaces for visitors, if the development goes ahead it looks like we will lose those and I would like to know what provisions are in place to keep our small green area that children play football on and also what will happen to our parking for guests.

John Foster in relation to item 1 on the plans list asked my concern is on page 20 it mentions it's only going to produce 30 secondary pupils and 5 primary pupils I don't know where they get this calculation from because if you put in 20 family type dwellings surely on just pure chance it's going to produce 20 children so if they are saying it's going to produce 5 and then they say they are going to produce so much money how are they actually working out how many children this development is producing. Also I would like to ask that in future there will be, from what we understand, the developer will then be asking to put more housing on the same area and if he goes for another 20 that that now produces another 20 pupils for the local schools which are overstretched as it is so how do they work out how many children are going to be produced by 20 family houses?

Patrick Grimes speaking on item 1 of the plans list stated I would like to make you aware that the site is actually up on the hill when they say you can't be seen you can actually see Haldon Hill, Dartmoor, Blackdown Hills crossing nearly into Dorset and nearly up into Somerset and also taking into consideration it's on the side of the Exe Valley which was being looked at to be an ANOB is this the sort of ribbon development that we really need?

66 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Cllr C J Eginton made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as he had been in discussions with the Chawleigh Parish Council and some of the objectors with regard to item 2 on the plans list – Belle Vue, Chawleigh.

67 **MINUTES OF THE PREVIOUS MEETING (00-22-56)**

The minutes of the meeting held on 25 September 2019 were approved as a correct record and signed by the Chairman.

68 **CHAIRMAN'S ANNOUNCEMENTS (00-23-14)**

The Chairman informed the meeting that a temporary Group Manager for Development (Maria Bailey) would be starting shortly.

69 **DEFERRALS FROM THE PLANS LIST (00-24-16)**

The Chairman informed the meeting that Item 3 on the Plans List (Gibbet Moor) had been deferred to allow for further work on the application to take place.

70 **THE PLANS LIST**

The Committee considered the applications in the plans list *.

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

a) No 1 on the Plans List (***18/02019/MOUT – outline for the erection of up to 20 dwellings and associated access – land at NGR 295508 1063228 (Silverdale), Silverton.***)

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan and the details of the access, all other matters would be reserved for future consideration. She provided an indicative layout of the site, the potential location of the hedgebank, potential drainage strategy solutions, a plan of the proposed access and photographs from various aspects of the site. She informed those present of the additional information available in the update sheet and confirmed that the land in question was agricultural land but that this did not change the recommendation.

Responding to questions posed in public question time, she provided the following answers:

- With regard to the field in question and that it was a social meeting place, it was her understanding that no public access to the land had been agreed.
- With regard to the Neighbourhood Plan and whether the proposal was in accordance with this document, she stated that the Neighbourhood Plan was still in draft and therefore had no weight in decision-making at the present time.

- With regard to the flow of traffic through the village, the Transport Statement was clear and the Highway Authority had found it to be acceptable and that it did not demonstrate an unsatisfactory impact on the highway network.
- With regard to the motivation for development and whether there was a need, she stated that she could not comment on the motivation for the application but that there was a need for housing nationally.
- With regard to the number of movements outlined in the Transport Strategy, the visitors parking spaces in Exe View and the green area where children played, this was already mentioned within the Transport Strategy, the 2 visitors would be replaced within the development, there was no formal green space in Exe View and the children had been playing on a shared area.
- With regard to the number of school places, the calculation was based on Devon County Council advice, these calculations had been tried and tested.
- With regard to the site being on a hill and that this could be classed as ribbon development, the application was on rising land on a hill but it was not considered to have a significant adverse impact on the surrounding area.

Consideration was given to:

- The proposed 35% affordable housing within the scheme
- The width of the road network in the area surrounding the proposed development
- The fact that the site was not allocated within the adopted Local Plan or the emerging Local Plan Review and the use of the tilted balance within the NPPF
- The details and reasons for conditions 8 and 9
- The views of the objector with regard to: the number of residents present objecting to the application, the emerging policies within the Local Plan Review and the amount of housing land supply available, the site was outside the settlement limit of Silverton and not mentioned in the Local Plan Review, the application was contrary to Policies COR 17 and 18, the application would affect the privacy of the residents and was not an asset to the area, the streets around the site were narrow and that traffic had to use the pavements at times to pass, the Highway Authority were only concerned with Fore Street and High Street. The proposal was contrary to policy. Over 30 dwellings had been built in Silverton, 2 applications had not been built out and 50 houses were for sale in the village.
- The views of the agent with regard to the use of the tilted balance within the NPPF, the site was well located, he referred to the Meadow Park appeal at Willand, the amount of proposed affordable housing on the site and the need for affordable housing locally, the site was away from the conservation areas and the historic assets of the village. He confirmed that there was no public access to the site.
- The Chairman read a letter on behalf of the Ward Member which highlighted his reasons for the call-in and his views on the impact of development on the immediate residents, the prominent hill site, the visual impact, that the development was out of keeping in the rural area and the fears of future development on the site, concerns regarding traffic and the narrowness of the high street, Tiverton Road and Silverdale parking issues, the impact of the development on local market housing and the amount of housing which remained unsold and whether Mid Devon required new housing.
- The development being outside of the settlement limit

- The fact that the authority had 7.43 years of housing land supply and the imminence of the Local Plan Review adoption and what weight should be given to the Local Plan Review
- The tilted balance within the NPPF and the outdated housing policies

It was therefore:

RESOLVED that: Members were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider the proposed reasons for refusal, that of:

- The Local Plan Review is at an advanced stage and neither the adopted Local Plan nor Local Plan Review allocate this site which lies outside of the settlement limits of Silverton for housing development.
- The Council considers that it is able to demonstrate a 7.43 year housing land supply without the development site and there is no need for this further housing.
- The development would have an unacceptable visual impact.
- Unacceptable harm would arise as a result of the proposed access arrangements and traffic generation arising from the development.
- If granted the development would have an unacceptable cumulative impact with other housing granted in the village.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs C A Collis.)

Notes:

- i) Mrs Campbell spoke in objection to the application;
- ii) Mr King-Smith (Agent) spoke;
- iii) The Chairman read a statement on behalf of the Ward Member;
- iv) A proposal to grant permission was not supported;
- v) The following late information was provided:

Correction p25 Draft Silverton Neighbourhood Plan- once adopted it will become part of the Development Plan, not a Supplementary Planning Document.

Material considerations section 1, principle of development, planning policy and 5 year housing supply, paragraph 12, sentence 3 is incorrect. It should state:

“At the time of writing this report, the Planning Inspector has not raised any objection to the residential development allocations proposed in Silverton. However, the new strategic housing policies in the emerging Local Plan Review have not been determined as acceptable and therefore cannot be given any weight in the determination of this specific application.

Material considerations section 5 Landscape and ecology, paragraph 7, line 6, is incorrect, it should state that "...external lighting should not be positioned to illuminate retained vegetation and areas beyond the survey area"

A further letter of objection has been received and has been summarised:

Report does not have regard to or robustly justify the principle of 20 dwellings beyond the settlement limit of Silverton;

Approval would be contrary to adopted and emerging planning policies;

The Council can demonstrate a 7.43 year housing land supply and this should be given weight against approval of new homes in the open countryside as sufficient land identified in more appropriate locations;

Relevant emerging policies must therefore be given some weight in the determination of the application and they have not been given any weight in the tilted balance;

Not supported by emerging planning policies;

Emerging policy S14 should be given weight in the tilted balance;

Development would have an adverse visual impact, adverse impact on amenity, adverse impact on traffic and result in the loss of agricultural land.

b) No 2 on the Plans List (19/00718/MOUT – Outline for the erection of 26 dwellings – land at NGR 270904 112818 (The Barton), Belle Vue, Chawleigh).

The Head of Planning, Economy and Regeneration outlined the contents of the report by way of presentation highlighting the site location plan and the details of the access, all other matters would be reserved for future consideration. She provided an indicative layout which included landscaping to be considered under reserved matters and provided photographs which identified the access and views from various aspects of the site. She provided an update with regard to a correction to page 57 of the report and that the recommendation would also include a further S106 requirement for 5% self-build on serviced plots. She explained that the application was different to that previously discussed in that this was a proposed site (for 20 dwellings) within the emerging Local Plan Review and the amount of weight which could be given to emerging Local Plan

The main issue for members was the application for 26 dwellings and whether there was harm in the additional 6 against the 20 proposed within the allocation.

Consideration was given to:

- The detail of the application and the number of dwellings proposed
- The access to the site and the views of the Highway Authority
- The allocation within the emerging Local Plan and the amount of affordable housing proposed
- The views of the agent with regard to the housing need, the allocation and the fact that development on the site was acceptable, the increase in dwellings would improve the number of affordable housing, there was no objection from the Lead Local Flood Authority of the Highways Authority

- The views of the Chairman of Chawleigh Parish Council with regard to the limited land for development, the allocation within the emerging Local Plan, the views of the Parish Council and the need for any affordable housing to be non distinguishable from market housing, the additional traffic from 6 more dwellings, potential drainage and flooding issues and the narrowness of School Lane.
- The views of the Ward Member with regard to the amount of dwellings within the allocation in the emerging Local Plan and the application for 26 dwellings and the initial thoughts of the Highway Authority in May 2019
- The reasoning behind the recommendation for 20 dwellings within the allocation
- Whether a reduction in the number of dwellings could be negotiated

It was therefore:

RESOLVED that: the application be deferred to allow officers to negotiate with the developer with a view to reducing the number of dwellings on the site to 20 in total.

(Proposed by Cllr S J Clist and seconded by Cllr B G J Warren)

Notes:

- i) Cllr C J Eginton made declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had been involved in discussions with the Parish Council and objectors to the application
- ii) Mr King-Smith (Agent) spoke;
- iii) Cllr Godley (Chairman of Chawleigh Parish Council) spoke
- iv) Cllr C J Eginton spoke as Ward Member;
- v) A proposal to approve the application was not supported;
- vi) The following late information was provided: Correction p57 Main modifications to the Local Plan Review will (subject to future decisions of Cabinet and Council) be subject to public consultation. The consultation has not yet started.

Recommendation to also include a further S106 requirement:
5% self build as serviced plots.

- c) No 3 on the Plans List ***(18/01711/MOUT – Formation of an open clamp (4630m2) for the storage of silage and provision of new access – land and buildings at NGR 288069 117081 (Gibbet Moor Farm) Rackenford).***

This item had been deferred as indicated in minute 69.

- d) No 4 on the Plans List ***(19/01396/TPO – Application to fell 1 oak tree protected by Tree Preservation Order 02/00006/TPO – land at NGR 296476 113635 (adjacent to 3 St Johns Close), Redvers Way, Tiverton***

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of the tree and the fact that it was growing out of the hedgerow (which was protected) and was not a very good specimen nor worthy of a TPO.

Consideration was given to: the oak trees in the area and that the oak in question had grown from within the hedgeline.

It was therefore:

RESOLVED that: the application be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr D J Knowles and seconded by Cllr B A Moore)

71 **MAJOR APPLICATIONS WITH NO DECISION (2-12-55)**

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

It was **AGREED** that:

Application 19/01679/MFUL (Ground Mounted Solar PV Array, Langford) be brought before committee for determination and that a site visit take place.

Application 19/01592/MOUT (Phase 2 of the north west Cullompton Urban Extension) be brought before committee for determination and that a site visit take place.

Note: *List previously circulated; copy attached to the Minutes

72 **APPEAL DECISIONS (2-15-32)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to Minutes.

73 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (2-17-00)**

Prior to considering the following item 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.

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 and 5 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) and

paragraph 5, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

74 **APPEAL - APPLICATION 17/01359/MOUT - OUTLINE FOR THE ERECTION OF 60 DWELLINGS AND CONSTRUCTION OF NEW VEHICULAR ACCESS ONTO HIGHWAY TO THE WEST OF THE SITE - LAND AND BUILDINGS AT NGR 302469 114078, HIGHER TOWN, SAMPFORD PEVERELL**

The Committee had before it a *report of the Group Manager for Legal Services and Monitoring Officer.

Members considered the report before them and discussed the way forward with regard to the forthcoming appeal.

Note: *Report previously circulated.

(The meeting ended at 6.30 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 9 October 2019
at 6.00 pm

Present

Councillors C J Eginton (Chairman)
Mrs F J Colthorpe, C R Slade,
Mrs M E Squires, L D Taylor, A White,
A Wilce, Mrs N Woollatt and A Wyer

Also Present

Councillor(s) R Evans

Also Present

Officer(s): Kathryn Tebbey (Group Manager for Legal Services and
Monitoring Officer) and Sally Gabriel (Member Services
Manager)

12 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

13 PUBLIC QUESTION TIME

There were no members of the public present.

14 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-01-07)

Members were reminded of the need to make declarations of interest when necessary.

15 MINUTES (00-01-15)

The minutes of the last meeting were approved as true record and signed by the Chairman.

16 CHAIRMAN'S ANNOUNCEMENTS (00-02-00)

The Chairman had no announcements to make.

17 REGISTERS OF INTERESTS - PARISH COUNCILS (00-02-05)

The Committee had before it a *report of Monitoring Officer updating it on the number of outstanding registers from parish councils in the district and to consider what should be done to remedy this.

The officer outlined the contents of the report highlighting the requirements when it came to the completion of registers of interests: she explained that members were required to submit their completed register of interests to the Monitoring Officer within 28 days of taking office and within 28 days of any changes arising to those interests,

and that the same rules applied to parish councillors. She informed the meeting that despite the chasing of individuals, there were still a number of parish registers outstanding.

Section 34 of the Localism Act 2011 stated that it was an offence without reasonable excuse to fail to comply with the obligation to submit a register of interests in the manner required by the law which included the 28 day rule and that most codes of conduct would have the same requirements. It was therefore suggested that those parish councillors were in breach of the Code of Conduct and that this was also an offence under the Localism Act and therefore a matter for the police. She was willing to write to each councillor individually requesting them to rectify the situation within a tight timescale.

Consideration was given to:

- Whether the issue should be dealt with via the Code of Conduct complaints system
- One more formal letter to try to rectify the situation
- The impact of police action on local parish councils
- Whether police time would be justified on what seemed a minor offence
- Whether other councils were dealing with the same problem
- The fact that the Monitoring Officer could not ignore the situation
- The fact that the police were now aware of the issue and the timescales

It was therefore

RESOLVED that the Monitoring Officer issue a final warning to those councillors in default with the threat that if they failed to comply within 7 days then the police would be informed.

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

Notes:

- i) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- ii) *Report previously circulated, copy attached to minutes.

18 **STANDARDS WORKING GROUP REPORT - REVIEW OF THE JANUARY 2019 REPORT FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE (00-19-40)**

The Committee had before it a *report of the Monitoring Officer updating it on the Standards Working Group's consideration of the report of the Committee on Standards in Public Life issued in January 2019.

The Chairman outlined the contents of the report and walked through the actions recommended by the working group.

Consideration was given to whether council's should report on separate bodies they had set up or which they owned as part of their annual governance statement and whether those bodies should abide by the Nolan Principles of openness and publish their board agendas and minutes. The Monitoring Officer stated that she found this

recommendation from the Committee on Standards in Public Life unusual, bearing in mind commercial confidentiality and sensitivity and she felt that any of this information should not be put into the public domain. As stated within the notes, she had looked at some of the board agendas and minutes in confidence and found that those documents particularly the minutes did contain personal data and commercially sensitive information on 3 Rivers and third party owners, developers and contractors.

It was therefore:

RESOLVED that the recommendations of the Standards Working Group be agreed and that the actions taken to date be noted.

(Proposed by the Chairman)

Further:

RECOMMENDED to Council that the consequential revisions to the Code of Conduct as set out in part 3 of the report be approved and that the revised Code be adopted.

(Proposed by the Chairman)

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

19 **THE CHALLENGE OF SOCIAL MEDIA FOR MEMBERS (00-26-44)**

The Committee had before it an *open letter from Jonathan Evans, Chair of the Committee on Standards in Public Life. The Monitoring Officer stated that we lived in a social media age and that the use of social media was an instant platform for members to engage with their electorate, however there was a difference between member's public and personal life and that members would have to be very careful to separate these.

Consideration was given to:

- The use of social media in a public and private capacity
- The possibility of a policy on social media being progressed
- There had been some social media guidelines provided to members by the Communications Team which had included a reminder about the risk of using social media
- Whether the working group should be reconvened to consider such a policy

It was therefore:

RESOLVED that the working group comprising of Cllrs C J Eginton, L D Taylor, A Wilce and Mrs N Woollatt be reconvened to consider the need for a policy on the use of social media by members and that the findings of the working group be considered by the Committee at its next meeting.

(Proposed by Cllr C R Slade and seconded by Cllr Mrs N Woollatt)

Note: *open letter previously circulated, copy attached to minutes.

20 COMPLAINTS

The Monitoring Officer provided an update regarding the number of complaints received since the previous meeting.

21 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

It was **AGREED** that the following be considered at future meetings of the committee:

- Report from the Standards Working Group on a social media policy
- Update on the outcome of the Register of Interests issue
- Training needs for the committee
- The LGA were preparing a draft model Code of Conduct which would be considered when it was available
- Complaints update
- Information regarding the new Independent Person if appropriate.

(The meeting ended at 6.42 pm)

CHAIRMAN

**STANDARDS COMMITTEE
9 OCTOBER 2019**

REPORT OF THE STANDARDS WORKING GROUP

Cabinet Member(s): Cllr Nikki Woollatt, Cabinet Member for the Working Environment and Support Services

Responsible Officer: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer

Reason for Report: to update members on the Standards Working Group's consideration of the report of the Committee on Standards in Public Life issued in January 2019.

RECOMMENDATION:

- 1 that the recommendations of the Standards Working Group be agreed and the action taken to date be noted.**
- 2 the Council be recommended to approve the consequential revisions to the Code of Conduct set out in part 3 of this report and then to adopt the revised Code.**

Financial Implications: Depending on the outcome on the proposed indemnity for the Independent Person, there may be a financial implication in covering the cost of such indemnity. That is not yet known as further discussions need to take place.

Legal Implications: These are set out in this report where appropriate.

Risk Assessment: Not keeping up to date with best practice in ethical standards.

Equality Impact Assessment: None directly arising from this report.

Relationship to Corporate Plan: Member development; working with town and parish councils.

Impact on Climate Change: None directly arising from this report.

1.0 Introduction/Background

1.1 On 29 July 2019, the Standards Working Group met to consider the report of the Committee on Standards in Public Life which was published in January 2019. The Working Group looked at those recommendations that might be actioned in advance of the Government's response and the advice on best practice. The minutes of the meeting are attached at Appendix 3.

1.2 The Monitoring Officer and two Deputy Monitoring Officers have worked through the recommendations made by the Working Group. The actions taken to date are set out in the table below. The Monitoring Officer can advise Members in the meeting of any further developments since the drafting of this report.

2.0 Recommendations made and action taken

- 2.1 Table 1 at Appendix 1 is taken from the minutes of the Working Group meeting and expanded to include a column of action taken following the meeting. The number and recommendation columns are a reference to the recommendations of the Committee on Standards in Public Life. Members therefore need to have access to their agenda papers from 19 June 2019, as this included the relevant report.
- 2.2 Table 2 at Appendix 1 shows the Working Group's consideration of the best practice put forward in the report – again the numbers and best practice are those taken from the report to which members should refer.

3.0 Consequential changes to the Code of Conduct

- 3.1 The Standards Working Group has recommended changes to the Code of Conduct by including harassment as an unacceptable behaviour, together with general definitions for bullying and harassment. Examples of such behaviour are not necessarily helpful – inevitably this is fact specific in any case. The revised Code of Conduct in draft form is appended at Appendix 2.
- 3.2 If the Standards Committee is happy with the draft revisions to the Code, it will need to recommend to Council that they be approved and that the Code be adopted.

Contact for more Information: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer, (01884) 234210 ktebbey@middevon.gov.uk

Circulation of the Report: Cabinet Member seen and approved [yes/no – name of Cabinet Member], Leadership Team seen and approved [yes/no]

List of Background Papers:

Report of the Committee on Standards in Public Life, January 2019.
Minutes of Standards Committee 19 June 2019
Constitution of Mid Devon District Council

TABLE 1

Number	Recommendation	Outcome of discussion	Action/advice of the Monitoring Officer
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	<p>The Monitoring Officer was already reviewing the current indemnity for Members and officers. This could potentially include the Independent Person.</p> <p>Recommendation for action – MO to discuss with counterparts in other authorities and include in indemnity review.</p>	<p>Followed up with the Council’s accountant responsible for insurance to see whether Independent Person already covered by existing insurance policy. Response from insurers indicates not.</p> <p>A request submitted for a quotation on how much it would cost to extend the cover to the IP.</p> <p>Insurers now indicate they will not cover this. MO will discuss with IP.</p>
19	Parish Council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	<p>Agreed that this could not be mandatory, but that the clerks should be notified of the recommendation.</p> <p>Recommendation for action - MO to write to Parish Clerks requesting that they note the recommendation.</p>	An email was sent to all clerks on 6 August 2019.
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules	<p>Formal Induction programme had taken place. Some Members did not attend all the training.</p> <p>Recommendation for action – MO and SG to identify those who may need further training, although responsibility also rests with the Members themselves.</p>	Further training for some key sessions is being organised with the relevant councillors e.g. Scrutiny, Standards. Some of the more generic sessions have to a large extent been superseded by experience and ad-hoc advice.

TABLE 2

Number	Best Practice	Outcome of discussion	Action/advice of the Monitoring Officer
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	<p>There is a general obligation within the code with regard to bullying, but there is no mention of harassment nor a definition of either.</p> <p>Recommendation for action – MO to add in harassment and include definitions (ordinary meanings from dictionary).</p>	<p>This has been drafted. The revised Code of Conduct is shown at Appendix 2 with the changes tracked in.</p> <p>If agreed on 9 October, this would need to be a recommendation from the Standards Committee to Full Council</p>
2	Councils should include provision in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors	<p>Not thought necessary. If a member chooses not to participate in any formal standards investigation, they run the risk of not getting their views across. That is a matter for them. To create an additional scope for breach would seem excessive and not really be of benefit. Trivial and malicious allegations can already be rejected under the local assessment criteria already in place.</p> <p>No action required.</p>	

3.	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	The code of conduct was available on the website and was amended when required. No action required.	
4.	An authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	The code of conduct was readily available on the website and upon request. No action required	
5.	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format such as CSV	Acknowledged that Members could either add gifts and hospitality to their ROI form or complete a separate form. Register kept by Member Services. Automated quarterly reminder to Members discussed. Consideration of how to publish in one format only. Recommendation for action - MO and SG to liaise and provide advice to Members.	There was section 7 in the ROI form and a separate form in Appendix H, leading to potential confusion. Updating ROI forms is often overlooked and there is no reason for gifts to remain on a Members' register indefinitely. The old section 7 has been removed from the ROI form in the Constitution using MO's powers of minor amendment, as has the reference to it in the Code of Conduct (pg. 146) - and also in the guidance on registrable interests (pg. 248). Members to be directed to use the separate form in Appendix H. Put guidance on WIS.

			The MO will also need to contact the Clerks to parish councils as many have register of interest forms that are the same or similar to those used by Mid Devon DC. These currently include requiring the form to be sent to the MO, which is not necessary. This will be taken forward as a separate piece of work.
6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Acknowledged that we already have the Jurisdiction Test and the Local Assessment Criteria which fulfil the purpose of the public interest test. No action required.	
7.	Local authorities should have access to at least 2 Independent Persons.	Following a previous resignation, the Council has only one IP, although MO has agreed with other authorities to share theirs if absolutely necessary. The MO had already signalled intent to recruit a further IP in the autumn 2019. Recommendation for action – MO to proceed with her proposed recruitment of a further IP in the autumn.	MO has recently looked to recruit an additional member for the Independent Remuneration Panel, which is currently inquorate, so cannot meet. A report will go to Full Council on 6 November. The appointment of a new IP will be followed up in October 2019. Although this will be advertised, the MO has written to a couple of neighbouring authorities to see whether their current IPs are interested in taking on another council. They could then be notified of the advert and apply if they wish to.

8.	An IP should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious or trivial.	This already takes place and is set out in the Council's procedures. No action required.	
9.	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the IP, the reasoning of the decision-maker and any sanction applied.	The Council would publish such a decision as part of its standard reporting of formal meetings – decisions on a breach following formal investigation already go to the Standards Sub-Committee for a hearing. No action required.	

10.	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints and estimated timescales for investigations and outcomes.	<p>Agreed that communication was key. Process states normally 30 days for Jurisdiction test and normally 30 days for Local Assessment criteria. Other timescales also given if it moves to formal investigation. All are indicative.</p> <p>Recommendation for action - Standard email acknowledgement of a complaint will outline timescales with further correspondence required should there be a delay (MO).</p>	MO has created standard emails to acknowledge a complaint, notify a councillor (although this requires addition of content) and also a standard template for consulting the Independent Person (headings only). These are now being used.
11.	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole rather than the clerk in all but exceptional circumstances	<p>Agreed that this was a matter for the town and parish councils and MDDC cannot insist on this. MO would not reject a complaint from a Clerk (rather than the Chairman) despite this recommendation</p> <p>Recommendation for action – MO to draw this to the attention of the parish councils.</p>	An email was sent to all clerks on 6 August 2019.
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of	The role of the MO was in the Constitution. She felt well supported by Leadership Team, but was aware of current financial challenges in terms of resources, so was looking to manage the workload as far as possible without adding to those challenges.	

	<p>the principal authority. They should be provided with adequate training, corporate support and resources to undertake the work.</p>	<p>No further action required.</p>	
13	<p>A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the MO from a different authority to undertake the investigation.</p>	<p>No formal procedure in place.</p> <p>If there were to be a conflict of interest, then another authority or external investigator would be contacted as a matter of course.</p> <p>No action required</p>	
14	<p>Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual</p>	<p>Acknowledged that 3 Rivers was considered within the Annual Governance Statement and by the Audit Committee.</p> <p>Consideration was given to how open the company should be. The Committee's report acknowledged the challenge of commercial and confidential information, so this needs to be handled with care before any decision is made.</p>	<p>In early August, the MO looked at the websites of local authority housing development companies around the country – although many such companies are barely off the ground and do not have websites. Of those that do, none examined were publishing these documents online. From a wider search, the MO selected the following for closer scrutiny:</p> <p>Big Sky Developments Limited Fortior Homes Bridge Homes Yorkshire Sempra Homes Limited Chapter Homes Durham Limited</p>

	<p>reports in an accessible place.</p>	<p>Recommendation for action – MO to consider further the suggestion of publication of board minutes etc. and report back.</p>	<p>The MO posted a question about this on a forum for local government lawyers, which is also viewed by some private sector consultants.</p> <p>The MO is concerned about commercial confidentiality and sensitivity. Allied to that is the risk that, were the Council (as shareholder) to seek to impose such a requirement, the board meetings may become fairly bland and light on detail.</p> <p>Unless a particular decision or resolution were required (for Companies House, HMRC or other purposes) by a properly convened board meeting, more business may be transacted informally to preserve commercial confidentiality. This would be a risk due to a reduced audit trail – for the company and for the Council as shareholder.</p> <p>The MO has looked at some board agendas and minutes to see the level of detail currently contained within them. The MO finds that these documents, particularly the minutes, contain personal data and commercially sensitive information for both 3 Rivers and third party owners, developers and contractors. This should not be in the public domain.</p>
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15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	<p>Agreed that the Group Leaders' (collective) meetings with the Chief Executive should be re-established as a useful forum for raising any issues.</p> <p>Recommendation for action – Group Leaders to take this forward, although Members of the working group thought it was a good idea.</p>	MO understands that the CExec is looking to do this shortly.
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CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS

1. Introduction and Interpretation

1.1 This Code came into effect on February 2016 and applies to you only when acting in your capacity either as a Councillor or Co-opted (voting) Member of the Council or its Committees and Sub-committees.

1.2 The Nolan Principles

It is your responsibility to comply with the provisions of this Code which will assist the Council in meeting its statutory obligation to promote and maintain high standards of conduct by its Councillors and Co-opted Members in accordance with the following principles:

- **Selflessness.** Holders of public office should act solely in terms of the public interest.
- **Integrity.** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
- **Objectivity.** Holders of public office must act and take decisions impartially, fairly and on merit using the best evidence and without discrimination or bias.
- **Accountability.** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness.** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty.** Holders of public office should be truthful.
- **Leadership.** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. DPIs

2.1 In this Code:-

A “disclosable pecuniary interest” is an interest within the prescribed descriptions set out below that you have personally, or is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners, and you are aware that that other person has the interest:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M’s knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the Committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a Member of a relevant authority;

“Member” includes a Co-opted Member;

“relevant authority” means the authority of which M is a Member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31 (7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

“meeting” means any meeting of:-

- (a) the Council;
- (b) the Executive of the Council;
- (c) any of the Council's or its Executive's Committees, Sub-committees, joint committees, joint Sub-committees or area committees, including any site visit authorised by the Council, the Executive or any of the aforementioned Committees.

2.2 This Code does not cover matters in respect of which the Localism Act 2011 specifically provides that criminal sanctions will apply.

2.3 A failure of a Councillor or Co-opted Member to comply with this Code is not to be dealt with otherwise than in accordance with arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations can be made. In particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure by a Councillor or Co-opted Member to comply with the Code.

3. General Obligations

3.1 You must treat others with respect.

3.2 You must not -

_____ (a) do ~~anything~~ anything which may cause the Council to breach any of the equality enactments;

(b) bully or harass any person;

“bully” (and Bullying) may be characterised as:

- Offensive, intimidating, malicious or insulting behaviour; or
- An abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

“harass” (and Harassment) may be characterised as: unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

_____ (c) intimidate or attempt to intimidate any person who is, or is likely to be:-

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a Councillor or Co-opted Member (including yourself) has failed to comply with this code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

3.3 You must not:-

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-

- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.
- 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Councillors and Co-opted Members.
- 3.5 You:-
- (a) must not use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the Council's resources:-
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.6 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Chief Finance Officer or Monitoring Officer where that Officer is acting pursuant to their statutory duties.
- 3.7 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

4. Predetermination

- 4.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as a Councillor.
- 4.2 However you should not place yourself under any financial or other obligation to outside organisations that might seek to influence you in the performance of your official duties.
- 4.3 When making decisions you must consider the matter with an open mind and on the facts before the meeting at which the decision is to be made.
- 4.4 If a Councillor considers that they could be biased or they have predetermined their position to a decision, he or she should disclose this and should not take part in the decision making process whenever it becomes apparent that the matter is being considered.

5. Registration

- 5.1 The Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on our website:

<https://democracy.middevon.gov.uk/mgMemberIndex.aspx?bcr=1>

- 5.2 You must, before the end of 28 days beginning with the day on which you became a Councillor or Co-opted Member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given. You should be aware that these interests include those of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner so far as you are aware of the interests of that person. These interests will then be entered on the register of interests.
- 5.3 Where you become a Councillor or Co-opted Member of the Council as a result of re-election or re-appointment, paragraph 5.2 applies only as regards disclosable pecuniary interests not entered in the register when the notification is given.

6. Participation with a DPI

- 6.1 Subject to paragraphs 8.1 to 8.4 (*dispensations*), if you are present at any meeting and you are aware that you have a disclosable pecuniary interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered:
 - (a) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in paragraph 9 below, disclose merely the fact that it is a disclosable pecuniary interest);

- (b) not participate in any discussion or vote regarding that matter; and
- (c) withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date of the meeting at which it became apparent.

6.2 Subject to paragraphs 8.1 to 8.4 (*dispensations*), if you are aware that you have a disclosable pecuniary interest in any matter on which either:

- (a) you are authorised to make decisions, or
- (b) you are consulted by an Officer discharging powers delegated to them,

you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such Officer in respect of that matter.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date on which it became apparent.

6.3 You may participate in any business of the Council where that business relates to the Council's functions in respect of:-

- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to Councillors or Co-opted Members
- (e) any ceremonial honour given to Councillors; and
- (f) setting Council Tax or a precept under the Local Government Finance Act 1992.

7. **Gifts and Hospitality**

- 7.1 As a Councillor or Co-opted Member of the Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your integrity, honesty or objectivity. In particular, you
- (a) should avoid any behaviour which might reasonably be seen as motivated by personal gain;
 - (b) should exercise caution in accepting any gifts or hospitality which are (or which you might reasonably believe to be) offered to you because you are a Councillor or Co-opted Member;
 - (c) should never accept significant gifts or hospitality (i.e. anything with a value of £25 or more) from suppliers or contractors seeking to acquire or develop business with the Council; and
 - (d) must, within 28 days of receipt or acceptance, notify the Monitoring Officer of any gift you receive or hospitality you accept (of a value of £25 or more)..

8. Dispensations

- 8.1 A Councillor or Co-opted Member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant of a dispensation allowing that Councillor or Co-opted Member to participate in any discussion and/or vote on that matter at a meeting.
- 8.2 The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, he considers that without the dispensation:
- (a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
 - (b) considers that without the dispensation each Member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.
- 8.3 The Standards Committee may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, the Committee considers that:
- (a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
 - (b) granting the dispensation is in the interests of persons living in the District, or

(c) it is otherwise appropriate to grant the dispensation.

8.4 Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

9. Sensitive Information

9.1 Paragraphs 9.2 and 9.3 apply where:

(a) a Councillor or Co-opted Member of the Council has an interest (whether or not a disclosable pecuniary interest), and

(b) the nature of the interest is such that the Councillor or Co-opted Member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or Co-opted Member, or a person connected with that Councillor or Co-opted Member, being subject to violence or intimidation.

9.2 If the interest is entered in the register of interests, copies of the register that are made available for inspection, and any version of the register published on the Council's website, must not include details of the interest (but may state that the Councillor or Co-opted Member has an interest the details of which are withheld under this provision of the Code).

9.3 Where a disclosable pecuniary interest is not entered on the register of interests and would otherwise require disclosure at a meeting, the Councillor or Co-opted Member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

10. Removal of entries in the register

10.1 An entry in the register of interests will be removed once the person concerned:

(a) no longer has the interest, or

(b) is (otherwise than transitorily on re-election or re-appointment) neither a Councillor nor a Co-opted Member of the Council.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS WORKING GROUP** held on 29 July 2019 at 6.00 pm

**Present
Councillors**

C J Eginton, L D Taylor, A Wilce and
Mrs N Woollatt

**Also Present
Officer(s):**

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Maria De Leburne (Solicitor) and Sally Gabriel (Member Services Manager)

1 ELECTION OF CHAIRMAN

It was **AGREED** that Cllr C J Eginton would chair the meeting of the working group.

2 APOLOGIES

There were no apologies.

3 LOCAL GOVERNMENT ETHICAL STANDARDS - A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Group considered the list of recommendations (outside of the Government's remit) and the list of best practice.

Recommendations

Number	Recommendation	Outcome of discussion
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	The Monitoring Officer was already reviewing the current indemnity for members and officers. This could potentially include the Independent Person. Recommendation for action – MO to discuss with counterparts in other authorities and include in indemnity review.
19	Parish Council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Agreed that this could not be mandatory, but that the clerks should be notified of the recommendation. Recommendation for action - MO to write to Parish Clerks requesting that they note the

		recommendation.
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules	Formal Induction programme had taken place. Some members did not attend all the training. Recommendation for action – MO and SG to identify those who may need further training, although responsibility also rests with the members themselves.

Best Practice

Number	Best Practice	Outcome of discussion
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	There is a general obligation within the code with regard to bullying, but there is no mention of harassment nor a definition of either. Recommendation for action – MO to add in harassment and include definitions (ordinary meanings from dictionary).
2	Councils should include provision in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors	Not thought necessary. If a member chooses not to participate in any formal standards investigation, they run the risk of not getting their views across. That is a matter for them. To create an additional scope for breach would seem excessive and not really be of benefit. Trivial and malicious allegations can already be rejected under the local assessment criteria already in place. No action required.
3.	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	The code of conduct was available on the website and was amended when required. No action required.
4.	An authority's code should	The code of conduct was readily

	be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	available on the website and upon request. No action required
5.	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format such as CSV	Acknowledged that Members could either add gifts and hospitality to either their ROI form or a complete a separate form. Register kept by Member Services. Automated quarterly reminder to Members discussed Consideration of how to publish in one format only. Recommendation for action - MO and SG to liaise and provide advice to Members.
6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Acknowledged that we already have the Jurisdiction Test and the Local Assessment Criteria which fulfil the purpose of the public interest test. No action required.
7.	Local authorities should have access to at least 2 Independent Persons.	Following a previous resignation, the Council has only one IP, although MO has agreed with other authorities to share theirs if absolutely necessary. The MO had already signalled intent to recruit a further IP in the autumn 2019. Recommendation for action – MO to proceed with her proposed recruitment of a further IP in the autumn.
8.	An IP should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit vexatious or trivial.	This already takes place and is set out in the Council's procedures. No action required

9.	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the IP, the reasoning of the decision-maker and any sanction applied.	The Council would publish such a decision as part of its standard reporting of formal meetings – decisions on a breach following formal investigation already go to the Standards Sub-Committee for a hearing. No action required.
10.	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints and estimated timescales for investigations and outcomes.	Agreed that communication was key. Process states normally 30 days for Jurisdiction test and normally 30 days for Local Assessment criteria. Other timescales also given if it moves to formal investigation. All are indicative. Recommendation for action - Standard email acknowledgement of a complaint will outline timescales with further correspondence required should there be a delay (MO).
11.	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole rather than the clerk in all but exceptional circumstances	Agreed that this was a matter for the town and parish councils and MDCC cannot insist on this. MO would not reject a complaint from a Clerk (rather than the Chairman) despite this recommendation Recommendation for action – MO to draw this to the attention of the parish councils.
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils	The role of the MO was in the Constitution. She felt well supported by Leadership Team, but was aware of current financial challenges in terms of resources, so was looking to manage the workload as far as possible without adding to those

	within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake the work.	challenges. No further action required.
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the MO from a different authority to undertake the investigation.	No formal procedure in place. If there were to be a conflict of interest, then another authority or external investigator would be contacted as a matter of course. No action required
14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	Acknowledged that 3 Rivers was considered within the Annual Governance Statement and by the Audit Committee. Consideration was given to how open the company should be. The Committee's report acknowledged the challenge of commercial and confidential information, so this needs to be handled with care before any decision is made. Recommendation for action – MO to consider further the suggestion of publication of board minutes etc. and report back.
15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Agreed that the Group Leaders' (collective) meetings with the Chief Executive should be re-established as a useful forum for raising any issues. Recommendation for action – Group Leaders to take this forward, although members of the working group thought it was a good idea.

4 **NEXT STEPS**

It was agreed that the issues raised would be actioned and that the Monitoring officer would report back to the Group informally by mid September. A report of the working group would be put before the Standards Committee on 9 October.

(The meeting ended at 7.28 pm)

CHAIRMAN

COUNCIL
6 NOVEMBER 2019

APPOINTMENT OF INDEPENDENT REMUNERATION PANEL MEMBERS

Cabinet Member(s): Councillor Bob Deed, Leader of the Council
Responsible Officer: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer

Reason for Report: to approve the recommended appointment to the Independent Remuneration Panel for Members' Allowances in Mid Devon

RECOMMENDATIONS:

(1) that Mr Jeremy Filmer-Bennett be appointed to the Independent Remuneration Panel until the Annual General Meeting in May 2023

Financial Implications: it is recommended that the Council continues its current practice of paying travelling expenses when Panel members attend their meetings. The cost can be met within existing budgets.

Legal Implications: The Local Authorities (Members' Allowances) (England) Regulations 2003 set out the requirements relating to the appointment of Independent Remuneration Panels.

Risk Assessment: The Council must have an Independent Remuneration Panel of a least three members.

Equality Impact Assessment: None directly arising from this report.

Relationship to Corporate Plan: None directly arising from this report.

Impact on Climate Change: None directly arising from this report.

1.0 Introduction/Background

1.1 The Council must have an Independent Remuneration Panel to review members' allowances and the Panel must comprise at least three members. The Panel also acts as the relevant Parish Remuneration Panel within the district.

1.2 Historic guidance from the former Office of the Deputy Prime Minister emphasises that the membership of the Panel must be truly independent – and be perceived to be such. Political appointments and those made through any personal association with the Council should always be avoided.

1.3 Further, it is desirable that there is continuity of experience in the Panel – with appointments being made for a period of several years and to ensure that there is always at least one member of the Panel with sufficient experience of the role.

2.0 Current Membership

- 2.1 By law, the minimum number of panel members is three. Following the resignation of a panel member earlier this municipal year, this leaves just two remaining members who are willing to continue. The Panel is therefore inquorate.
- 2.2 As many members will be aware, the Panel commenced a fundamental review of members' allowances in February 2019. The aim was to prepare a report for circulation to Members by the end of the calendar year. However, with the Panel being unable to sit in recent weeks, this work has had to be put on hold.

3.0 New Appointment

- 3.1 The Council advertised for new panel members in August. Panel members receive expenses, but are not remunerated. There were no expressions of interest and no applications.
- 3.2 Given the importance of the role and the need for the Panel to become quorate as soon as possible in order to complete the fundamental review, a direct approach was then made to South West Councils, the membership body which draws together and shares best practice and information for the benefit of councils across the south-west region.
- 3.3 Consequently, Mr Jeremy Filmer-Bennett contacted Member Services to express an interest in the role. Mr Filmer-Bennett has an extensive background in business, but has also worked with a number of councils around the country, and central government, in matters of commercial strategy and the business community. He was instrumental in establishing the Heart of the South West Local Enterprise Partnership. Previously a resident of Tiverton, he now resides in North Devon where he is a parish councillor. He currently sits on the Independent Remuneration Panels for Torridge and North Devon Councils and therefore has very relevant experience.
- 3.4 The Monitoring Officer met Mr Filmer-Bennett on 16th September 2019 and is satisfied that he combines a good understanding of the role of local authority members, political sensitivity and the work of independent remuneration panels. He fully understood the processes of reviews and is available to commence work with the existing panel members immediately following appointment.
- 3.5 It is therefore recommended that **Jeremy Filmer-Bennett** be appointed as the third member of the Panel with immediate effect for the period to May 2023. The Panel will then comprise:

Karen Stone
Marianne Hulland
Jeremy Filmer-Bennett

4.0 **Future appointments**

- 4.1 Given the requirement for a minimum of three panel members, it would be desirable to make at least one further appointment. However, it would be better if this took place after the Panel has completed the fundamental review of members' allowances to avoid further delay to that review. It is anticipated that this review will now be completed by February 2020. A further recruitment process will then take place.

Contact for more Information: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer, (01884) 234210 ktebbey@middevon.gov.uk

Circulation of the Report: Cabinet Member - Councillor R M Deed and Leadership Team

List of Background Papers:

- The Local Authorities (Members' Allowances)(England) Regulations 2003
- Historic ODPM Guidance on members allowances and the appointment of the Independent Remuneration Panel

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