

# 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, 8 January 2020 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 is scheduled to be held in Tiverton on Wednesday, 26 February 2020 at 6.00 pm]**

### **STEPHEN WALFORD**

Chief Executive

30 December 2019

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

Reverend Glyn Lewry (Sampford Peverell Team Mission) 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 9 - 40)**

Members to consider whether to approve the minutes as a correct record of the meeting held on 6 November 2019.

Members to consider whether to approve the minutes as a correct record of the extraordinary meeting held on 4 December 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.

A petition with 2118 signatures referring to Car Parking Charges has been received, this will be presented to Council. (Procedure Rule 12 applies)

## 7 **Notices of Motions**

### **(1) Motion 559 (Councillor R B Evans – 22 October 2019)**

The following motion had been referred to the Environment Policy Development Group for consideration and report:

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).

***The Policy Development Group at its meeting on 26 November***

**2019 considered the Motion and following discussion, Councillor R B Evans in accordance with Procedure Rule 16.4 agreed that the Motion be amended to read:**

'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 **appropriate** land within the ownership of the authority that is not suitable for development, for the planting of ~~native British~~ **suitable** 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).'

The Environment Policy Development Group therefore recommended that the Motion (as amended) be supported.

## **(2) Motion 560 (Councillor R J Chesterton – 23 October 2019)**

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

### **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.

***The Cabinet at its meeting on 21 November 2019 considered the Motion and following discussion, RECOMMENDED to Council that Motion 560 be supported subject to further discussion prior to Council with regard to the timeframe for any report to the Planning Policy Advisory Group.***

Councillor R J Chesterton in accordance with Procedure Rule 16.4 has agreed that the Motion be amended to read:

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 **six** 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.

### **(3) Motion 561 (Councillor R B Evans – 17 December 2019)**

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

#### **Development Management Policy**

That this council commits to proactively seeking out and exploring that every opportunity is taken to install a carbon neutral power supply option within all new build development from 01/01/2021 but specifically when residential development is being planned.

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.

### **(4) Motion 562 (Councillor R B Evans – 17 December 2019)**

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

That MDDC commits to proactively seeking out and exploring development of a long term partnership with a company / companies that can supply innovative power generation that offers carbon neutral power and where possible seeks to give an income stream back to the authority when operational.

That officers are instructed to seek out and explore such opportunities with available companies with immediate effect in order that MDDC can ensure we are actively addressing our own policy to seeking to be

carbon neutral by 2030.

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 41 - 124)**

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

- (1) Cabinet
  - 19 December 2019
- 2) Scrutiny Committee
  - 2 December 2019
  - 6 January 2020 - (to follow)
- (3) Audit Committee
  - 10 December 2019
- (4) Environment Policy Development Group
  - 26 November 2019
- (5) Homes Policy Development Group
  - 3 December 2019
- (6) Economy Policy Development Group
  - 28 November 2019
- (7) Community Policy Development Group
  - 10 December 2019
- (8) Planning Committee
  - 20 November 2019
  - 17 December 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 **Leader's 6 Monthly Update**

The Leader will address the Council.

11 **Appointment of Independent Persons** (*Pages 125 - 126*)

To consider a report from the Group Manager for Legal Services and Monitoring Officer requesting the Council to appoint an additional Independent Person.

12 **Outside Body Appointment**

To consider the appointment of an Armed Forces Champion for Mid Devon to represent the Council on the Devon Armed Forces Community Well-Being Partnership and other forums.

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

Fax:

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 6 November 2019 at 6.00 pm

### **Present**

#### **Councillors**

L J Cruwys (Chairman)  
Mrs E M Andrews, 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,  
B Holdman, T G Hughes, D J Knowles,  
F W Letch, E G Luxton, B A Moore,  
Miss J Norton, S J Penny, D F Pugsley,  
R F Radford, C R Slade, Mrs M E Squires,  
L D Taylor, Ms E J Wainwright,  
B G J Warren, A White, A Wilce, J Wright  
and A Wyer

### **Apologies**

#### **Councillors**

W J Daw, Mrs I Hill, R L Stanley and  
Mrs N Woollatt

### 69 **Apologies**

Apologies were received from Councillors: W J Daw, Mrs I Hill, R L Stanley and Mrs N Woollatt.

### 70 **Public Question Time**

Miriam Hadocks from the Tiverton Tree Team stated: I have been very encouraged by the recent actions of this council and its wholehearted response towards the request to declare a climate emergency and to begin to take action on this declaration. By the development of the Devon Carbon Plan at county level and by the recent people's assembly which more than 60 people attended and the 200 people who marched on the climate strike day all of whom supported a zero carbon Tiverton. Both the assembly and this council have emphasised the need and enthusiasm for extensive tree planting to combat climate change in this town, district and council area. I am encouraged by the emergence of Tiverton Tree Team a voluntary community group and part of 'Sustainable Tiverton' of which I am a part, and the large and enthusiastic response that has been received by them in their action to plant thousands of trees in the local area this winter from landowners, individuals, schools and community groups.

Today I am encouraged by Motion 559, brought by Councillor Bob Evans which states that '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' and also that 'This council agrees to work alongside community groups and schools

whenever possible to encourage community ownership and a sense of place and wellbeing within our communities'

Tiverton Tree team have received a donation of almost 1000 trees to be planted on public and community land and monetary donations to buy more. We have many volunteers to plant them and a vision to develop accessible community woodland, enriching the environment and encouraging local people and groups in planting and aftercare.

Time is of the essence in climate mitigation and we plan to start on National Tree Planting Day on 30<sup>th</sup> November and continue beyond that date. This offers district residents and this council the opportunity to take immediate positive action on our joint aims. My question therefore is this, will this council act promptly and decisively on their commendable commitment to combatting climate change by taking this opportunity to talk and work with Tiverton Tree Team in the local community to make available enough land in Tiverton and surrounding area's for publically accessible tree planting projects sufficient for at least 1000 trees or more this November and throughout the winter and will the council with its greater resources commit to donating more trees in addition to the 1000 already donated?

Emily Fitzherbert also from the Tiverton Tree Team stated my question is also related to the same motion about the council planting as many trees as possible on MDDC land. The motion states that land which is not suitable for development should be used for the planting of trees and I was wondering whether it would be possible to define that more precisely, how would you define not suitable for development because technically all land could be suitable for development. My question is how would we define that and can we make it as narrow as possible so that we can find as much land as possible to plant trees on and also within a reasonable timeframe.

Dave Woods stated that inevitably within what we are talking about today is that money is important and I have just come across this recently as a forester. The council has a tree preservation and maintenance policy, clearly defined, but it does say within that there are budget restrictions on how trees maybe replaced or even for tree expansion around Tiverton and trees cost money. So are the Council aware of the Government's urban tree challenge which has just been announced and if so have they made an expression of interest. It is possible to put forward an expression of interest at this stage for funding next year. I think it's quite important to be aware of that and I wondered if they are and also would they consider planting more fruit and nut trees as a part of this process because we feel that this is an important way of connecting with the community.

Sally Chapman thanked Cllr Evans for tabling the motion which is very encouraging. My question is regarding Council tenants in council properties and just referring to the improvement to council property policy where council's tenants can request for alterations and improvements to their properties I am wondering whether within that policy council tenants would be able to request trees to be planted in their garden?

The Cabinet Member for the Environment and Climate Change responded thanking the Tiverton Tree Team for the questions and advising them that the process for the motion as tabled, is for it now to be referred to the Environment Policy Development Group to debate and discuss and to make any recommendations prior to it being referred back to council in due course for a decision. He therefore could not give

responses to many of the points raised as these will be the subject of future discussion.

However he did want to provide some reassurance that, firstly, that this council does take its environmental responsibilities seriously and will be actively looking at ways to reduce harmful emissions and support carbon-reduction methods such as tree planting. Secondly, while the council doesn't have a tree 'warden' as such, it will shortly be recruiting for a Tree Officer who advises on quality and standards of trees from a planning and asset management perspective, providing arboricultural advice to the council as needed. He didn't think the council had any involvement with the Tiverton Tree Team directly and that there were a large number of local community groups,(and that this was something he was involved in within his parish) being formed on a range of specific issues, and that discussions had taken place with groups in various towns who had sustainable groups. With regard to a new policy, that would need to be investigated.

#### **71 Declarations of Interest under the Code of Conduct**

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

#### **72 Minutes (00-14-19)**

The minutes of the meeting held on 11 September 2019 were agreed as a correct record and signed by the Chairman.

#### **73 Chairman's Announcements (00-15-06)**

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

- The opening of the council development at Turner Rise, Palmerston Park, Tiverton
- The Tiverton Mayor's Charity Dinner
- The West Devon District Council Civic Service at Okehampton
- The Lord Lieutenant's Awards at Rockbeare Manor
- The Volunteer Awards at County Hall
- He had attend the Premier Inn's staff team building day at the chapel in Tiverton Cemetery.

He also informed the meeting that he had received an email from Honorary Alderman AVM Attlee enquiring about Honorary Alderman nominations. He suggested that the Group Leaders meet with the Chief Executive to discuss this matter.

#### **74 Petitions (00-19-50)**

There were no petitions presented.

## 75 Notices of Motions (00-19-56)

### (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.

Following a lengthy discussion and upon a vote being taken, the **MOTION** (as amended) was declared to have **FAILED**.

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

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

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).

The **MOTION** was **MOVED** by Councillor R B Evans and seconded by Councillor B A Moore.

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

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

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

#### **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.

The **MOTION** was **MOVED** by Councillor R J Chesterton and seconded by Councillor C R Slade.

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

### **76 Reports - Cabinet - Report of the meeting held on 19 September 2019 (00-56-00)**

The Leader presented the report of the meeting of the Cabinet held on 19 September 2019.

### **77 Cabinet - Report of the meeting held on 17 October 2019 (00-59-00)**

The Leader presented the report of the meeting of the Cabinet held on 17 October 2019

#### **1. Heart of the South West Joint Committee Governance Update (Minute 71)**

The Leader **MOVED** seconded by Councillor R B Evans:

**THAT** the recommendations of the Cabinet as set out in Minute 71 be **ADOPTED**.

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

## **2. Treasury Management Strategy and Mid Year Review (Minute 74)**

The Leader **MOVED** seconded by Councillor B A Moore:

**THAT** the recommendations of the Cabinet as set out in Minute 74 be **ADOPTED**.

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

### **78 Scrutiny Committee - Report of the meeting held on 30 September 2019 (1-01-39)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 30 September 2019.

### **79 Scrutiny Committee - Report of the meeting held on 28 October 2019 (1-03-08)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 28 October 2019.

### **80 Audit Committee - Report of the meeting held on 8 October 2019 (1-03-44)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 8 October 2019.

### **81 Environment Policy Development Group - Report of the meeting held on 24 September 2019 (1-04-18)**

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 24 September 2019.

### **82 Homes Policy Development Group - Report of the meeting held on 1 October 2019 (1-05-06)**

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 1 October 2019.

### **83 Economy Policy Development Group - Report of the meeting held on 26 September 2019 (1-06-02)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 26 September 2019.

84 **Community Policy Development Group - Report of the meeting held on 8 October 2019 (1-06-47)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 8 October 2019.

85 **Planning Committee - Report of the meeting held on 18 September 2019 (1-07-18)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 18 September 2019.

86 **Planning Committee - Report of the meeting held on 25 September 2019 (1-07-50)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 25 September 2019.

87 **Planning Committee - Report of the meeting held on 23 October 2019 (1-08-14)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 23 October 2019.

88 **Standards Committee - Report of the meeting held on 9 October 2019 (1-09-05)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 9 October 2019.

**1. Standards Working Group Report – Review of the January 2019 Report from the Committee on Standards for Public Life (Minute 18)**

The Chairman of the Standards Committee **MOVED** seconded by Councillor C R Slade:

**THAT** the recommendations of the committee as set out in Minute 18 be **ADOPTED**.

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

89 **Questions in accordance with Procedure Rule 13 (1-10-39)**

There were no questions submitted under Procedure Rule 13.2.

90 **Special Urgency Decisions (1-10-46)**

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

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

## 91 **Appointment of IRP Member (1-12-15)**

The Council had before it 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.

The Leader **MOVED**, seconded by Cllr R J Chesterton that: Mr Jeremy Filmer-Benner be appointed to the Independent Remuneration Panel until the Annual General Meeting in May 2023

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

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

## 92 **GESP Member Reference Forum (1-12-15)**

There was a need to seek a nomination to appoint an Independent Group Member to the GESP Reference Forum.

Councillor R M Deed **MOVED**, seconded by Councillor A Wilce that Councillor W Burke be appointed as the additional representative from the Independent Group to the GESP Member Reference Forum.

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

## 93 **Questions to Cabinet Members (1-13-14)**

Addressing the Cabinet Member for Housing and Property Services, Councillor B A Moore speaking on behalf of Councillor R L Stanley stated that he understood that 5 of the active 'Tenants Together' had resigned on block and bearing in mind that the group took many years to establish, assisted in the early years by the current Leader, he asked the following questions:

- This Council would be interested in hearing reasons for these resignations?
- Bearing in mind that the Tenants Together acted as formal tenant consultee for all housing policies, what is in place to deal with the changed circumstances?
- The Tenants Together was formed as a scrutiny group, during their time they researched and identified significant savings for the HRA, what is in hand to continue their processes
- The Housing Improvement Board was established to review 'value for money' and performance against agreed budgets and targets. It is worthy of note that Tenants Together, along with, in the early days other political representation were invited to attend this to ensure transparency, is it the intention to continue this monthly meeting and will invitations for other representatives be forthcoming? If the intent is not to continue with the format, how is performance going to be reviewed?

The Cabinet Member voiced his total surprise and upset by the resignations, he was struggling to meet them individually as were officers in order to restructure the organisation which benefits this council greatly. He could not update the



council anymore on that position apart from saying that things were ongoing and he was hoping to be able to give some positive news in time.

Councillor C J Eginton addressing all members of the Cabinet present and seeking individual answers stated that following decisions made on the Devon Climate Declaration at the full Council meeting in June 2019 could the members of the Cabinet give him a simple yes or no answer as to whether they supported Extinction Rebellion?

The Chairman ruled that members personal views on the issue were not relevant and therefore that the question need not be answered.

Councillor C J Eginton addressing the Cabinet Member for Finance referred to the leaflet focussed on the Tav Vale Ward when Councillor White was the District Council candidate for the Liberal Democrats in the 2015 elections standing against himself and a Green candidate. Under the heading "bin the garden tax", it stated that the Tories want to charge £50 to have our garden waste collected and by voting for Alex White you can get a local voice opposed to the garden tax, furthermore it tells us that a petition would be presented to the Council, so my first question is that for a 240 L brown bin the cost is £49 for the current year, can you now accept that under the previous Conservative administration at no point has a £50 charge been levied?

The Cabinet Member responded stating that during the campaign Councillor Eginton had told him that he had been sold a pup as there was no way in which they were going to charge residents £50 and what was the charge £49, you are correct, it wasn't £50, so yes I can accept that the charge was not £50.

Councillor Eginton continued stating that as no petition was formally presented to any meeting of the Council on this subject, in retrospect were you incorrect to make this assertion in the leaflet.

The Cabinet Member responded stating that we did collect signatures online and we also collected signatures on paper and there was a big movement in favour of not charging a tax for that collection, we collected about 3000 signatures so it was quite a lot of people, whether or not it was presented to the Council, I am not aware as I was not the person leading the petition, if you say it wasn't presented to the Council, then it wasn't presented to the Council.

Councillor Eginton continued stating that since the scheme was introduced in September 2015 the income to this Council had been £1.634m, will you now admit that you were wrong to oppose the garden waste charge scheme or if you were not wrong how would you have replaced this income to the Council over the last four years and in the future?

The Cabinet Member responded stating that the scheme had raised funds for the Council and times have been extremely tight. Unfortunately as we have been dealing with Tory austerity for the last 4 years and that the Council does need to raise tax to balance our books and it is important that we are fiscally responsible and this Cabinet is going to be so and having reviewed the financial situation that we are in, we do need to continue charging the green tax, which for me is a great

regret as I would have liked to have seen no charge for it, in order to see more people recycling their garden waste.

Councillor Eginton again addressing the Cabinet Member for Finance stated that the Audit Committee on 25 June 2019, 15 July 2019, 27 August 2019 and 8 October 2019 all have one thing in common, Councillor Alex White finance portfolio holder was not present. This being despite 3 of the 4 meetings being evening meetings, can I therefore ask Councillor White if and when he intends attending the Audit Committee meeting for the first time?

The Cabinet Member responded stated that it is not possible for councillors to attend every single meeting, I think that it is quite obvious tonight, you cannot be everywhere at all times. If you want to drive working people from standing as councillors then you are going the right way about it. If you want to promote people who have jobs and young people and others to stand as councillors and take the reins and stand up for their local communities, this is not the way to promote it, I have a 100% attendance for this council at the meetings that I have been required to attend, I am extremely proud of that, I work extremely hard as a ward councillor to represent people and I continue to work extremely hard as a Cabinet Member for our residents here in Mid Devon and I will attend meetings as and when I can.

Councillor Eginton addressing the Leader asked whether he would expect his portfolio holder for Finance, in this case Councillor White to attend meetings of the Audit Committee, yes or no?

The Leader responded stating that he would be happy after this meeting to sit down with him and go through the record of the Cabinet Member for Finance for the last 4 ½ years and it might be interesting to see what information that elicits.

Councillor Eginton again addressing the Cabinet Member for Finance continued, stating that given that Councillor White had been adopted as the Liberal Democrat Parliamentary Candidate for the North Devon Parliamentary Constituency could he categorically assure us that he would immediately resign his position as councillor for Upper Yeo should he be elected as a Member for Parliament?

The Chairman ruled that he would not allow the question.

Councillor Eginton asked the Leader if he could categorically confirm that Councillor White would no longer hold a position in his Cabinet if elected to Parliament.

The Leader responded that should Councillor White be successful on 12 December, then he was entitled to remain as a District Councillor, he as Leader would make a decision on 13 December, if he needed to, in terms of who was in the Cabinet, specifically obviously in respect of Cllr White, although he felt that this was a hypothetical question, until 13 December he did not know what the outcome would be for the North Devon constituency elections.

Councillor Evans addressing the Leader and referring to Armistice Day on 11 November and details outlined in the members weekly newsletter where it stated

that the Chairman, the Vice Chairman and a representative of the Leader would be present in various locations, could he ask what the Leader would be doing, as he was clearly being represented.

The Leader stated that he would be on holiday.

94 **Members Business (1-32-00)**

The Leader referred to the State of the District debate which he hoped would take place in the New Year, he invited members to submit possible topics for discussion.

Councillor F W Letch stated that he would like to thank Councillor Coren on behalf of Crediton Town Council and Crediton Hamlets for attending the Armistice Service on Monday 11 November.

(The meeting ended at 7.34 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 4 December 2019 at 6.00 pm

### **Present**

#### **Councillors**

L J Cruwys (Chairman)  
G Barnell, E J Berry, W Burke, J Cairney,  
R J Chesterton, Mrs C Collis,  
Mrs F J Colthorpe, D R Coren, N V Davey,  
W J Daw, 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,  
Miss J Norton, D F Pugsley, R F Radford,  
C R Slade, Mrs M E Squires, R L Stanley,  
L D Taylor, Ms E J Wainwright,  
B G J Warren, A White, A Wilce,  
Mrs N Woollatt and J Wright

### **Apologies**

#### **Councillors**

Mrs E M Andrews, S J Clist, S J Penny and  
A Wyer

### 95 **Apologies**

Apologies were received from Councillors: Mrs E M Andrews, S J Clist, S J Penny and A Wyer.

### 96 **Public Question Time**

Jamie Byrom – resident of Sampford Peverell referring to item 5 on the agenda stated that:

Just over three years ago, Policy SP2 was added to the Local Plan submission. It was a late and rushed addition caused only by the decision to develop Junction 27. Members of the Policy Planning Advisory Group who put it forward, quickly realised they had made a mistake. They led a move to have SP2 removed in December 2016.

Fearing that the Plan may be delayed, those in charge of the Review added safeguards to SP2. Two of these said

1. There must be no development at SP2 until work had started at Junction 27.
2. There must be no work at SP2 until west facing slip roads had been added to the A361 near the village.

The safeguards worked: enough Councillors were reassured. SP2 went into the Plan, but only with those safeguards ... And today you are being asked to take them out. The Inspector has identified those two criteria as making the Plan unsound.

Besides, he says, the tie between SP2 and J27 'serves no purpose'. That is totally untrue. He is completely wrong. The purpose was explained very clearly in this room three years ago by Mrs Clifford. The audio of that meeting records how she told this Council that a member of the public had asked Cabinet ...

“Is it possible to change the allocation so that it only happens in the event that land at Junction 27 comes forward because its need is based on Junction 27? And this amendment text now incorporates 'to come forward following the commencement of development of the M5 Junction 27 allocation'. So we have sought to make a clear connection there and sequence between those two sites ...”

In similar vein, Cllr Chesterton who then held the cabinet responsibility for planning, told the meeting that

“if those west-facing slip roads are not built and are not done by Devon County, then I don't see this site as being suitable or able to come forward”

Councillors, we are clear that Policy SP2 makes your proposed Plan unsound. But we are equally clear that removing the two safeguards makes it unfair.

Promises were made then and promises will be broken here today if you cut those safeguards and leave the rest of the policy in your plan. SP2 requires a Main Modification of some sort. By law, you can ask the Inspector at this stage to make your plan sound by a more radical and a much more fair solution: not by cutting the two safeguards, but by deleting the policy entirely.

You do not need the houses. The site is desperately unsuitable as your Planning Committee can tell you. There are strong planning reasons for cutting SP2. But there are even stronger moral reasons to take SP2 out of your Plan. Please will you do so?

Hayley Keary – resident of Higher Town, Sampford Peverell again referring to item 5 on the agenda stated that:

SP2 is unsustainable. We have consistently tried to tell you this. In May 2014, there was a consultation about site options. Effectively, there was a 4 to 1 vote against using the SP2 site - but that has counted for nothing.

In September 2016, the site was first put into the plan proposals. We used the Sustainability Appraisal to argue that it was unsuitable. Our arguments were brushed aside.

- We were told that 'new information' showed the site had safe access. That safe access has since proved to be unacceptable, but this seems to make no difference.
- We were also told that the site was only being allocated to meet additional housing need created by J27. Now we are told that housing there is to meet overall need. So why was the 2016 allocation restricted to sites 'proximate' to J27? This restriction may well have been unlawful .

In December 2016, Councillor Stanley tried to get this Council to remove SP2. The Minutes record a warning given by Mrs Clifford. She advised that the Government

might intervene if Councillors did not submit their plan proposals by the end of March 2017. But the Minister's letter never said that. It clearly referred to Authorities that had never produced a plan since 2004. Mid Devon had no cause to fear Government intervention.

Mrs Clifford's words misled this Council at a vital point in the process and we have been suffering speculative development ever since. In the debate that followed, six Members said they would have supported the deletion of SP2 had it not been for fear of government intervention. The vote was lost by 12 votes to 20: the six votes were crucial.

And then what happened? Officers caused a year long delay anyway. They were afraid of legal challenges over their allocation of sites.

At the Hearings we urged the Inspector to take out SP2. He did not. But we now know that critical information about the Canal Conservation Area had not been passed to him. Officers have still not shown him this evidence.

The evidence comes from a Freedom of Information request. In autumn 2017, the Council's Conservation Officer identified that development at Higher Town would cause significant harm to the setting of the canal conservation area. But in the 2019 Hearings, officers told the Inspector that there would be 'no harm' to this heritage asset. That may prove to be a big mistake.

Since the hearings, officers' errors of judgement over housing supply have caused another five months of delay.

And now, officers tell us that, if SP2 is to be removed, we will be causing a long delay. For the good of the rest of the District, it seems, we must suffer.

Must we? That is down to you.

Please will you find a way to delete SP2 from your Local Plan proposals?

Peter Dumble – resident of Sampford Peverell referring again to Item 5 on the agenda stated:

The recently refused application to build 60 houses on the SP2 site is directly relevant to today's debate.

Your Planning Committee has considered the application twice in just over a year. Of 22 votes cast, only one was in favour of granting permission. This was despite the fact that the case officer says eight times in his report that the application complies with SP2.

The Planning Committee's reasons for refusal challenge the sustainability of the site. Above all, they raise fundamental questions about safe access for all pedestrians.

Officers say that the SP2 policy reflects a Sustainability Appraisal that gives it a clean bill of health. But does it?

The Council voted SP2 into the Plan proposals in December 2016. At that time, the most recent Sustainability Appraisal made no mention at all of a Listed Building or a conservation area that will both be affected. This Council allocated the site without ever having been told about these assets – but the Planning Committee has had to consider them. It turns out that their presence is a real constraint on creating safe and sustainable access.

Above all, the Planning Committee has been brought face to face with a last minute, unsupported textual change to the Sustainability Appraisal. This was made in late 2016. Up until then, every iteration of the Sustainability Appraisal described Turnpike as a 'dangerous road for pedestrians'. Suddenly, this phrase was dropped from the Sustainability Appraisal that appeared in January 2017. No evidence has ever been produced to explain when or why this dangerous road was no longer dangerous.

But guess what? When an applicant tries to create a safe access into the village along Turnpike, the Planning Committee finds that ... Turnpike is a dangerous road for pedestrians! The Sustainability Appraisal was right after all.

Perhaps officers realised the problem with Turnpike when they wrote their Hearing Statement to the Inspector in September 2017. They told him that 'An alternative pedestrian route from the site to the village centre ... will be via Higher Town'. But this is not stated in the policy. Officers invented a policy commitment, misled the Inspector and, at the same time, predetermined this part of a planning application that was seeking to achieve access via Higher Town. When it came to it, the Planning Committee found that this access route was also unsafe.

In conclusion, new information arising from the work of the Planning Committee has revealed that the SA for SP2 was flawed, misleading and unreliable.

With SP2 in your plan, you are committing us all to an endless cycle of applications and refusals. The only way out is to ask the Inspector to consider the new information and to recommend deletion of Policy SP2.

Councillors – Please will you listen carefully to your Planning Committee members in the debate that follows and then delete this dreadful and dangerous policy from your plan?

Bob Bond - resident of Sampford Peverell referring to item 5 on the agenda stated: Officers have told the Inspector that SP2's 60 houses will be fully built-out by March 2023.

Planning Practice Guidance requires that the Inspector's decisions on site deliverability must be based on 'robust and up to date evidence'.

The Inspector made his last statement about SP2's suitability in May 2019. In the six months since then, we have had significant new evidence about SP2 that officers should have passed on to the Inspector. Councillors, you need to be sure they have done so. If they have not, they may be risking long delays after consultation.

So, here are my questions to officers relating to new evidence.



1. Ground water monitoring on the SP2 site must be continued until September 2020. Did you inform the Inspector of this as soon as you heard of it? If so when and where was this advice published?
2. Devon's Historic Environment Team has required a programme of archaeological work that has delayed the latest application to develop the site. The outcomes of these works could significantly delay or even prevent development of the site. Have you informed the Inspector of these facts? If so when and where was this advice published?
3. A Freedom of Information request has revealed that your conservation officer has found a problem with the main access recommended by the Local Highway Authority as being most suitable for the SP2 site. That access would cause significant harm to the canal conservation area. Have you informed the Inspector of these facts? If so when and where was this advice published?
4. On 31<sup>st</sup> July 2019, the Planning Committee refused to grant outline planning permission for a development at the SP2 site. In their report, your own officers said that, in all relevant respects, the application complied with policy SP2. But it was still overwhelmingly rejected. The planning status of a site is a 'material consideration'. Did you inform the Inspector directly that the site had been refused permission? If so when and where was this advice published?
5. In your paper ED21, published in July 2019, you told the Inspector that site Wi1 was subject to an appeal and that '*... Pending the outcome of the appeal, the site is not a reasonable alternative*' for extra housing in the first five years. On 24<sup>th</sup> October you were informed that SP2 is now subject to an appeal. Did you immediately inform the Inspector of this and tell him that it is no longer a reasonable alternative for housing in the first five-year phase? If so when and where was this advice published?
6. Finally, you have said that the SP2 site can be fully built out by March 2023 and that this is in line with the HELAA model that you use. To comply with that model, the SP2 site will need to be granted full planning permission within four months even though the ground water monitoring requires a further nine months. Have you informed the Inspector of this? If so when and where was this advice published?

Mike Aspray on behalf of Sampford Peverell Parish Council stated that the question relates to the site designated as SP2 in the emerging Local Plan.

In September 2017 Mid Devon District Council received an outline planning application for a development comprising 84 dwellings at Higher Town Sampford Peverell, this application was eventually modified to comply with the emerging Local Plan which designated this area, identified as SP2, for the development of only 60 dwellings following the start of the proposed development of a leisure complex at junction 27 and the construction of west facing slip roads onto the North Devon link road to the east of the village of Sampford Peverell.

Objections were made by many local residents and by the Parish Council siting amongst many other matters the absence of a safe pedestrian access to village amenities, including the primary school, the shop and post office, the medical centre,

the village hall and various sports facilities. To the north of the site, Higher Town, is a single track lane with limited passing places for traffic and no footways. To the south Turnpike is the main road through the village from Tiverton to Tiverton Parkway station and the motorway network. It carries buses, farm vehicles, HGV's as well as much other traffic with vehicle speeds being a matter of local concern. The narrow footway on Turnpike that leads to the village ends just before a blind bend on the road at the canal bridge forcing pedestrians to cross the road at this point to gain access to the village itself and to the primary school. Proposals by the Highways Authority to overcome this problem are described by the Highways Authority as substandard. The original planning application was called into committee because of these concerns. The planning committee in the summer of 2018, following a site visit which included a walk into the village from the SP2 site, was refused against officer recommendation to grant planning permission.

The decision was unanimous. An implications report was called for and the application came back to planning committee in the summer of 2019. Because there were, following local government elections in May 2019, new members on the planning committee another site visit was held to include a walk to the village from the site. The planning committee decision this time, 10 votes to 1, was again not to grant permission for the proposed development.

Chairman and Members my question on behalf of Sampford Peverell Parish Council is given the results of the voting of the members of your planning committee on these 2 occasions and the volume of criticism of the application of local residents and by the Parish Council, mostly because of the access problems to the village amenities would it perhaps not be wise to remove SP2 from the Local Plan? The choice of this site for major development is clearly fatally flawed with or without the proposed main modifications.

Mr Grantham speaking with regard to item 5 on the agenda stated that I and others are still against the building on any land at junction 27. A decision has not yet been made and it's still in your hands to throw these stupid buildings out.

In the report supplied by Head of Planning I must refer you to the paragraph 1.6 Examination of main hearings. Its wording said 'Junction 27 and the land at Junction 27 of the M5 motorway, too restrictive'.

And I refer you to 1.7 Inspectors post hearings advice notes, you have only summarised his advice, he did not see the need for changes to the Policy Junction 27 but his full comments don't. I'll read what his full comments state on Junction 27 because I think it's important. 'Policy Junction 27 having previously confirmed that I had no difficulty with the policy and the aspirations it embodies in principle' my questions at the hearing were raised in the light of concerns that the policy as drafted was somewhat inflexible and too far geared towards one specific development model or developer.... and this had been the old story of this site all the way along the years. 'Based on the discussion I am however content and that while the policy makes provision for various elements it does not rule out a scheme which takes a different format and in particular a less ambitious scheme that might not require the outlet shopping village'. Its only in this context he says that he see no changes for the policy so that is what he's said, he's not completely said it's got to stay in he gives some policy there of why he's made this decision.

With regard to Junction 27 again, nowhere in the plan does it state his other option and my question is why doesn't it state his other option for all you people to discuss. We have only been told that he doesn't want it because of what he's said but the planning department do not say that. Going on, the planning permission has run out, I believe on the extension to the garage at Junction 27 which is part of the Junction 27 site. Eden Westward were given 2 years more to start this project, they've only had 22 years already, it is now nearly 3 years since planning permission was granted. This would now I believe remove the ransom strip from Junction 27 and the A38 to assess the Junction 27 site as a whole and make it available to other developers. None of this information is in your brief to the Council tonight.

It seems to me the Mid Devon planning is close to the developer i.e. Eden Westward. As the Inspector says in his report that Mid Devon is very close and I want you to keep that in mind because I think that things could happen in the future. My question is why is the site not being offered to other developers to put forward a revised and alternative scheme?

Goff Welchman speaking with regard to item 5 of the agenda stated that his question was regarding the allocation of land within the Local Plan for housing surrounding Tidcombe Hall between Grand Western Canal and Warnicombe. There is very shortly going to be a planning application from LVA for over 150 homes on that site with access into Tidcombe Lane. You will find a massive list of objectors coming forward when that planning application comes in with a whole raft of objections: environmental, traffic etc. I just want to highlight 1 major objection and ask you to remove that site from you housing allocations.

The problem is that Tidcombe Lane is getting busier and busier and basically cannot be improved because of its structure and in particular Tidcombe Bridge. A lot of children and cyclists use it going to and from school and the more traffic we have the greater likelihood of a serious accident soon. The matters been already exasperated by the traffic calming measures in Blundell's Road because a number of people now use Tidcombe Lane as a rat run to avoid that a peak times. But it's going to get substantially worse when the new A361 exit is open to service the Tiverton Eastern Urban Extension and I don't believe the Highways Department or anybody else has considered the fact that anyone living at Warnicombe, Canal Hill, Lime Tree Mead or anywhere at the top end of Tidcombe Lane, that instead of coming home down the link road, leaving at the existing exit now and travelling up Canal Hill they will come down via the new exit. They will come down Post Hill and up Tidcombe Lane so we are already going to get a dramatic increase in traffic in Tidcombe Lane without another 150 homes who would probably have 300 cars and because LVA have already admitted to me at the consultation that these homes will be of fairly high value marketable homes in order for them to make a profit on the whole scheme. You are going to have fairly well off probably tech savvy people living there. They will be doing a lot of on-line ordering you will get delivery lorries from Sainsbury's and Asda, from Tesco, from DHL, from UPS you name it the whole range of couriers. Only the other day I saw on 2 consecutive days a huge John Lewis delivery vehicle struggling in Tidcombe Lane. You are going to get a lot more than that and it is going to be very very dangerous for the local inhabitants. A suggestion some years ago was made to make Tidcombe Lane one way to avoid people from Post Hill using it as a rat run, the Highways Department at that time said that would be completely unacceptable to force Tidcombe residents to use Canal Hill because there is already too much traffic

on Canal Hill. Suddenly, according to LVA, the Highways Department have done a U turn and said they see no problem in traffic from this proposed new estate turning left when they come out of the estate and go down Canal Hill. So there's no joined up thinking there whatsoever in the Highways Department, either way it's going to lead to chaos. Tidcombe Lane is already going to become unmanageable if we allow these 150 homes it will be a complete disaster. It needs to be removed from your Plan now before the planning application even goes forward.

Stephen Pugh referring to item 5 stated that bearing in mind that at least 200 local residents attended the public exhibition organised by LVA on Saturday regarding their proposed Tidcombe development, approximately 99% of those attending then signed a petition expressing their serious concerns. My question is related to page 113 TIV13 Tidcombe Hall contingency site – 'The Councils update June 2019 can demonstrate that a 5 year supply of deliverable sites will be maintained over the initial 5 years and subsequent periods with the proposed draft of main modifications without the need to bring forward the TIV 13 Tidcombe Hall contingency site'. My question is if this modified plan is ratified by the Council tonight what protection does it provide against speculative planning applications on this site in the next 5 years?

**97 Declarations of Interest under the Code of Conduct (00-32-55)**

It was **NOTED** that all Members had been contacted by those interested in various sites.

**98 Chairman's Announcements (00-34-44)**

The Chairman informed the meeting that he intended to suspend Procedure Rule 16.3 (when a member may speak again) for the next item of business.

**99 Cabinet Report - 21 November 2019 - Local Plan Examination - Main Modifications (00-36-16)**

The Leader presented the report of the meeting of the Cabinet held on 21 November 2019; he highlighted minute 86 (Local Plan Examination – Main Modifications) and the importance of members approving the main modifications so that a sound or legally compliant plan could be achieved.

Arising thereon:

**1. Local Plan Examination – Main Modifications**

The Leader **MOVED**, seconded by Councillor G Barnell

THAT the recommendation of the Cabinet as set out in Minute 86 be **ADOPTED**.

The Cabinet for Planning and Economic Regeneration addressed the Council highlighting the importance of the recommendation before Council, the proposed 55 main modifications which had followed the inspector's advice in his post hearing advice note in order for the plan to be found safe and the process that would follow any decision of the council.

The Head of Planning, Economy and Regeneration was invited to provide answers to questions posed in public question time.

She outlined the history of the plan and the journey to date including the Inspector's advice note following the examination hearings in May 2019 and his concern for the housing trajectory in the early years of the plan and that the plan could be unsound without main modifications. Within his advice note he clearly set out a series of mitigation measures that could address the shortfall: 1. Bringing forward allocated sites restricted by time for not good reason which included Policy SP2 (Higher Town, Sampford Peverell). 2. Bringing forward the contingency sites Policy CU11 (Colebrook Lane, Cullompton) and TIV 13 (Tidcombe Hall, Tiverton). 3. Extending existing allocations or increasing their densities or 4. Allocating a new, large site not constrained by the link road to come forward quickly. The main modifications sought to address the shortfall in supply through the first two measures (Colebrook contingency site only, not Tidcombe Hall) to reduce risk and delay, taking a steer from the Inspector.

With regard to policy SP2, many of the issues raised by members of the public present had already been the subject of detailed representations put before the inspector at the examination hearing; he had looked at the need, the numbers, highway safety, J27 connection, the site selection, the impact on heritage assets including the canal conservation area and had considered the policy criteria, highway safety and pedestrian access. He had also visited the site. The outcome of those considerations were received in the inspector's advice notes of October 2018 and May 2019. He did not share the view that the site selection was flawed and was content with the Council's conclusion that the development could take place with very little or no harmful impact on the setting or significance of the canal conservation area was not an unreasonable one and proposed that the tie to J27 could be severed. It was the officer's view that the main modifications must go forward to allow the plan to be sound or legally compliant, modifications could not come forward for any other reason. The deletion of any policy at this stage was not available.

With regard to the sustainability appraisal for policy SP2, the inspector had considered this and the heritage assets had been discussed at the examination hearings. With regard to the outcome of the planning application, it was for Council this evening to consider the planning policy not the planning application. By removing Policy SP2, the plan would become unsound. The inspector had been informed with regard to the decision of the planning committee on the application. She explained that the methodology used to ascertain how the site could be delivered within specific timescales had been approved and delivery rates for the site assumed that no planning application had yet been submitted. She reiterated the point that a further consultation process on the main modifications would take place and that representations would be received by the inspector.

With regard to Junction 27, the inspector had been satisfied with the allocation and required no changes to the policy. No main modification recommendations had been made by him.

With regard to Tidcombe Hall, the site was not part of the main allocations, it was a contingency site and would only come forward if the housing numbers were not delivered. The emerging development proposals at this site were at a pre-application stage, the issues raised would be considered if the planning application was

forthcoming. With regard to speculative development at the Tidcombe Hall site, with a sound plan, there would be a housing land supply which provided greater defence against speculative applications, the lack of a plan made the authority more vulnerable.

The Chairman informed the meeting that 4 amendments had been presented and that he would take each one individually.

**a) Councillor G Barnell submitted the following AMENDMENT, seconded by Councillor L D Taylor**

“that the policy map for the contingency site CU21 at MM35 be amended to reflect the revised settlement limit (map circulated)”

The Chairman **MOVED** in accordance with Procedure Rule 19.4

‘**THAT** the vote in respect of this **MOTION** shall be by Roll Call’

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: G Barnell, E J Berry, W Burke, J Cairney, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, W J 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, Miss J Norton, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires, R L Stanley, L D Taylor, Miss E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt and J Wright.

Those voting **AGAINST** the **MOTION**: None

The **AMENDMENT** was declared to have been **CARRIED**.

**b) Councillor A Wilce submitted the following AMENDMENT, seconded by Councillor B G J Warren:**

That this Council, in accordance with its’ duty in respect of maintaining the health and well-being of Mid Devon residents, **RESOLVES** not to proceed with the recommendation contained in MM35 to remove any conditions relating the prior construction of the Cullompton Town Centre Relief Road, so as not to exacerbate the issue of poor air quality in an area already designated as Air Quality Management Area.

For the removal of doubt, Policy CU21 paragraph b) should read ‘*The development shall not commence until the Town Centre Relief Road has been provided;*’

And the following paragraphs should have their letter identification amended to follow on from b).

And paragraph 3.149 should be amended to read:

*‘Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Any application for development must*

*undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no adverse impacts. The site is expected to contribute to off-site highways infrastructure. Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route.*

The mover of the motion outlined his concerns with regard to development taking place at Colebrook Lane/Siskin Chase without the need for the Town Centre Relief Road being in place prior to the commencement of development. He outlined air quality issues in the town and the health and wellbeing of residents.

Consideration was given to:

- The number of dwellings proposed for Cullompton
- The impact on local residents
- The inspectors post hearing advice note and the clear steer that had been given
- The lack of Public Health or the local Highway Authority's concerns
- The need for a sound plan to proceed

The Chairman **MOVED** in accordance with Procedure Rule 19.4

**'THAT** the vote in respect of this **MOTION** shall be by Roll Call'

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors G Barnell, R J Dolley, B G J Warren and A Wilce.

Those voting **AGAINST** the **MOTION**: Councillors: E J Berry, W Burke, J Cairney, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, W J Daw, R M Deed, 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, Miss J Norton, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires, R L Stanley, L D Taylor, Miss E J Wainwright, A White and J Wright.

Those **ABSTAINING** from voting: Councillor Mrs N Woollatt.

The **AMENDMENT** was declared to have **FAILED**.

***c) Councillor Mrs C A Collis submitted the following AMENDMENT, seconded by Councillor Miss J Norton:***

In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council's own Local Development Scheme.

The mover outlined her concerns with regard to the allocated site (SP2) and the concerns of local residents with regard to the substandard roads and road safety concerns, she felt that when the inspector had agreed to sever the link with J27 then the site should have been deleted.

Consideration was given to:

- The planning application that had been refused and would now be considered at appeal stage by the planning inspectorate
- The need to keep the allocation in the plan
- Support for the amendment

The Chairman **MOVED** in accordance with Procedure Rule 19.4

**'THAT** the vote in respect of this **MOTION** shall be by Roll Call'

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: G Barnell, E J Berry, W Burke, J Cairney, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, W J 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, Miss J Norton, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires, R L Stanley, L D Taylor, Miss E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt and J Wright.

Those voting **AGAINST** the **MOTION**: None

The **AMENDMENT** was declared to have been **CARRIED**.

**d) An amendment proposed by Councillor Miss J Norton was not moved.**

The Chairman indicated that he would **MOVE** the **SUBSTANTIVE MOTION**:

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.
2. The following documents are published for a minimum 6 week period of public consultation:
  - a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan) **subject to the policy map for the contingency site CU21 at MM35 being amended to reflect the revised settlement limit (map circulated)**
  - b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2)
  - c) Addendum to the Sustainability Appraisal (Appendix 3),



- d) Addendum to the Habitat Regulations Assessment (Appendix 4), and
  - e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
3. Following this consultation the documents listed in recommendation 2, excluding 2(b) are submitted to the Planning Inspectorate together with the consultation responses received on them.
4. In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council's own Local Development Scheme

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

(The meeting ended at 7.50 pm)

**CHAIRMAN**

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## **AMENDMENTS AND WRITTEN QUESTIONS – EXTRAORDINARY MEETING OF THE COUNCIL – 4 December 2019**

### **AMENDMENTS**

#### **1. AGENDA ITEM 5**

##### **Amendment submitted by Councillor: G Barnell**

“that the policy map for the contingency site CU21 at MM35 be amended to reflect the revised settlement limit (map circulated)”

##### **WORDING IF AMENDMENT APPROVED:**

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.
2. The following documents are published for a minimum 6 week period of public consultation:
  - a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan) **subject to the policy map for the contingency site CU21 at MM35 being amended to reflect the revised settlement limit (map circulated)**
  - b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2)
  - c) Addendum to the Sustainability Appraisal (Appendix 3),
  - d) Addendum to the Habitat Regulations Assessment (Appendix 4), and
  - e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
3. Following this consultation the documents listed in recommendation 2, excluding 2(b) are submitted to the Planning Inspectorate together with the consultation responses received on them.

#### **2. AGENDA ITEM 5**

##### **Amendment submitted by Councillor: A Wilce**

That this Council, in accordance with its' duty in respect of maintaining the health and well-being of Mid Devon residents, RESOLVES not to proceed with the recommendation contained in MM35 to remove any conditions relating the prior construction of the Cullompton Town Centre Relief Road, so as not to exacerbate the issue of poor air quality in an area already designated as Air Quality Management Area

For the removal of doubt, Policy CU21 paragraph b) should read *'The development shall not commence until the Town Centre Relief Road has been provided;'*

And the following paragraphs should have their letter identification amended to follow on from b).

And paragraph 3.149 should be amended to read:

*'Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Any application for development must undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no adverse impacts. The site is expected to contribute to off-site highways infrastructure. Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route.'*

#### **WORDING IF AMENDMENT APPROVED:**

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant, **subject to:**

(a) the reinstatement in MM35 (Policy CU21) of sub-paragraph b) requiring *"The development shall not commence until the Town Centre Relief Road has been provided"*; and

(b) the amendment of MM36 by including the following words in paragraph 3.149 of the supporting text to Policy CU21:

*"Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Any application for development must undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no adverse impacts. The site is expected to contribute to off-site highways infrastructure. Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route"*.

2. The following documents are published for a minimum 6 week period of public consultation:

a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan) **with the amendments to MM35 and MM36 as set out in 1 above**

b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2)

c) Addendum to the Sustainability Appraisal (Appendix 3),

d) Addendum to the Habitat Regulations Assessment (Appendix 4), and

- e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
- 3 Following this consultation the documents listed in recommendation 2, excluding 2 (b) are submitted to the Planning Inspectorate together with the consultation responses received on them.

### **3. AGENDA ITEM 5**

#### **Amendment submitted by Councillor: Mrs C A Collis**

In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council's own Local Development Scheme.

#### **WORDING IF AMENDMENT APPROVED:**

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.
2. The following documents are published for a minimum 6 week period of public consultation:
  - a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan)
  - b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2)
  - c) Addendum to the Sustainability Appraisal (Appendix 3),
  - d) Addendum to the Habitat Regulations Assessment (Appendix 4), and
  - e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
3. Following this consultation the documents listed in recommendation 2, excluding 2(b) are submitted to the Planning Inspectorate together with the consultation responses received on them.
4. In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council's own Local Development Scheme

#### 4. AGENDA ITEM 5

##### Amendment submitted by Councillor: Miss J Norton

That Policy SP2 be amended by way of an Additional (Minor) Modification to include the following text:

'In the event that (a), the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b), planning permission to develop the SP2 site is refused by an Inspector, that an early review of policy SP2 takes place'.

##### WORDING IF AMENDMENT APPROVED:

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.
  2. The following documents are published for a minimum 6 week period of public consultation:
    - a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan)
    - b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2), subject to an Additional (Minor) Modification to Policy SP2 to include the following as a new sub-paragraph (h) in that policy: *In the event that (a), the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b), planning permission to develop the SP2 site is refused by an Inspector, that an early review of policy SP2 takes place'.*
    - c) Addendum to the Sustainability Appraisal (Appendix 3),
    - d) Addendum to the Habitat Regulations Assessment (Appendix 4), and
    - e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
  3. Following this consultation the documents listed in recommendation 2, excluding 2(b) are submitted to the Planning Inspectorate together with the consultation responses received on them.
-

No.	Policy/Paragraph	Local Plan Page	Proposed Changes	Reason
Plan MM35	CU21: Land at Colebrook	Policies Map		<p>Contingency status removed in response to the Inspector's post hearing advice note.</p> <p>The notation on the Policies Map has been modified to show site allocation CU21 as a proposed residential allocation <b>within the settlement limit for Cullompton</b>. This modification is necessary to reflect the proposed Main Modification to the wording of site allocation Policy CU21.</p> <p>Please refer to proposed Main Modification MM35.</p>

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 19 December 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, Mrs I Hill, F W Letch, B A Moore and  
R L Stanley

### **Also Present**

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

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), John Bodley-Scott (Economic Development Team Leader) and Sally Gabriel (Member Services Manager)

## 93. **APOLOGIES**

There were no apologies.

## 94. **PUBLIC QUESTION TIME**

Felicity Salter asked the following questions with regard to item 9:

- Is the half hour free in some of the car parks going to be taken away
- Is there a reason the parking meters are out of order at the hospital car park and how much income have you lost since they have been out of order.
- Is the reason you have raised charges simply to increase revenue and if you need more money why not put 10p on the community charge.
- Is the reason you have put the charges up is to deter people from using their cars.
- Are you trying to kill our town
- Have you considered the emissions of cars driving around and around looking for places to park
- Has MDDC had time to consider all the objections before you make any decision

Jo Webber again referring to item 9 on the agenda asked:

- Do you realise what you are doing to our town we need customers and footfall to survive.
- When was the consultation and did it involve the local business owners.

Marilyn Clothier in relation to item 9 gave the views of her customers on the multi storey car park and that they would not be able to afford the increase. She asked:

- How much the revenue from the Premier Inn had influenced the decision
- Have the Council considered the fact that people will park in Tesco and residential streets
- Do Council workers get their parking for free

Honorary Alderman David Nation speaking with regard to item 7 asked:

- Do stakeholders include members of the public
- Will the Working Group meetings be open to the public
- Have you ascertained from existing authorities who have changed governance systems and how they work

Mrs Tucker again referring to item 7 asked:

- Can the Cabinet assure us that you will do everything possible to ensure that the scope of any review will not be blighted by irrelevant scare stories from the past?

#### 95. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-20-59)**

Cllr Mrs N Woollatt declared a personal interest as a supporter of the Campaign for Local Democracy for item 7 (Governance Arrangements) on the agenda.

#### 96. **MINUTES OF THE PREVIOUS MEETING (00-21-34)**

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

#### 97. **HOMELESSNESS STRATEGY (00-22-00)**

Arising from a report of the Group Manager for Housing, the Homes Policy Development Group had recommended that the revised Homelessness Strategy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the existing strategy originally covered the period from 2013 to 2018 and that a Cabinet Member decision had extended the policy until now. He highlighted the objectives within the strategy:

- Minimising rough sleeping
- Maximising prevention activities and outcomes
- Increasing accommodation options
- Improving health and wellbeing by supporting those with complex needs

Consideration was given to:

- The number of applicants presenting as homeless had increased by 25% rising from 455 in 2017/18 to 602 in 2018/19.
- The triggers of homelessness in Mid Devon
- The increase in numbers of approaches from those being evicted by social landlords
- The reports and data received by the Homes Policy Development Group
- The number of rough sleepers
- The use of S106 monies (for affordable housing) to offset the shortfall in accommodation.

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

(Proposed by the Chairman)

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

98. **STRATEGIC GRANTS ALLOCATION PROCESS FOR 2020-2023 (00-29-57)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration requesting Members to agree the approach to community grant funding when the current 3 year agreements come to an end in 2020.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that given the financial constraints on Council spending at the current time, it seemed appropriate to have a complete review of strategic grant funding, but that there was insufficient time this year. There were currently 7 recipients of strategic grants:

- INVOLVE
- Citizens Advice
- Churches Housing Action Team
- Age UK
- Mid Devon Mobility
- The Museum and Tourist Information Service
- The Grand Western Canal

The report suggested that all these grants be brought together into a single strategic grants pot under the Community Well-Being PDG, prior to this all recipients would be offered a one year extension to their current grant.

Consideration was given to the importance of a 3 year settlement for the recipients so that financial planning could take place.

**RESOLVED** that:

1. Recipients of all grant agreements in place as part of the council's strategic grants programme are offered a single year extension (to end 31<sup>st</sup> March 2021) to ensure they have continuity of funding for their services
2. Recipients of the two grants not currently included within the council's strategic grants programme (Grand Western Canal and Tiverton Museum and Tourist Information Service) are also offered a single-year extension (to end 31<sup>st</sup> March 2021) to ensure they have continuity of funding for their services .
3. In future years all grants are considered as part of one budget and decision-making process, and that these sit within the Community Well-Being portfolio.
4. Officers are instructed to commence work early in the financial year 2020/21 to initiate a full evaluation and review of the grants programme; to carry out the same process as was undertaken previously to establish the 3-year programme; and to bring forward recommendations on a new 3-year programme with reference to the Community PDG as appropriate.

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

Notes:

- i) Cllrs D J Knowles and B A Moore declared personal interests due to their involvement with INVOLVE;
- ii) \*Report previously circulated, copy attached to minutes.

99. **GOVERNANCE REVIEW (00-34-00)**

The Cabinet had before it a \*report of the Group Manager for Legal Services and Monitoring Officer outlining the current governance arrangements and discussing the potential for a Governance Working Group to review arrangements and make recommendations.

The Leader outlined the contents of the report stating that a working group had been suggested to look at various different forms of governance.

Responding to the questions posed in public question time, the Leader and the Monitoring Officer stated that the Cabinet were taking a review of governance arrangements seriously, stakeholders would include members of the public, the terms of reference of the working group would set out who would be requested to attend the meetings and information would be gathered from various sources which would include the Local Government Association and other councils.

Consideration was given to:

- Option 1 within the report and that it was felt that this would be of benefit in the short-term to the current Cabinet
- A possible amendment to the recommendation to expand on the reasons for the formation of a working group

**RECOMMENDED** that:

The Standards Committee be asked to recommend to Council that the changes to the current arrangements set out in part 3 of this report be agreed and the Constitution amended accordingly and the Monitoring Officer be asked to draft the changes to the Constitution required to implement those changes for consideration by the Standards Committee.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr G Barnell)

In consequence of the discussion, a revised recommendation was proposed expanding on the proposed purpose of the Working Group and the scope of the review

**RECOMMENDED** to Council that a politically-balanced Governance Working Group be established, such working group to:

- (a) comprise 12 members;
- (b) carry out a comprehensive review of Council governance arrangements in order to identify the different options available to bring together best practice and develop a model tailored to the needs and aspirations of Mid Devon's residents and stakeholders. Such review to include -
  - (i) exploring the views of members and other stakeholders;
  - (ii) taking advice where appropriate from experts in the field; and
  - (iii) identifying the cost and value for money implications;
- (c) Report its findings, options and recommendations to the Council (via the Standards Committee where major changes are proposed to the Constitution); and
- (d) ensure that such recommendations are made by no later than December 2020 with a view to any changes taking effect for the municipal year 2021/22

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr G Barnell)

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

**100. GAS SAFETY CONTRACT (00-44-36)**

The Cabinet had before it a \*report of the Director of Operations seeking authority to exercise the option in the 4+1+1 year contract for the inspection and maintenance of gas appliances across the Housing Revenue Account stock.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the report sought an extension to the current contract for the HRA stock and that a new tender process would be undertaken in 2020 to ensure continuance of service from April 2021.

Consideration was given to:

- Whether the provider was meeting the expectations of the authority
- The fact that the authority was happy with the standard of service

**RESOLVED** that the option to extend the existing contact for a further year from 1 April 2020 to 31 March 2021 be approved.

(Proposed by Cllr S J Clist and seconded by Cllr A White)

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

#### 101. **OFF STREET PARKING PLACES ORDER (00-50-27)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) providing Members with an update on the progress of the Off- Street Parking Places Order (“OSPPO”).

The Deputy Chief Executive (S151) outlined the contents of the report and responded to questions posed in public question time:

- Changing the car parking policy was always a challenge as there was a need to strike a balance with regard to value for money and to secure revenue for maintenance purposes. Consideration of increasing charges had been taken seriously, the issue had been discussed at the Car Parking Working Group and further considered by the Economy Policy Development Group before being presented to the Cabinet.
- The free half hour was still available in the evening but had been removed during the day time, it had been noted that the traders preferred people to stay longer in the town and the recommendation had been that the 1 hour tariff be reduced to £1.25.
- The hospital car park was administered by the hospital not by the Local Authority.
- The car parks cost a lot of money to maintain especially the multi storey car park, a report had been considered by the Cabinet in August where an £800k maintenance and enhancement project had been approved and any increase would be used for that project.
- Putting 10p on the Council Tax was not an easy option, local authorities could only increase Council Tax by 2%.
- The decision to increase charges was not a decision to reduce congestion, there was a reliance on the car in Mid Devon as other transport provision in the area was considered to be poor.
- The main reason for the increase was to maintain the assets of the council, the purchase of a permit would reduce costs for the user
- With regard to killing the town, there was a need to set a balance. He explained the strategic investment in Market Walk and that the shops were nearly all filled, the Council did not want a reduction in footfall.
- The Premier Inn had influenced the decision.
- There was still a long stay tariff available for people who made bus trips
- Council Officers did currently have free parking
- The consultation process had ended and that he would be looking at the responses

Consideration was given to:

- A request that the Cabinet Members consider the responses from the consultation process
- The need to advertise the use of permits more and the availability of payment instalments, details of which were on the website.

**RESOLVED** that: as the consultation deadline was 18th December and Cabinet wished to have sight of this feedback, that this report be amended to return to the next meeting with the inclusion of information relating to the consideration of objections and representations received during that consultation.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr G Barnell)

Notes:

- \*Report previously circulated, copy attached to minutes;
- Cllr L D Taylor left the meeting at this point.

**102. REPLACEMENT ROOFING CONTRACT 2020- 2023 (1-08-28)**

The Cabinet had before it a \*report of the Director of Operations advising Members on the results for the tendering of the Replacement Roofing Programme 2020 – 2023 to Council houses and requesting it to confirm the award of the contract.

The Cabinet Member for Housing and Property Services outlined the contents of the report explaining the procurement exercise and that the capital investment into the stock would result in a lower revenue cost in the coming years and would lower the amount of fossil fuels used to run and maintain the homes.

Consideration was given to the range of prices.

**RESOLVED** that the new three-year Roofing Replacement Contract be awarded to Contractor 4 with a forecast annual cost £600,000.00.

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

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

**103. CARBON BASE-LINE REPORT (1-14-22)**

The Cabinet had before it a \* report of the Group Manager for Corporate Property and Commercial Assets providing Members with the results of the Carbon Footprint exercise for the Council’s operational activities and to provide an overview of areas that it could control and guide, which would assist the Council to become carbon neutral by 2030.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Council had declared a Climate Emergency in the summers and that as part of that commitment it had agreed to produce a carbon footprint baseline. The report outlined the results of the carbon baseline work and gave

options to reduce the footprint, he added that this was just the start of the work that would take place.

Consideration was given to:

- Whether the fuel use of elected members could be added to table 1
- The use of reserves for funding, with the Deputy Chief Executive (S151) explaining the use of ear marked reserves for certain projects
- Liaison with town and parish councils with regard to informing local residents and local groups
- The details within annex C of the report
- The need to encourage the use of teleconferencing

**RESOLVED** that Carbon Emissions Baseline figure be noted.

(Proposed by the Chairman)

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

104. **TIVERTON TOWN CENTRE REGENERATION PROJECT - TENDER OUTCOME - DEFERRED FROM A PREVIOUS MEETING. (1-26-33)**

The Cabinet had before it a \* report of the Group Manager for Corporate Property and Commercial Assets/Deputy Chief Executive (S151) deferred from a previous meeting requesting the Cabinet to review the results of the Tiverton Town Regeneration tender.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the history of the project, the initial consultation process for the Tiverton Town Centre Masterplan and the decisions that had been taken to start the project within the town centre prior to the completion of the masterplanning exercise. He explained the planning permission that had been granted and the recent discussions with Tiverton Town Council who had felt that their representations had not been considered and that there was a need to delay the proposed works for consideration of the final masterplan. He wanted to initiate a Town Centre Regeneration Fund to form the basis for matched funding offers to regenerate the town.

Consideration was given to:

- The views of some of the Tiverton Town Councillors who had differing views of the proposals for the town centre
- The views of the traders in the market
- The various schemes that had come forward over recent years
- Whether match funding could be found
- The consultation that had or had not taken place with Tiverton Town Council and the Town Council's disapproval of the current scheme
- Whether a gold star scheme could be afforded
- The money that would be lost if the scheme stalled

**RESOLVED** that:



1. The specific scheme that came forward in advance of the forthcoming Tiverton Town Centre Masterplan be postponed, and allows the second stage of the process to be properly completed before seeking to prioritise strategic investment opportunities.
2. The Cabinet Members for Planning & Economic Regeneration and Housing and Property Services:
  - a) Consider how a Tiverton Town Centre Regeneration Fund might be established to facilitate match-funding opportunities and encourage external investment into the town, with proposals to be brought back to the Cabinet.
  - b) Work with Tiverton Town Council, market traders, the Town Centre Partnership and other businesses in the town to identify a programme of works that will make a significant improvement to the Town Centre in the short term.

(Proposed by the Chairman)

Notes:

- i) Cllr R L Stanley declared a personal interest as the previous Cabinet Member for Housing and Property Services and a Director of 3 Rivers Development Limited;
- ii) Cllr Mrs N Woollatt requested that her abstention from voting be recorded;
- iii) \*Report previously circulated, copy attached to minutes.

#### 105. **PERFORMANCE AND RISK (1-54-26)**

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

The Group Manager for Performance, Governance and Data Security outlined the contents of the report making reference to the Homeless statistics discussed within the earlier item, she informed the meeting that the Homes Policy Development Group had received statistics but that she would look into what measures could be considered within the performance and risk report.

Consideration was given to:

- The number of empty shops in the towns
- Sickness absence figures which were fully considered by the Leadership Team and the Health and Safety Committee
- The new sickness policy
- IDOX record handling

- The Officer Programme Board monitoring 3 Rivers Development Limited; the fact that the Cabinet received half yearly reports as the shareholder but did not sit on the programming board

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

#### 106. **FINANCIAL MONITORING (2-08-10)**

The Deputy Chief Executive (S151) provided the meeting with a verbal update on financial monitoring to date stating that the September variance on budget had been a surplus of £29k, this had changed in October to a deficit of £95k the main factors being:

- **Leisure** – There had been a reduction in vacant posts by £19k and also a reduction in casual swimming (£17k) which was in-keeping with a national trend.
- **Revenues and Benefits** – Housing Benefit Recovery forecasts had dropped by £20k and the recovery of court costs had also dropped by £4k. There was also a slightly lower single occupancy discount penalty forecast by £3k.
- **Property Services** – There had been a rate revaluation at Carlu Close which had added £56k of cost to the forecast.

With regard to the Housing Revenue Fund there had been no material changes from the last month's monitoring; the underspend primarily related to vacant posts and underspends on new projects.

It was hoped that the Government's financial settlement would be received in early to mid January.

#### 107. **SCHEDULE OF MEETINGS (2-12-53)**

The Cabinet had before it \* a schedule of meetings for the municipal year 2020/21.

**RECOMMENDED** to Council that the Schedule of Meetings for the 2020/21 municipal year be approved.

(Proposed by the Chairman)

Note: \*Schedule previous circulated, copy attached to minutes

#### 108. **NOTIFICATION OF KEY DECISIONS (2-14-00)**

The Cabinet had before it and **NOTED** its rolling plan \* for January 2020 containing future key decisions.

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

#### 109. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (2-14-49)**

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. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

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

(Proposed by the Chairman)

#### 110. **POTENTIAL DISPOSAL OF LAND AT OLD ROAD, TIVERTON**

The Cabinet had before it a report \* of the Deputy Chief Executive (S151) outlining options for the disposal of an asset.

The Cabinet Member for Housing and Property Services outlined the contents of the report and a full discussion took place.

Returning to open session, the Cabinet:

**RESOLVED** that the procedure set out in Section 122(2A) of the Local Government Act 1972 be followed, namely by placing public notices in newspapers for 2 consecutive weeks and the consideration of any objections that are then made.

(Proposed by the Chairman)

Notes: \*Report previously circulated.

(The meeting ended at 8.25 pm)

**CHAIRMAN**

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**CABINET  
19 DECEMBER 2019**

**THE CURRENT AND FUTURE GOVERNANCE ARRANGEMENTS OF MID  
DEVON DISTRICT COUNCIL**

**Cabinet Member(s):** Cllr Bob Deed, Leader of the Council  
**Responsible Officer:** Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer

**Reason for Report:** to outline the current governance arrangements and discuss the potential for a Governance Working Group to review arrangements and make recommendations.

**RECOMMENDATION: that**

- 1 the Standards Committee be asked to recommend to Council that the changes to the current arrangements set out in part 3 of this report be agreed and the Constitution amended accordingly and the Monitoring Officer be asked to draft the changes to the Constitution required to implement those changes for consideration by the Standards Committee; and**
- 2 it be recommended to Council that a politically-balanced Governance Working Group be established, such working group to-**
  - (a) comprise 12 members;**
  - (b) carry out a comprehensive review of the Council's governance arrangements, such review to include –**
    - (i) exploring the views of members and other stakeholders;**
    - (ii) taking advice where appropriate from experts in the field; and**
    - (iii) identifying the cost and value for money implications;**
  - (c) Report its findings, options and make recommendations to the Council (via the Standards Committee where major changes are proposed to the Constitution); and**
  - (d) ensure that such recommendations are made by no later than December 2020 with a view to any changes taking effect for the municipal year 2021/22**

**Financial Implications:** None directly arising from this report, save that the costs of officer time in supporting the review are estimated to be circa £5k-£10k and there may be costs incurred by bringing in external advice/guidance where required.

**Legal Implications:** As set out in this report. Legal advice will be provided on any alternative arrangements considered by the Governance Working Group (if agreed by Council), including on the procedures to implement them. Depending on the outcome, there may be other consequential work which needs to be put in place

before any alternative arrangements can be brought in, including a revised Constitution and the setting of a new members' allowances scheme.

**Risk Assessment:** None directly arising from this report.

**Equality Impact Assessment:** None directly arising.

**Relationship to Corporate Plan:** There are overarching priorities in the Plan – efficiencies and value for money, digital transformation and staff/member development.

**Impact on Climate Change:** None directly arising from this report. However, an increase or decrease in council meetings (regardless of the form of governance arrangements), may result in more or less travel to and from meetings by Members, as the case may be.

## 1.0 Introduction/Background

1.1 The purpose of this report is to consider the current governance arrangements and make recommendations for change, where appropriate. The current governance arrangements operated in Mid Devon District Council are that of the strong leader and executive (cabinet) model.

1.2 Section 9B of the Local Government Act 2000 prescribes the forms of governance which may be adopted by local government bodies. These are executive arrangements, committee system or 'prescribed arrangements'. The Council can only choose between those options.

1.3 Executive arrangements include the Leader/Cabinet system deployed by the Council and set out in the Constitution. A cabinet must consist of the Leader and at least two more councillors appointed by the Leader – as required by section 9C of the Local Government Act 2000. So the Leader appoints and has the sole power to select the Cabinet. The only constraint is that the number of councillors in the Cabinet (in addition to the Leader) must not be less than the minimum (2) nor more than the maximum (10). The political balance rules are expressly dis-applied by law.

1.4 The Council's Constitution transfers the Leader/Cabinet system into its rules and procedures. It is important to recognise that the Council is not free to pick and choose the functions and responsibilities which are to be a matter for the Cabinet. Where a Cabinet system is operated, all functions are to be the responsibility of the Cabinet, unless the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 prescribe otherwise. The 2000 Regulations prescribe the functions which:

- must not be the responsibility of the executive e.g. certain consents, licences, elections etc.

- may be the responsibility of the executive if that is what the Council wants (local choice)
- may or may not be the responsibility of the executive, depending on particular prescribed circumstances e.g. decisions outside the policy framework or budget

1.5 The committee system is what it says it is – there are a number of committees discharging the business of the Council either under delegated powers from the Full Council or by recommending up to Full Council. Some Members may have experienced this arrangement when it was previously in operation at the Council, although that does not mean that new committee arrangements could not be designed in a way which overcomes any historic concerns over how committees operate.

1.6 Prescribed arrangements are additional permitted governance arrangements may be prescribed by the Secretary of State in regulations. They need to be proposed to the Secretary of State with an explanation of how the following conditions would be met:

- (a) the operation of the proposed arrangements would be an improvement on the arrangements in place;
- (b) the proposed arrangements would be likely to ensure that the decisions are taken in an efficient, transparent and accountable way; and
- (c) if prescribed, the arrangements would be appropriate for all local authorities to consider adopting.

## 2.0 **Current arrangements for participation and scrutiny**

2.1 The Strong Leader and Cabinet model enables decisions to be made at pace in line with the policy and budgetary framework and the corporate plan. There are clear lines of accountability. Members naturally want to have the opportunity to influence decisions and to be involved. They want openness and transparency. Whilst the forward plan is no longer a statutory framework, it has been retained to show the major decisions coming up. Cabinet meetings are not only open to all members, but all members are entitled to attend and participate – a practice which is now in the Constitution.

2.2 Decisions of the Cabinet can be called in to Scrutiny Committee. Those who can call in are:

- the Chairman of Scrutiny
- any 3 members of Scrutiny

- any 4 members of the Council

On decisions called in, the Scrutiny Committee can already make recommendations to Full Council if it wishes - but the Full Council has no locus to make a decision in respect of a Cabinet function or responsibility unless it is contrary to the policy framework or budget. Full Council cannot override the Cabinet where such a decision is a matter for the executive.

### 3.0 **Some options which might enhance the current arrangements**

- Option 1      The Leader has suggested that the Cabinet may, at its discretion, “self-refer” to Full Council for a view before making a decision on controversial or locally significant matters - unless the decision is particularly urgent and cannot wait for the next scheduled meeting and an extraordinary meeting would be impractical. That would enable the Cabinet to sound out what all members think on a matter before taking the final decision. Of course, the Cabinet may decide not to go with the views of Full Council, but it will at least have a more detailed understanding of fellow members’ views – and such views can be expressed in the public domain at a formal meeting, rather than through informal consultation. The challenge is the potential for slower decision-making and delay.
- Option 2      Reports to Cabinet should include a section setting out whether the decision is within the Policy Framework and the Budget. This would assist members in understanding whether the decision is purely a Cabinet decision or one which could (or at times, must) be taken by Full Council.
- Option 3      Special urgency – decisions to be published “in any event on the next working day” although the Constitution accords with statute by requiring “as soon as reasonably practicable”.
- Option 4      Special urgency decisions referred to next Full Council, rather than quarterly. This would include decisions taken after the publication of the agenda but before the meeting. At times, it may require a verbal rather than a written report to meet this timescale.

### 4.0 **A more thorough review of Governance Arrangements**

- 4.1 Some Members have expressed the wish for a more thorough review of governance arrangements. If the Council changes its governance structure, it cannot change again within five years unless a public referendum is held. Any changes would come into effect at the annual meeting in May – so there is time to get things done with careful thought and diligence



- 4.2 If a review takes place, it is essential that the first consideration is what the review is trying to achieve i.e. what is it that the membership thinks is not working for them, the Council and Mid Devon as a whole in the current arrangements and what, in overarching terms, would they like to see in any new arrangements.
- 4.3 A working group may be the best way forward to arrive at some clear proposals. At the same time, there is some clear merit in letting all members feel that they have made a contribution. If a working group is established, as a starting point it would be useful to get some information about why members want to change; the problems they see with the existing governance system, and what they are hoping for in terms of benefits from a new one. What are their key objectives? For example, these could be:
- Making the most of the range of skills and experience of members
  - More involvement of more members in more decision making
  - Greater member participation in policy development at earlier stages
  - Cost and other resource savings
  - A 'better' political balance across all the council does
  - The balance between officers and members
  - Greater transparency and accountability
  - Speed of decision making- does it in reality happen more quickly under the Cabinet?
- 4.4 Until members, officers and any other appropriate stakeholders are asked, it would be difficult for any working group to move forward in a structured review. There is a risk that the working group might arrive at some firm(er) options and ideas for the Council as a whole to consider which would not hit the collective mark. It might therefore be appropriate to hold a workshop open to all members and senior officers discussing the points above and more. Such a workshop could be facilitated by the Local Government Association (if available) or a third party with particular national expertise in local authority governance arrangements. The outcome of the workshop could then be used by the working group to finalise the terms of reference, any further consultation plans (including surveys perhaps) and its work programme.
- 4.5 It is important that the working group is representative of the Council as a whole – it does not have to be politically-balanced, but members might feel that to be an important element to achieving consensus. A working group of 12 members would provide a good sample of views across the Council and, with the current membership, allow for an easy political balance calculation.

**Contact for more Information:** Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer (01884) 234210 [ktebbey@middevon.gov.uk](mailto:ktebbey@middevon.gov.uk)

**Circulation of the Report:** The Leader; the Cabinet; Leadership Team

**List of Background Papers:** None.

MID DEVON DISTRICT COUNCIL – SCHEDULE OF MEETINGS – 2020/21

Ratified by Council on .....

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MEETING	Normal day and Time	1	2	3	4	5 2021	6	
<b>Planning Committee</b> <i>(first meeting of cycle)</i>	Wed	20 May	15 July	9 Sept	4 Nov	13 January	10 March	
<b>Planning Committee</b> <i>(second meeting of cycle)</i>	Wed	17 June	12 August	7 October	2 Dec	10 Feb	14 April	
<b>CABINET</b> <i>(first meeting of cycle)</i>	Thurs	14 May	9 July	3 Sept	29 October	7 January	4 March	
<b>CABINET</b> <i>(second meeting cycle)</i>	Thurs	11 June	6 August	1 October	3 Dec	4 Feb	8 April	
<b>Environment PDG</b>	Tues	19 May	14 July	8 Sept	3 Nov	12 January	9 March	
<b>Homes PDG</b>	Tues	26 May	21 July	15 Sept	10 Nov	19 January	16 March	
<b>Economy PDG</b>	Thurs	21 May	16 July	10 Sept	5 Nov	14 January	11 March	
<b>Community PDG</b>	Tues	2 June	28 July	22 Sept	17 Nov	26 January	23 March	
<b>Scrutiny</b> <i>(first meeting of cycle)</i>	Mon	1 June	20 July	14 Sept	9 Nov	18 January	15 March	
<b>Scrutiny</b> <i>(second meeting cycle)</i>	Mon	22 June	17 August	12 October	14 Dec	15 Feb	19 April	
<b>Audit Committee</b>	Tues (special on a <b>Monday</b> )	2 June	13 July	11 Aug	22 Sept	17 Nov	26 January	23 March
<b>Standards Committee</b>		10 June		14 October		3 February		
<b>Licensing Committee</b>		19 June			11 Dec			
<b>Regulatory Committee</b>		19 June			11 Dec			
<b>Away Days</b>	Fri 9.30am			11 Sept				
<b>COUNCIL</b>	Wed 6.00pm	1 July	26 August	28 Oct	6 January	24 Feb	28 April	12 May 2021

Note: (i) \*Annual meeting of the Council at 6.00pm. **Annual Meeting in 2020 is on 13 May**



## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 2 December 2019  
at 2.15 pm

### **Present**

#### **Councillors**

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

### **Also Present**

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

R M Deed, G Barnell and L J Cruwys

### **Also Present**

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

Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Maria De Leiburne (Solicitor), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

## 85 **APOLOGIES AND SUBSTITUTE MEMBERS (00.01.44)**

There were no apologies.

## 86 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.01.56)**

There were no declarations.

## 87 **PUBLIC QUESTION TIME (00.02.18)**

Members of the public present asked the following questions in relation to item 8 on the agenda:

1. Will the Scrutiny Committee look into independent, and I stress independent, peer reviewed research into the harmful effects of electromagnetic radiation and frequencies and invoke, as have other councils, the precautionary principle until independent research shows this is safe?
2. Is it Mid Devon District Councils intention to include discussion or open debate with reference to 5G roll out within any future broadband committee consultation?
3. Are you going to add 5G onto future Scrutiny meetings as I am alarmed that 5G is not on your agenda? I urge you to look at all the research and the websites. We are asking for fibre instead of masts. Studies show that infants and children absorb 5 times as much radiation as adults. Can you do a Scrutiny meeting on this subject as soon as possible?

4. What are the alternative schemes, pilot schemes that have been successful? Which areas of Mid Devon are included in these schemes and if they are not directly connected to 5G why would 5G be considered over the already successful alternatives?
5. I would like to find out if the Gigaclear contract could be resurrected as fibre is a safer way. Local councils have a liability and the loss of pollinators is of great concern. To lose our pollinators affects our food production. Has any impact assessment been done?

In response the Chairman informed members of the public present that the responsible authority for providing broadband was Devon County Council (DCC) and that they were currently conducting a spotlight review into 5G starting with a survey for residents to complete. They could find a link to the DCC survey on the news section of the DCC website. DCC had received over 400 responses to date and would be inviting members of the public who had registered with them to go and talk to County Councillors about their concerns with 5G.

#### 88 **MEMBER FORUM (00.16.51)**

There were no items raised.

#### 89 **MINUTES OF THE PREVIOUS MEETING**

A Member apologised for comments made at the last meeting and this apology was acknowledged by the members of the Committee.

The minutes of the last meeting held on 28<sup>th</sup> October 2019 were approved as a correct record and **SIGNED** by the Chairman.

#### 90 **DECISIONS OF THE CABINET (00.19.58)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 21<sup>st</sup> November had been called in.

#### 91 **CHAIRMAN'S ANNOUNCEMENTS (00.20.08)**

The Chairman had no announcements to make.

#### 92 **BROADBAND UPDATE (00.20.19)**

Matt Barrow, Stakeholder Engagement Officer from Devon County Council, (DCC) addressed the Committee and explained that DCC were charged with delivering superfast broadband across the District. He explained that in phase two of the project the region was divided into 6 lots and 5 of these were awarded to Gigaclear. The contract with Gigaclear was not a success and it was therefore terminated. He informed Members that out of approximately 36,800 properties in Mid Devon 30,900 were now connected to superfast broadband.

He explained that the main focus of the project at this time was to procure a contractor to deliver superfast broadband to the properties that Gigaclear had missed. He explained that the procurement process took time and that they would be going out to tender in early 2020 with the contract not expected to start until mid-2021.

He explained to Members that the Government had introduced a voucher scheme in July which was designed for rural communities to club together to procure and install their own superfast broadband. He described some successful communities which had used the scheme to get superfast broadband installed.

In response to questions asked he explained why the Gigaclear contract had failed and why it had taken so long to discover that they had not been delivering on their contract.

Consideration was given to:

- Issues with providing superfast broadband to the 2% of properties in rural areas
- The amount of rural businesses which were affected
- Issues with existing businesses on old broadband connections not being able to connect to new installations of superfast fibre broadband
- Urban properties not being able to access superfast broadband due to legal and commercial issues
- The effect a new Government could have on the procurement process.

He explained that the clear direction of travel was to deliver fibre technology.

### 93 **FORWARD PLAN (00.57.09)**

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

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

### 94 **WORK PLANNING SESSION (00.57.30)**

The Scrutiny Officer suggested that the Committee split the work programming planning into 2 short discussions.

With regard to the shortlisting considerations Members offered the following observations:

- That items that only affected people across Mid Devon was too prescriptive and that there would be issues that may only affect certain areas of the District
- The need to consider items that the District Council had a control over, like our vehicle fleet.
- The need to agree outcomes of work undertaken and agree targets and how these were measured.

Members brought the following items for consideration for areas to be investigated by the Scrutiny Committee:

- How the Council dealt with staff going through the menopause or menstruation and what was in place to make things better for staff who were suffering
- How did the current procurement process fits in with the environmental aspirations of the Council
- Acting with integrity – How do we facilitate the public to engage and come and ask questions. Involving the public on what the council does.
- Future generations and youth – How can the Council bring future generations into the decisions being made
- Look at the introduction of teleconferencing for internal meetings
- Introducing communication on what powers and duties the Council has and what areas it should be lobbying County Council and Central Government

Members discussed a suggestion about fly tipping and the introduction of mobile CCTV cameras and were advised by the Deputy Monitoring Officer that covert surveillance on the public was regulated under the RIPA legislation.

## 95 IDENTIFICATION OF ITEMS FOR FUTURE MEETING (01.17.47)

Members agreed for the following items to be added to a future agenda:

- 5G – a report detailing the current arguments, both for and against, 5G technology and the current status of the DCC public consultation and the spotlight review.
- Anaerobic Digesters – an update of the September 2018 report to be presented to Members to understand the current environmental and transport issues and if these had significantly changed.

(The meeting ended at 3.40 pm)

**CHAIRMAN**



## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **AUDIT COMMITTEE** held on 10 December 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**

#### **Councillor**

R M Deed

### **Also Present**

#### **Officers**

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

## 45. **APOLOGIES**

There were no apologies for absence.

## 46. **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

There were no interests declared under this item.

## 47. **PUBLIC QUESTION TIME**

Mr Nick Quinn, a local resident stated that, he was speaking to Agenda items 6 (Performance and Risk) and 8 (Internal Audit Report):

Firstly: In the Risk Report Appendix 6 there is a risk "*SPV – 3 Rivers – Failure of the Company*", in which the current Risk Likelihood is reported as high (4). One of the impacts of this risk is the inability of 3 Rivers to service and repay the loans from MDDC. Such an inability is already being reported!

A Financial Update Report has been given to the last Cabinet meeting and to all of the PDG's, which states that the 3 Rivers is likely to overspend on the St George's Court project by around £377,000. The report also states that the company have said that they are unlikely to be able to repay the Working Capital loan of £504,000 - within the promised timeframe.

Your Accountants are proposing to impair (or write-off) all this money – noting that "*this will have a real impact on the revenue account*".

It seems very odd to me that Audit Committee should not be given information about a situation with such a high financial impact or an up to date risk report reflecting this.

**My questions are: Why is the situation not being reported to Audit Committee? and why has the Risk Likelihood factor not been set higher?**

Secondly: At this Committee, last year, I asked about the loan of £750,000 that was made to 3 Rivers in March 2018. I was told that the loan was open-ended but would be repaid after the sale of the properties in the St George's Court development.

**My question is: In the light of the reported 3 Rivers situation, is this loan still secure or also in danger of not being repaid?**

Thirdly: In the Internal Audit Report covering the Property Development Company, Governance Review - showing improvements are still required. The text identifies two areas of risk to the primary objective of the company – which is to provide additional income for the Council.

Audit did not identify the selection of projects as a risk area, but I wonder whether they should have? At the last Cabinet meeting, when responding to questions about the proposed financial impairments, the Deputy Chief Executive said "*in the first year we have taken on the St George's Court scheme, there was obviously no profit on it. To be honest, if 3 Rivers had been offered it on a commercial basis, it would not have taken it. So we are delivering a project that the Council wanted to see done, that was likely to only break-even*".

**My question is: If there was never any profit in the St Georges Court development and 3 Rivers would have refused it, if they could. Why was the company's prime objective put at risk by giving it this profitless project to complete?**

The Chairman informed Mr Quinn that he would receive a written response to his questions in due course (attached to the minutes).

48. **CHAIRMAN'S ANNOUNCEMENTS (00:05:05)**

The Chairman had no announcements to make.

49. **MINUTES OF THE PREVIOUS MEETING (00:05:10)**

The minutes of the meeting held on 8 October 2019 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

50. **MEETING MANAGEMENT**

The Chairman stated that he would be taking item 8 'Internal Audit Progress Report' as the next item of business.

51. **INTERNAL AUDIT PROGRESS REPORT (00:05:15)**

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 the overall opinion of the internal auditor that, based on work performed during 2019/20 and their experience from the current year progress and previous years' audit, their opinion was one of 'Substantial Assurance' on the adequacy and effectiveness of the authority's internal framework.

The contents of the report were outlined with discussions taking place regarding the following:

- There were no material concerns within the core audits and no issues of fraud.
- The audit of Housing Benefits had identified that there were good controls in place. Internal auditors had assisted the external auditors with the subsidy claim for the first time this year. The final outcome report was awaited.
- The audit of the debtors area had identified it as of a 'Good Standard'. There had been some minor VAT issues but staff were working on that. The review of the debtors master file had identified areas of improvement.
- The audit of the 'Main Accounting' system had identified it as being of a 'High Standard'.
- Within the audit of the 'Property Development Company – Governance Review Follow Up' they were pleased to recognise the significant steps that had been taken to improve the control framework around the highest risk areas previously identified. However, improvements were still needed around the reporting and monitoring mechanisms, particularly with regard to how these were reported to the Cabinet and ultimately Council. Key performance indicators were not sufficiently clear at the present time to recognise the returns that projects might provide. The now quarterly shareholder meeting was recognised as a positive step forward for monitoring purposes.
- The meaning of 'impairment' was explained by the Group Manager for Financial Services and the external auditor as essentially being a mechanism to recognise a provision to cover the council should the loan not be repaid in full. This did not mean that the loan was being written off. The need for the impairment would be reviewed over the life of the project. The 3 Rivers accounts would show the loan at the full repayable amount whereas the outstanding loan on the council's balance sheet would reflect the possibility that a proportion would not be repaid. The requirement to consider an impairment over the life of loans had been brought in as a result on international accounting standards, IFRS 9, which has been updated in 2019/20. This could be reversed within the accounts when repaid.
- It was confirmed that formal reporting from 3 Rivers occurred every 6 months and the shareholders meeting occurred every quarter whilst the company itself performed their own monitoring on a monthly basis. This was now in place as a result of a previous audit. It was confirmed that there was continued effort to control risk and improve the management information leading up to any decision points where risk to the council could potentially be impacted or mitigated.
- The Chairman reminded everybody present that they were welcome at any time to knock on the door of the Development Company office to ask questions (whilst understanding the commercial sensitivities involved) and also to speak to the Cabinet Member for Housing.
- The shareholders would be meeting next week to discuss the details of the internal audit report.
- Audit work had been completed on the new on-line job evaluation system. Initial findings were that the system controls and evaluation methodology were sound and should ensure consistency through what is a nationally accepted standard of assessment.
- It was noted there was still an outstanding audit recommendation in relation to the Procurement area from 2018, this was in relation to the need for a

Corporate Procurement Strategy. Discussions were ongoing with regard to the usefulness of such a strategy.

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

## 52. **PERFORMANCE AND RISK REPORT (00:41:15)**

The Committee had before it, and **NOTED**, a report \* from the Director of Corporate Affairs and 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 consideration being given to the following:

- All performance indicators would need to be reviewed in light of the new Corporate Plan when it is approved by Council.
- The only request made by PDG's since the last Audit Committee had been from the Economy PDG to see an indicator which showed any changes in the trends on empty shops year on year.
- The need for health and safety risk assessments in relation to all service areas had been brought to the attention of all Group Managers.
- The need for the Council to demonstrate that it was compliant with all GDPR requirements would need to be factored for in all business plans for the following year.
- Risks in relation to the 'SPV – 3 Rivers' – it was confirmed that the Cabinet undertook the initial decisions in relation to the first project. It was also highlighted that the architect used for this had recently won a national architectural award. The audit committee's responsibility lay with it needing to be comfortable with the level of risk.
- Review notes and where associated information needed to be shown.

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

## 53. **PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN (00:58:26)**

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

The contents of the report were briefly outlined and it was explained that action point numbers two and three had had the completion dates amended. Since the Audit Committee had approved the original dates back in July, it was requested that it approve this revision. This was **AGREED**.

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

## 54. **EXTERNAL AUDIT PROGRESS REPORT (01:00:45)**

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:

- Since the last Audit Committee they had begun planning for the 2019/20 external audit and they would be issuing a detailed audit plan setting out their approach at the next Audit Committee.
- Since the last meeting they had also certified the Council's annual Housing Benefit Subsidy claim in accordance with procedures agreed with the Department for Work and Pensions.

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

55. **AN UPDATE IN RELATION TO THE ADDITIONAL FEES PROPOSED BY THE EXTERNAL AUDITORS (01:03:23)**

The following update was provided from Grant Thornton:

- The external auditors were not able to set these themselves and they needed to be ratified by the PSAA.
- Additional requirements were now placed on auditors with more work being expected of them across the sector.
- It was noted that some MDDC officers had raised concerns about these additional fees but any arbitration required would need to be conducted through the PSAA.
- The additional work required by external auditors would be set out within the proposals for their planned work at the next meeting.

56. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:07:58)**

It was noted that the meeting in January was only 6 weeks away and that not all the usual reports would have the necessary data available to be published in time. Therefore it was **AGREED** that the AGS update and the Internal Audit Progress Report would not come to the next meeting but that the following would:

- Performance and Risk
- External Audit Progress Report
- External auditors audit plan for 2019/20.

It was confirmed that the formal meeting would be followed by a short training session on fraud prevention for the Committee only.

(The meeting ended at 6.41 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

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

### **Present**

**Councillors** B G J Warren (Chairman)  
E J Berry, W Burke, D R Coren,  
R F Radford, R L Stanley,  
Ms E J Wainwright and J Wright

### **Apologies**

**Councillor(s)** B Holdman

### **Also Present**

**Councillor(s)** R M Deed and R Evans

### **Also Present**

**Officer(s):** Stephen Walford (Chief Executive), Andrew Pritchard (Director of Operations), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Joanne Nacey (Group Manager for Financial Services), 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)

## **39 APOLOGIES AND SUBSTITUTE MEMBERS (00.00.55)**

Apologies were received from Cllr B Holdman.

## **40 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.01.32)**

There were no declarations made.

## **41 PUBLIC QUESTION TIME (00.01.40)**

There were no members of the public present for this item.

## **42 MINUTES OF THE PREVIOUS MEETING (00.01.48)**

The minutes of the previous meeting held on 24<sup>th</sup> September were **AGREED** as a true record and signed by the Chairman.

## **43 CHAIRMAN'S ANNOUNCEMENTS (00.03.01)**

The Chairman announced that this was the last meeting of the Group that the Director of Operations would attend and he thanked the officer for what he had achieved and wished him well for the future.

#### 44 **MOTION 559 (COUNCILLOR R EVANS - 22 OCTOBER 2019) (00.04.39)**

The Group had before it Motion 559 (Councillor R Evans – 22 October 2019) that had been forwarded from the Council to the Policy Development Group for consideration and report:

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).

Cllr R Evans explained that the motion was put forward as he had a plot of MDDC owned land in his ward which they didn't know what to do with and that the motion supported the environmental aims of the Council.

The Group discussed the Motion and considered:

- Planting of 'suitable trees'
- The fit with the Council's Open Spaces Policy
- Land not suitable for development – what did this mean

The Chief Executive explained that there were some concerns about the statement of 'any and all Council owned land not suitable for development' as this was a fairly unequivocal statement and could be misinterpreted in future as potentially including land not suitable for development, but where the Council clearly wouldn't wish to see the land completely covered in trees - existing Council owned play area's for example.

The Group suggested, and Cllr R Evans agreed that the wording of the Motion should be amended to reflect that only suitable Council owned land would be included and only suitable native trees would be planted.



The Group **RECOMMENDED** to Council that the Motion should be supported and that the wording would be adjusted to reflect the Group's suggestions.

(Proposed by Cllr R L Stanley and seconded by Cllr Ms E J Wainwright)

#### 45 **CORPORATE PLAN (00.17.37)**

The Group had before it and **NOTED** the draft \*Corporate Plan. The Chief Executive explained that the current Corporate Plan ran until 2020 and now was the time to start to look at renewing and refreshing the plan for 2020 onwards. He explained that the draft plan included the thoughts and ideas of the Members who had contributed during an away day in September 2019.

He stated that the draft plan would be presented to all 4 PDG's over the coming weeks so that additional thoughts and comments from all Members could be included within the final version. He asked the Group their initial thoughts on the draft plan.

Members discussed the draft plan and considered the following:

- Car park pricing mechanism – how would that be seen to be helping our town centres if the Council was also encouraging outside business parks like J27
- Concern that the plan was a 4 year programme and that there were too many things to achieve in that timescale
- Right to Buy – this is a Government Policy and should not be included
- Promote sustainable farming practices – Some Members felt that this was down to DEFRA and others thought that it should be kept in the plan as an aspiration for farming communities to network and share good practice.
- Emissions from cattle and food production.
- Community Land Trusts.

The Chief Executive explained to Members that the Corporate Plan was designed to balance the different viewpoints of the membership and the competing demands of the Council. It was to show the public what the council would be trying to achieve with competing resources. He explained that the Plan was not a definitive list of practical things that the Council would achieve but what the aspirations of the membership was in the 4 overarching main themes, Environment, Homes, Economy and Community.

He informed the Group that the Plan was stating what the membership aspired to achieve and that the Leadership Team would need to adjust and amend working practices to align operational activities to the aims of the Members. He explained that with each budgetary cycle everything the Council did and every decision Members were asked to make would be aligned to the Corporate Plan. Alongside the top line of the Corporate Plan there would be a list of priority activities published on an annual basis, as currently.

The Leader informed the Group that the draft Plan would be presented to all 4 PDG's and that all Members should respond and contribute their thoughts so that these could be taken into consideration when the final Corporate Plan was presented to the Cabinet.

The Group were requested to contribute their thoughts and add their comments to the draft Corporate Plan by way of notification to the Chief Executive via the Committee Clerk.

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

#### 46 **NET ZERO WORKING GROUP UPDATE (00.47.21)**

The Group had before it and **NOTED** the \*Terms of Reference for the Net Zero Working Group and the Chair of the group, Cllr Ms E Wainwright, explained that the project outline was dynamic and that it would be adapted as the Climate Change situation progressed.

She explained that the Working Group had two main themes, the first being establish how the Authority could reduce its own emissions and secondly how the Authority could facilitate net zero carbon initiatives information across the district.

She informed the PDG that the Working Group were looking at getting Net Zero Carbon information onto a shared platform and that a new webpage on the Council's website had been commissioned to signpost public and community groups. She explained that Members should be encouraging residents to engage with the DCC Taskforce call for evidence and that when that evidence was presented the Authority could look at ideas which directly affected Mid Devon. The next stages would be a press release early in the New Year explaining what the Council had already achieved to reduce its carbon footprint and to conduct a mapping exercise to connect all the community groups together.

She explained that the Group would meet again in the New Year.

The Group **AGREED** that Cllr E J Berry be formally adopted onto the Working Group.

(Proposed by the Chairman).

Note: \*Terms of Reference previously circulated and attached to the minutes.

#### 47 **GOVERNMENT SCHEME FOR FUNDING OF STREET ELECTRIC VEHICLE CHARGING POINTS (00.56.53)**

The Group had before it and **NOTED** a \*report from the Head of Planning, Economy and Regeneration providing Devon County Council's (DCC) Policy for signing up to the Office for Low Emission Vehicles Government Funding for the provision of on street electric vehicle charging points.

The Forward Planning Team Leader explained that the question had been asked by a member of the public and that MDDC could not sign up to the scheme in its own right as it was not responsible for highways and it would need the support of DCC. He explained that DCC had taken the decision not to sign up to the scheme due to financial pressures and issues with evolving technologies.

The Group Manager for Corporate Property and Commercial Assets explained to the Group that the Council's Electric Vehicle Charging Partner, Instavolt, had installed rapid chargers in the leisure centres. He explained that these had worked well as

people had something to do whilst the vehicle was charging but suppliers were reluctant to site them in other locations where there was no alternative activity that users could utilise whilst charging their vehicles. He explained that 2 additional charging points were to be fitted at the Premier Inn in Tiverton. He informed the Group of the electric infrastructure required to install electric vehicle charging points and the reluctance of suppliers to install additional units.

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

#### 48 **CLIMATE CHANGE FOOTPRINT BASELINE CALCULATION (01.05.32)**

The Group had before it and **NOTED** a \*report from the Group Manager for Corporate Property and Commercial Assets updating Members on progress made with establishing a Carbon Footprint for the Council's operational activities.

He outlined the content of the report and explained that there were 5 stages required to define the Council's carbon baseline and that officers were at stage 5, report writing. A draft report had been received from the University of Exeter and that this was currently being verified and would be presented to Cabinet on 19<sup>th</sup> December 2019.

He explained that MDDC had joined other District Councils to have a consistent approach on the scope of establishing a baseline and that MDDC were the first of this group to have obtained a draft figure.

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

#### 49 **SINGLE USE PLASTICS (01.07.59)**

The Group had before it and **NOTED** a \*report from the Policy and Research Officer updating Members on the Council's progress on the reduction of single use plastic (SUP). She outlined the contents of the report and explained that this was an update on a report presented to the Group in March 2019.

She explained that the Council was looking to get its own house in order and to work with suppliers. She informed the Group that most of the suppliers that the Council worked with either had or intended to introduce a policy on the use of SUP's.

She explained that although there was a limited response from suppliers when they were initially asked to provide details of their policy that the Council were looking at the policies of individual suppliers when their contracts came up for renewal.

Members felt that procurement needed to be looked at more generally and how the Council could encourage positive social and environmental impacts whilst looking to reduce its own environmental impact.

The Director of Operations asked the Group to consider how they wanted to discuss SUP's and what that actually meant as there was no official definition of a single use plastic.

Cllr R Evans, who tabled the original motion, stated that this was a good start but he would like the PDG to look at introducing targeted measurable results. He stated that if procurement was an area that could be looked at then this should be done.

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

#### 50 **ENVIRONMENT EDUCATIONAL AND ENFORCEMENT TEAM UPDATE (01.21.38)**

The Group had before it and **NOTED** a \*report from the Group Manager of Street Scene and Open Spaces updating Members on the performance of the Street Scene Education and Enforcement Team.

He outlined the contents of the report and explained to Members that this was an update on the changes made to the service in April 2017. He explained that officers had a combined 300 hours of discretionary time per annum and the amount of time spent on tasks performed had been agreed by the previous PDG.

He explained that the discretionary time had previously concentrated on litter patrols and recycling and that this was working well. He explained that the rise in abandoned vehicles could be directly linked to the scrap values and as this was lower it caused an increase in this type of offence.

He informed the Group that the Enforcement Policies were due to be presented to the Group at the next meeting and this meant that Members could set increased fine rates for fixed penalty notices including littering from cars following changes to national legislation.

In response to a question about the training provided to district officers for evidence gathering and investigations, the Director of Operations explained that the Enforcement Policies would cover this aspect. He explained that currently the Council would not be able to use covert surveillance methods as they would need to apply for RIPA.

The Group **AGREED** to retain the current discretionary times and tasks.

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

#### 51 **FINANCIAL MONITORING (01.32.43)**

The Group had before it and **NOTED** a \*report from the Deputy Chief Executive (S151) presenting the financial monitoring information for the income and expenditure for the six months to 30 September 2019 and the projected outturn position.

The Group Manager for Finance outlined the content of the report and explained that this was the second formal report for the year and there was a big differential from quarter 1, now showing a surplus of £29k. A number of factors had contributed to this including waste savings and the receipt of a significant planning application.

In response to a question asked about 3 Rivers Developments Ltd she explained that this was a loan which was made without the need for additional borrowing and that the report had highlighted that there was a risk of it not being repaid within the initial

timeframes. The forecast was based on the figures that had been provided by 3 Rivers Developments Ltd.

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

## 52 **DRAFT BUDGET (01.42.45)**

The Group had before it and **NOTED** a \*report from the Deputy Chief Executive (S151) presenting the draft budget proposals for 2020/2021.

The Group Manager for Finance outlined the content of the report and explained to Members that the report would be presented to Cabinet with the information available at the time and that the settlement from Central Government was for 1 year instead of the 4 expected. She explained that the Council had been very vocal about the absence of the Fair Funding Review there was doubt over whether the Provisional Settlement would be received from Central Government by Christmas. This delay would cause further uncertainty.

She informed the Group that the Council had gone out to public consultation on the budget and had so far received 408 responses. Officers were currently looking at those to help inform the budget setting process.

She explained that the Vehicle Contract set up had come from the Ear Marked Reserve created from the sinking fund initially established to replace the Council's vehicle stock.

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

## 53 **PERFORMANCE AND RISK (01.54.38)**

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 the local service targets for 2019-2020.

The Group Manager for Performance, Governance and Data Security explained that the results were from September and detailed the performance against the current corporate plan.

She stated new targets would be aligned with the new corporate plan when this had been agreed.

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

## 54 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (01.57.28)**

No items were identified.

(The meeting ended at 7.29 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 3 December 2019 at 2.15 pm

### **Present**

**Councillors** R J Dolley (Chairman)  
J Cairney, D R Coren, L J Cruwys,  
W J Daw, C J Eginton, F W Letch and  
S J Penny

### **Apologies**

**Councillor(s)** Mrs E M Andrews

### **Also Present**

**Councillor(s)** R L Stanley

### **Also Present**

**Officer(s):** Stephen Walford (Chief Executive), Andrew Pritchard (Director of Operations), Claire Fry (Group Manager for Housing), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Joanne Nacey (Group Manager for Financial Services), J P McLachlan (Principal Accountant), Michael Parker (Housing Options Manager) and Sarah Lees (Member Services Officer)

## 44 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs E Andrews.

## 45 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

There were no interests declared under this item.

## 46 **PUBLIC QUESTION TIME**

There were no questions from the two members of the public present.

## 47 **MINUTES**

The minutes of the meeting held on 1 October 2019 were confirmed as a correct record and **SIGNED** by the Chairman.

## 48 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had the following announcements to make:

- Cllr F Letch would be replacing Cllr Mrs I Hill on the Group for the foreseeable future.

- He thanked the Director of Operations, Mr Andrew Pritchard, for all he had done to support the Group over recent years and wished him well in his new role.

**49 SYRIAN VULNERABLE PERSONS RESETTLEMENT SCHEME (SVPRS) (00:04:00)**

The Group had before it, and **NOTED**, a report \* from the Group Manager for Housing Services providing an update to the Policy Development Group on the provision of housing for Syrian Refugees in Mid Devon.

The contents of the report were outlined and a further update provided. It was noted that:

- A landlord in Crediton, who had made a property available to provide a home for a Syrian family, was now in contract with a third party which will manage the property and a request has been made to the Home Office seeking the identification of a suitable family to move in early in 2020. A positive outcome was envisaged.
- It was confirmed that the Council had housed three families since the scheme was approved.
- It was agreed that the way forward was to work very closely with Devon County Council and to judge each particular situation on a case by case basis.
- The work of the officers in doing what they had to secure the housing of these families was recognised and it was stated that there would be a six monthly update to this Group going forwards.

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

**50 HOMELESSNESS STRATEGY 2020 - 2025 (00:10:19)**

The Group had before it a report \* from the Group Manager for Housing Services regarding the homelessness and rough sleeping strategy which now required review.

The following was highlighted within the report:

- In accordance with the Homelessness Act 2002, the Council must undertake a review of homelessness in the district on a five yearly basis and was required to have a homelessness strategy. The existing strategy covered the period from 2013 to 2018 and was extended by delegated decision made by the Cabinet Member for Housing to run until the end of 2019. The new draft strategy also included actions associated with rough sleeping.
- A consultation with stakeholders informed the review of the homelessness strategy. Officers in the housing options team were consulted, as were other colleagues within the Council. A meeting for councillors was held on 4 March 2019 and external stakeholders were invited to another meeting which took place on 8 March 2019. Two agencies had commented that whilst the strategy was very comprehensive, the action plan did not include very many 'smart' targets. This was taken on board by officers and it was confirmed that the action plan would be responsive to change and would be kept under review. Updates would be provided to the Group on a half-yearly basis.



- The strategy would include a live link to the Council’s website and this would be refreshed on a quarterly basis.

Consideration was given to:

- CHAT had held two open evening evenings recently, one in Tiverton and one in Crediton. It was stated by the councillor who had attended the Crediton event that he had been the only district councillor present which was disappointing. The work of CHAT was highly commended as an extremely useful resource for families experiencing difficulties.
- The need for larger properties surpassed the number of properties available.
- Although the Council had been invited to bid for funding from the Rough Sleeping Initiative for a further twelve months, a need to identify other funding streams to continue this work should grant funding not be available in future years was seen as a priority.
- The Chairman informed the Group that Old Heathcoat School would again be providing a free Christmas meal to those people in need on Christmas Day.

**RECOMMENDED** to the Cabinet that the revised Homelessness Strategy 2020 – 2025 be approved.

(Proposed by the Chairman)

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

#### 51 **PERFORMANCE AND RISK REPORT (00:23:17)**

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 outlined with reference in the report to the performance of the areas falling under the remit of this Group. Regarding the Corporate Plan Aim: Planning and enhancing the built environment: Performance Planning Guarantee determined within 26 weeks was just below target at 99% but all 4 speed and quality measures were well above the required target as at 30 September.

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

#### 52 **FINANCIAL UPDATE FOR THE SIX MONTHS TO 30 SEPTEMBER 2019 (00:25:40)**

The group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

The key highlights within the report were as follows:

- This was the second report to the Group in the current financial year meaning that it was now easier to predict the end of year position.

- The forecasted General Fund surplus for the current year was £29k after transfers to and from Earmarked Reserves. This position had improved since Quarter 1.
- The most significant variances included additional waste savings and a large planning application.
- Overall the HRA was forecasted to be underspent by £486k in 2019/20, any surplus at the year end would be transferred to the maintenance fund.
- On the treasury management side the forecast was still volatile, however, there had been an increase in the interest received due to higher balances. It was confirmed that the Council had not undertaken any new borrowing this year.

Discussion took place with regard to the impact a saving of £163k in the repairs and maintenance area would have on the delivery of that service as the Customer Experience Working Group had received feedback that repairs were taking a long time to be actioned. The Director of Operations responded by stating that he was not aware of such feedback and requested that specific details be forwarded to him so that he could follow it up.

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

### 53 **DRAFT 2020/21 GENERAL FUND AND CAPITAL BUDGETS (00:32:37)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) considering the initial draft 2020/21 budget and the options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2021/22 onwards.

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

- The Council had awaited with some trepidation the outcome of the Fair Funding Review and Business Rates reset which was due to be published in September of this year. Due to the pressure of Brexit, the Government had been unable to complete this piece of work and have instead confirmed that they will issue a one year settlement. This has resulted in the Fair Funding Review being postponed for a year.
- The initial aggregation of all service budgets (which also included assumptions surrounding predictions of interest receipts, contributions to the Council's capital programme, transfers from/to reserves and Council Tax levels) currently indicated a General Fund budget gap of £346k.
- The Group were reminded of the steps that had already been taken by the Council since the austerity programme began in 2010/11 and were directed to a list of the challenges that had been encountered in trying to balance the budget in recent years.
- A 2% increase in the salaries budget had been assumed, although this was linked to the national pay award.
- A budget consultation had been issued and 408 returns had been received. Officers would be exploring these responses and reflecting them back through an updated draft budget report to all Policy Development Groups in January 2020.

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

54 **DRAFT 2020/21 HOUSING REVENUE ACCOUNT (HRA) BUDGET (00:42:37)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) and Director of Operations considering the options available in order for the Council to set a balanced HRA budget for 2020/21.

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

- The report presented a proposed balanced budget for the HRA for 2020/21 and showed the over-all make-up of the budget at summary level as well as an extract from the planned and cyclical maintenance budget. It also showed the rental forecast figures for 2020/21, proposed garage rents and garage ground rents for 2020/21.
- Key issues related to Right to Buy Property Sales and Rent changes.
- Any surplus or deficit would be transferred to the maintenance fund

A brief discussion took place with regard to the effect of 'Right to Buy' on the council's finances.

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

55 **HRA MEDIUM TERM FINANCIAL PLAN (00:51:58)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) and Director of Operations providing an estimate of the budget required for the operation of the Housing Revenue Account (HRA) from 2020/21 – 2023/24.

It was explained that as well as collating a draft HRA budget for 2020/21 which proposed a balanced budget position, the Group Manager for Housing Services and Building Services, together with the HRA Accountant, had agreed assumptions for the forthcoming years, in order to determine a reasonable forecast of the financial position of the HRA in the coming years.

A breakdown of the four year plan was included as an appendix to the report and included assumptions based on a 2% salary increase and pension changes. It also included estimates in relation to fees and charges and the change to the rent policy.

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

56 **DRAFT CORPORATE PLAN 2020 - 2024 (00:54:25)**

The Group had before it, and **NOTED**, a report \* from the Chief Executive considering the first draft text of a new Corporate Plan which will replace the current plan (expiring in March 2020).

The Chief Executive explained that the report before the Group was being presented to each Policy Development Group with the comments and views from each Group being fed back to the Cabinet before a final draft was considered by full Council in February 2020. If Members had any views they wanted conveying following the meeting they could do so through the Clerk.

The report reflected all the hard work that had been undertaken by Members at an Away Day in September and subsequent comments made regarding the future direction and focus of the council.

Discussion took place regarding:

- The tension within the document at this early stage between competing priorities and competing objectives. It was likely that the final plan would not necessarily contain 'absolute' statements on definitive approaches, since the decisions on how to implement activity and actions would be taken at a more detailed level at the appropriate time. However, it was important that the Corporate Plan set out what the Council was trying to achieve for the good of the local community.
- The difference between having direct control over an issue as a district council as compared to only having the ability to influence or lobby, for example, lobbying Devon County Council regarding the provision of post 16 education within the district. This was a good example of an issue that was collectively important across the district but which the Council had no direct control over.
- Another example of the Council working with partners would be to promote issues for the over 65's such as free bus passes as a means of promoting healthy lifestyles physically, socially and mentally.
- The need for a national policy for new developments regarding such issues as the installation of solar panels on new buildings.
- Whether information regarding emissions from farm animals was truly accurate?
- An analysis of the Council's carbon footprint would be brought to the Cabinet on 19 December 2019. The report would include all the necessary links to point Members in the direction of relevant information.
- Developers had become increasingly keen on stating that 'building materials' were locally sourced' but where a product was made and transported from needed to be borne in mind as well.

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

## 57 DHC PRESENTATION (01:29:24)

The Group Manager for Housing Services and the Housing Options Manager provided the Group with a presentation on Devon Home Choice and outlined how the system operated. This included reference to the following:

- Legal requirements
- Relevant legislation
- Regulatory Framework
- Tenancy Standard
- Partnership approach
- Website where properties are advertised
- Numbers of houses allocated and to tenants in which Band
- The criteria for applying e.g. local connection
- Available homes
- S106 planning conditions

- The bidding process
- Customer survey results
- Tenancy Fraud

Consideration was given to:

- The difficulties involved in the Council trying to house a family in a larger house if the current occupant, who might be living on their own, had security of tenure.
- The temporary exclusion of tenants from the choice based letting scheme if they had already refused 3 or more properties.
- How stressful it could be for individuals and families trying to engage with the DHC process in order to find a home, this was not to be underestimated in any way.
- The heavy caseloads of officers in the Housing Options team.

## 58 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

No further issues were identified for the next meeting other than those already listed in the work programme.

(The meeting ended at 4.25 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 28 November 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, J Wright and A Wyer

### **Also Present**

#### **Councillors**

G Barnell, R M Deed and R Evans

### **Present**

#### **Officers**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), John Bodley-Scott (Economic Development Team Leader), Joanne Nacey (Group Manager for Financial Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Chris Shears (Economic Development Officer) and Sarah Lees (Member Services Officer)

#### 40 **Apologies and Substitute Members**

There were no apologies for absence.

#### 41 **Public Question Time**

There were no members of the public present.

#### 42 **Declaration of Interests under the Code of Conduct**

There were no interests declared under this item.

#### 43 **Minutes**

The minutes of the meeting held on 26 September 2019 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

#### 44 **Chairman's Announcements**

The Chairman had no announcements to make.

#### 45 **Performance and Risk (00:02:18)**

The Group had before it, and **NOTED**, a report \* from the Head of Planning & Economic Regeneration 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 and a brief discussion took place regarding:

- It would be useful in the future to have a year on year analysis of the number of empty shops in each town.
- Lobbying Government to bring in a comparable business rate levy against on-line suppliers as there currently is with high street retailers. It was suggested that this was probably not the best time to be lobbying Government in advance of a general election. However, this could be something that the Group would like to pick up in the new year once things had settled down with the new Government.
- The Group were surprised to learn that nationally only 19% of retail sales occurred on line. This compared with 21% in 2018.

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

#### 46 **Financial update for the six months to 30 September 2019 (00:08:58)**

The Group had before it, and **NOTED**, a report \* from the Group Manager for Financial Services which had been presented to the Cabinet on 21 November 2019 presenting a financial update in respect of the income and expenditure so far in the year.

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

- The Group were reminded that there were a lot of demand led services across the Council which meant that forecasts had to be caveated..
- The forecasted General Fund surplus for the current year was £29k. The table at 3.2 showed all the variances both positive and negative in relation to this.
- There had been a number of factors accounting for the improvement in forecast from Quarter One, most significant of which were a number of savings through the shared waste scheme with Devon County Council. A significant amount had also been received in relation to a recent planning application.
- The Treasury Forecast had also been updated to reflect the fact that we did not need to borrow from the PWLB in year as previously forecast.
- It was explained that managers had been asked to clarify what was deliverable in the capital budget for the current year in terms of expenditure. This had proved much less than had originally been predicted, giving us a better cash position and hence more investment income.
- The Council had not had to borrow this year externally so had not had to pay the additional 1% which has been levied on PWLB rates. Interest rates that it had been getting on investments were less than 1%, therefore it had been using its own internal resources which had given it a preferential position.

Discussion took place with regard to:

- The word 'impairment' in relation to 3 Rivers Development Ltd. was explained to the Group as an accountancy term meaning there was a possibility a loan would not be repaid. This was supplemented with an explanation that it was quite right to bring this into the budget monitoring process and that the council needed to keep a close eye on this over the entire life of any loan.



- It was confirmed that loans from the council to 3 Rivers Development Ltd. were secured and interest was charged at a market rate.
- It was confirmed that regular monitoring of 3 Rivers took place at Cabinet level and also the Audit Committee which had oversight of the financial and governance aspects. The Economy Policy Development Group could have an input into the process when it came to monitoring the outcomes of each project and whether or not they were having an impact on the wider economy of Mid Devon. It was not the responsibility of this Group to get involved with the 'nuts and bolts' of the company's operation. It was **AGREED** that this be placed on an agenda for a future meeting once there were outcomes to monitor.

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

#### 47 **Draft 2020/21 General Fund and Capital Budgets (00:26:48)**

The Group had before it, and **NOTED**, a report \* from the Group Manager for Financial Services considering the initial draft 2020/2021 budget and the options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2021/2022 onwards.

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

- The council was still waiting with some trepidation for the outcome of the Fair Funding Review and the Business Rate reset whilst Parliament had been suspended pending the result of the general election. The Review and Base Rates Reset will not now be announced until 2021/21. The Government had regrettably confirmed that they would issue a one year settlement in the meantime which had a significant negative impact on the council being able to forecast for future years.
- The initial aggregation of all pressures and savings currently indicated a General Fund budget gap of £346k.
- There were still a few key issues that had not been resolved or were still to be evaluated which might either improve or worsen the budgetary position for next year.
- The 'easy' efficiency savings had already been taken across all service areas of the council.

A more up to date report would be brought to the Policy Development Groups in January showing a much clearer position. The Group would be asked to consider the savings necessary to bring the budget into a balanced position by the February full Council meeting.

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

#### 48 **Draft Corporate Plan 2020 - 2024 (00:38:40)**

The Group had before it a report \* from the Chief Executive considering the first draft text of a new Corporate Plan for the council which would replace the current plan (expiring in March 2020).

The Chief Executive explained that the report before the Group was being presented to each Policy Development Group with the comments and views from each Group being fed back to the Cabinet before a final draft was considered by full Council in February 2020. If Members had any views they wanted conveying following the meeting they could do so through the Clerk.

The report reflected all the hard work that had been undertaken by Members at an Away Day in September and subsequent comments made regarding the future direction and focus of the council.

Discussion took place regarding:

- The tension within the document at this early stage between competing priorities and competing objectives. It was likely that the final plan would not necessarily contain 'absolute' statements on definitive approaches, since the decisions on how to implement activity and actions would be taken at a more detailed level at the appropriate time. However, it was important that the Corporate Plan set what the council was trying to achieve for the good of the local community.
- It was stated that it would be good to know what the advantages and disadvantages were under each subject area, for example, the promotion of the Exe Valley as an Area of Outstanding Natural Beauty. It was explained that the word 'consider' was important in relation to this as the promotion of the AONB could be an aspiration but the implications of this needed to be fully 'considered'.
- It was suggested that incubation and start up space be moved as a specific ambition under the Economy column rather than remain in the overarching comment at the top of the draft document.
- Projects and ambitions that were impossible to achieve, for example, due to a lack of funds, would not be included in the draft or final document. The final approved Corporate Plan needed to include realistic goals and aspirations.
- It was felt that it was correct to include lobbying for the abolition of 'Right to Buy' in the Homes column of the draft document since this reflected the views of the Homes PDG in the previous council and appeared to have cross party support in the new council. However, it was reiterated that full Council would need to sign off the final document and agree all the aspirations within it.
- The Chairman commented that he felt that the overarching comment at the top of the draft document reflected a change in the council's commitment to the Climate Change Declaration as well as a number of green initiatives.

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

#### 49 **'Future High Street Fund' - more information on the unsuccessful bid (01:00:53)**

The Group had requested at the previous meeting that they receive additional information in relation to a bid which had been made to the 'Future High Street Fund'. The bid had been unsuccessful.

Further clarification had been sought from the funding body and the feedback received had indicated two issues that may have led to an unsuccessful bid.

These included:

- The way the application had been composed included a statistical review of the town and Tiverton had shown to be not “as in need’ as some of the other towns that had submitted a bid. One of the requested statistics had been an analysis of footfall and it had not been possible to provide this analysis at the time of submitting the bid. This may have hampered the application. This would be addressed for future project bids.
- The second element may have been around investment readiness. At the time of the bid process the Masterplanning exercise was in full swing with a lot of consultation work going on and even though projects were put forward other applications may have had projects that were ‘ready to go’.
- The Cabinet Member for Planning and Economic Regeneration reassured the Group that the Masterplanning process would be coming forward again in the spring. Partnership working was crucial and Tiverton Town Council had been very keen to relay what needed doing immediately plus longer term projects. This Group would be kept informed as the process progressed.

**50 Economic Development Service Update (01:12:09)**

The Group had before it, and **NOTED**, a report\* from the Head of Planning, Economy and Regeneration updating Members on progress with the Economic Development Service activities.

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

**51 Identification of items for the next meeting (01:13:47)**

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:

- A presentation from the ‘Crediton Heart Project’ (to the March meeting).
- It was confirmed that John Sheaves from ‘Taste of the West’ would attend the next meeting in January and provide a presentation.

(The meeting ended at 6.50 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**  
held on 10 December 2019 at 2.15 pm

### **Present**

#### **Councillors**

C R Slade (Chairman)  
W Burke, Mrs C P Daw, J M Downes,  
R Evans, E G Luxton and L J Cruwys

### **Apologies**

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

B Holdman and Mrs M E Squires

### **Also Present**

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

Stephen Walford (Chief Executive), Lee Chester (Leisure Manager), Dean Emery (Group Manager for Revenues and Benefits), Joanne Nacey (Group Manager for Financial Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Rob Fish (Principal Accountant), Jo Tulk (Benefit Supervisor) and Carole Oliphant (Member Services Officer)

## 40 **APOLOGIES AND SUBSTITUTE MEMBERS (00.45)**

Apologies were received from Cllr B Holdman.

Apologies were also received from Cllr Mrs M E Squires who was substituted by Cllr R Evans.

The Chairman asked for a Member to act as Vice Chairman for the meeting and Cllr L Cruwys was nominated to the role for the meeting.

## 41 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (01.27)**

There were no declarations.

## 42 **PUBLIC QUESTION TIME (01.39)**

There were no members of the public present.

## 43 **MINUTES OF THE PREVIOUS MEETING (01.47)**

The Minutes of the Meeting held on 8<sup>th</sup> October 2019 were approved as a correct record and **SIGNED** by the Chairman.

## 44 **CHAIRMAN'S ANNOUNCEMENTS (02.32)**

The Chairman welcomed Cllr L Cruwys as a member of the Group and thanked Tiverton Town Council for setting up the meeting room.

#### 45 **CORPORATE PLAN (03.07)**

The Group had before it and **NOTED** the draft \*Corporate Plan. The Chief Executive explained that the current Corporate Plan ran until 2020 and now was the time to start to look at renewing and refreshing the plan for 2020 onwards. He explained that the draft plan included the thoughts and ideas of the Members who had contributed during an away day in September 2019.

He stated that the draft plan had been presented to all 4 PDG's so that additional thoughts and comments from all Members could be included within the final version. He asked the Group their initial thoughts on the draft plan.

He explained that Members had indicated that the four key priorities which were aligned to the PDG's should be retained and that new priorities were emerging around the climate change declaration adopted by the Council.

Members considered the following:

- Pleased to see that health and healthier living were part of the plan
- ANOB for Exe Valley to be included
- The need to understand what the Council could lobby others on and what could be directly influenced
- The welcome change in emphasis due to the climate change declaration

The Group were requested to contribute their thoughts and add their comments to the draft Corporate Plan by way of notification to the Chief Executive via the Committee Clerk.

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

#### 46 **COUNCIL TAX REDUCTION SCHEME (15.29)**

The Group had before it the \*Council Tax Reduction Scheme and the revised \*Exceptional Hardship Policy.

The Group Manager for Revenues and Benefits explained that this was a new way of assessing the council tax reduction and was more aligned to council tax instead of benefits. The reduction had always been calculated in line with the benefits that claimants received but was now calculated on household income. He further explained that the changes would see some households lose their council tax reduction but that they could apply for hardship relief.

In response to questions he explained that the hardship policy was an interim measure to transition people onto the new council tax levels and that net income was calculated for the whole household. The policy will be used to help customers bridge the loss of reduction in year one of the new scheme, applications will be required. It should be noted that the policy will be available in subsequent years, however the level of reduction may not be as generous when compared to year one.

He further explained that many of the neighbouring authorities had adopted the same approach and that claimants could now go on line to see if they were eligible.

Members requested details of the other criteria, apart from income, where people could get a reduction.

The Group therefore:

**RECOMMENDED** to the Cabinet that:

1. The Council Tax Reduction (banded) scheme be adopted; and
2. The updated Exceptional Hardship Policy (revised) be adopted.

(Proposed by Cllr R Evans and seconded by Cllr Mrs C P Daw)

Note: \*Council Tax Reduction Scheme and the revised \*Exceptional Hardship Policy previously circulated and attached to the minutes.

#### 47 **CORPORATE HEALTH & SAFETY POLICY (23.21)**

The Group received and **NOTED** the annual \*review of the Corporate Health & Safety Policy from the Director of Corporate Affairs and Business Transformation.

The Group Manager for Performance Governance and Data Security explained that the policy was reviewed annually and that it had been identified that there were no amendments necessary at this time.

The Group therefore **RECOMMENDED** to the Cabinet that:

It **NOTE** that the Health and Safety Policy had been approved by the JNCC on 4<sup>th</sup> September 2018, following subsequent review by the Health and Safety Committee and representatives from the union, there were no changes to be made to the current policy.

(Proposed by the Chairman)

Note: \*Review previously circulated and attached to the minutes.

#### 48 **FINANCIAL MONITORING (24.43)**

The Group had before it and **NOTED** a \*report from the Deputy Chief Executive (S151) presenting the financial monitoring information for the income and expenditure for the six months to 30 September 2019 and the projected outturn position.

The Group Manager for Financial Services outlined the content of the report and explained that this was the second formal report for the year and there was a big differential from quarter 1, now showing a surplus of £29k. A number of factors had contributed to this including waste savings and the receipt of a significant planning application.

She explained that the Council had not taken out any new borrowing this year so was unaffected by the recent rise in interest rates.

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

#### 49 **DRAFT BUDGET (29.35)**

The Group had before it and **NOTED** a \*report from the Deputy Chief Executive (S151) presenting the draft budget proposals for 2020/2021.

The Group Manager for Financial Services outlined the content of the report and explained to Members that the report would be presented to Cabinet with the information available at the time and that the settlement from Central Government was for 1 year instead of the 4 expected. She explained that the Council had been very vocal about the absence of the Fair Funding Review and there was doubt over whether the Provisional Settlement would be received from Central Government by the New Year. This delay would cause further uncertainty.

She informed the Group that the Council had gone out to public consultation on the budget and had so far received 408 responses. Officers were currently looking at those to help inform the budget setting process.

Members considered the following:

- Was the projected increase in business rates realistic
- The number of appeals going back to 2010 and effect on the budget if all of these were successful
- The forecast for the planning department

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

#### 50 **PERFORMANCE & RISK (43.51)**

The Group had before it and **NOTED** a \*report from the Director of Corporate Affairs and Business Transformation providing Members with an update on performance against the corporate plan and the local service targets for 2019-2020.

The Group Manager for Performance, Governance and Data Security explained that the report included figures up to the end of October and requested that Members may like to make suggestions for additional measures to be included within future reports.

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

#### 51 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (46.29)**

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

It was therefore:



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

(Proposed by the Chairman)

52 **6 MONTH LEISURE UPDATE**

The Leisure Manager gave Members an update on the service by way of a presentation.

53 **LEISURE PRICING**

The Leisure Manager provided Members with a report on the updated pricing structure and explained the changes included.

The Group discussed the Leisure Pricing Policy and:

**RESOLVED** that the report be **NOTED** and that the decision for Leisure fees and charges be made by the Cabinet Member for Community Wellbeing as a delegated decision.

(Proposed by the Chairman).

After the discussion the meeting moved back into open session.

54 **IDENTIFICATION OF ITEMS FOR A FUTURE MEETING (46.58)**

Members requested that the Leisure Manager attend a future meeting with estimated costings to provide private showers at Lords Meadow Leisure centre.

(The meeting ended at 3.59 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 20 November 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

### **Also Present**

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

R M Deed, R J Dolley, C J Eginton,  
T G Hughes and J Wright

### **Present**

#### **Officers:**

Maria Bailey (Interim Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Alison Fish (Area Team Leader) and Sally Gabriel (Member Services Manager)

## **75 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## **76 PUBLIC QUESTION TIME**

Mr Sauer referring to item 10, Silverdale, stated that I am the owner of the land next to Silverdale. To enable the development of the neighbourhood plan, Silverdale, the Parish Council made requests for land with potential for housing and I presume this included affordable housing. I was asked by the person co-ordinating the plan to send in details of land a Silverdale. This land was subsequently refused because I had sent in a scanned copy of the documents and it became too late. However, my question is how do Silverton Parish Council and Mid Devon District Council, who are both committed to providing affordable housing, intend to satisfy the requirement for affordable housing in Silverton which was identified by the housing needs assessment as significant and supported by 86% of the parishioners who responded to the Neighbourhood Plan request?

Mr Campbell stated in relation to item 10, Silverdale, If this proposed plan was approved it would be a major development where there is no development planned for within the adopted plan or the emerging plan. So why would it even be considered?

Mrs Campbell also referring to item 10 stated that I think you can see from the people behind me that have come from Silverton how strongly we feel about this. If members refuse the application as they were minded to do last month and the Mid Devon Local Plan is adopted between now and any potential appeal can you confirm which polices the appeal, would be determined against? It is my understanding that when the local plan is adopted that any potential appeal would be refused because the site is outside the settlement area.

Mr Berry referred to the development at Post Hill in item 9 and stated in principle I have nothing against the use and it would fit well in that location however, I am very concerned that Post Hill has a particular character and is visible for a long way heading east up Blundells Road to Post Hill with houses set well back from the road and a green corridor vista up to the tree top of Post Hill. From what I can see of the application houses 1 and 2 will stick out from a long way up Blundells Road and will be completely at odds with the local character that currently exists. I was minded to have a quick look at the design guides, specifically for this area, and I'll quote page 27, some of the natural features that inform the design guide include:

- a. Existing site boundaries
- b. Vistas towards the North from the North East; and
- c. A sensitive edge treatment between development landscape

*Page 37, this is achieved by adhering to the structure imposed by the existing landscape considering the topographical constraints and upholding qualities and characteristics of the rich landscape setting to the east of the town.*

*Page 54, to this end the..... existing characteristics should be designed as a green boulevard the highest hierarchical new street typology. The buildings typology on the North side of the proposed green boulevard reflect the grandeur of a green boulevard whilst respecting the existing neighbourhood Post Hill properties. The existing mature trees are a valuable asset to the site, these are to be retained”.*

Therefore my question, bearing in mind the character of that particular location and the views coming up Blundells Road, the main artery out of Tiverton I would ask why the plan has put houses 1 and 2 right out on the highway where they will be completely visible in the landscape all the way up Blundells Road towards Post Hill? My question is why can't those houses be pushed just a little bit back further from the road so you will maintain that green vista boulevard feeling as you go up through the road? I've put together some slides which show the building line and which show that houses 1 and 2 are well ahead of the building line and with the visibility, you will be looking towards the top of the hill at two new houses. I'll leave that for the consideration of the committee but my question is can the design be changed to push houses 1 and 2 further back into the development, away from the road?

Peter Dumble stated he had 5 questions in relation to agenda item 8, Sampford Peverell:

Could planning officers confirm whether any prior consultation took place with the applicant before submission of the planning application (as would be normal)?

Could planning officers explain to the committee and to members of the public why this application, which is identical, to that refused by the planning committee in July and currently subject to an appeal has been allowed, when there are powers under section 70B of the Town and Country Planning Act to refuse to accept the application in these circumstances?

Could Planning officers confirm that they took legal advice in relation to making the decision to validate the application and if so, from whom was this advice received and when? And if not, why not?

Could planning officers confirm that the decision on this application will be referred to committee?

Conservation interests are a vital consideration in this new application. An invitation to visit and view from inside 44 Higher Town (Grade II listed farmhouse within the village conservation area) has been issued in a letter from the owners and which is available to view on-line as a comment to the planning application.

This invitation has been offered many times but it has been ignored. Equally, a properly constituted site visit has never taken place. This should involve the applicant, the parish council and a representative from objectors. It is about time this process was carried out transparently, fairly and correctly.

It really is very important that you at least see inside no 44 Higher Town to fully appreciate the harm to amenity that will be caused by the development. Could I therefore ask Councillors to insist this invitation is taken up?

Cllr Melville from Silverton Parish Council, referring to item 10, Silverdale, stated that the views of the parish Council and our lack of support for this application are well known and rehearsed previously. Today I want to bring a specific question for you. In the last few months Devon County Council Highways we have noticed have been inconsistent in their submissions which would involve vehicles entering the A396 from the side roads along this section. On one day it is deemed safe and on another it is unsafe only 4 days ago at 6.10pm in the evening, 3 cars collided on this very stretch on the A396 Tiverton Road where vehicles from this proposed development will be emerging if it's approved. One of the vehicles plunged 15 feet down into a field trapping the occupant, closing the road for several hours, requiring the air ambulance to be deployed, alight in Silverton and then convey the casualty who suffered head injuries. My question, will Councillors balance the advice they receive from Highways, with their own observations from their site visits, local knowledge and our live experiences as residents of Silverton because this stretch of road with its limited view junction is not suitable for a 20 property housing development.

Cllr Wright, Ward Member, addressed the committee on item 10 and stated that I could not attend the previous meeting but my views haven't significantly changed even with the implications report. I still think as the Ward Member the views against this development outweigh it but I do have 2 particular questions:

It's about the benefits and the tilted balance, they have to significantly and demonstrably outweigh the adverse impacts and I think we've heard a lot about the adverse impact of this to our community. My question is who do the Councillors on this committee feel is going to benefit from this development. We know that we have

got significant housing supply in the whole of Mid Devon, there's lots of properties for sale and quite a wide range of properties in our village so I would interested to know who the benefactors are?

The other one is a more technical one and I don't know enough about planning law to know whether it applies. I was trying to find out where tilted balance would apply through internet research and there seems to be an awful lot of case law which talks about this 5 year supply of land. I found one case, Green Lane Chertsey Developments Ltd vs SSHCLG, this is a 2019 case and it says 'further the court even went so far as to suggest that in light of the wording of paragraph 11 the tilted balance should have been treated as being engaged in a case unless there was positive evidence of a 5 year housing land supply so as to justify its disapplication'. So I do believe that at the end of the impact report it does talk about a 7 year housing supply? I just wondered if this case is applicable because we clearly have quite a large housing supply in Mid Devon.

Jenna Goldby also referring to item 10 on the agenda stated she wanted to ask a question regarding the 20 dwellings in Silverton. My question is regarding the traffic and the parking issues at that end of the village and I want to know what time and what day the surveys have been carried out on the traffic and the parking in that area. We have recently had some near miss accidents which I know have been reported on the Mid Devon Website and we've recently had an incident where a fire engine was unable to reach that end of the village. The parking issues are now actually starting to put people's lives in danger at that end. Development of 20 more houses is going to increase the parking and the traffic significantly in this area so my question is what days have the surveys been carried out and also will further consideration be put in place since the recent issue of the fire engine.

The Chairman indicated that answers to questions would be given when the items were debated.

Mr Dumble would receive a written response.

## **77 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

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

## **78 MINUTES OF THE PREVIOUS MEETING (00-20-03)**

Subject to replacing the word 'not' with 'nor' in the resolution under Minute 70 (a), the minutes of the meeting held on 23 October were approved as a correct record and signed by the Chairman.

## **79 CHAIRMAN'S ANNOUNCEMENTS (00-21-18)**

The Chairman welcomed Mrs Maria Bailey (Interim Group Manager for Development) to the meeting.

## **80 MEETING MANAGEMENT**

The Chairman indicated that she intended to take Item 10 (Silverdale, Silverton) as the next item of business, this was **AGREED**.

81 **APPLICATION 18/02019/MOUT - OUTLINE FOR THE ERECTION OF UP TO 20 DWELLINGS AND ASSOCIATED ACCESS - LAND AT NGR 295508 103228 (SILVERDALE), SILVERTON (00-22-15)**

The Committee had before it \* a report of the Head of Planning, Economy and Regeneration regarding the above application which at the Planning Committee meeting on 23<sup>rd</sup> October 2019, Members had advised that they were minded to refuse the above application and invited an implications report for further consideration.

The Interim Group Manager for Development outlined the contents of the report by way of presentation highlighting the site location plan, the proposed access onto the site, the indicative site layout, the highways and access plan which identified the proposed footways and shared surfaces and provided photographs from various aspects of the site. She walked through the implications report highlighting the reasons for refusal that members had identified at the previous meeting:

The Local Plan Review is at an advanced stage and neither the adopted Local Plan nor the Local Plan Review allocate this site which lies outside of the settlement limits of Silverton for housing development.

She explained that the policies within the existing Local Plan were out of date and not in accordance with the NPPF, therefore those policies had limited weight. Limited weight should also be given to the emerging Local Plan as it had not been adopted, therefore the tilted balance had to be applied.

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.

She explained that the authority did have a 7.43 year housing land supply but that the Local Plan policies were out of date, therefore the tilted balance had to be applied and that limited weight should be given to policies COR3, COR 17 and COR 18. She also outlined the housing need identified within the report.

The development would have an unacceptable visual impact.

She explained that the proposed development site was surrounded by modern development with the western site looking onto open countryside, the presence of the new dwellings would sit within the existing landscape and that it was not accepted that this would impact on the visual amenity.

Unacceptable harm would arise as a result of the proposed access arrangements and traffic generation arising from the development.

She explained that the Highway Authority were the expert consultees and that the Highway Authority did not agree that unacceptable harm would arise as a result of the proposed access arrangements and that the proposal was in accordance with the NPPF.

If granted the development would have an unacceptable cumulative impact with other housing granted in the village.

She explained that 20 additional dwellings in the village was only an increase of 2.2% in dwellings, this was not considered unacceptable.

Providing answers to questions posed in public question time, the Interim Group Manager for Development stated that she had answered the question of the housing need and affordable housing through her presentation, there was no development plans for the site, so therefore the tilted balance within the NPPF would be applied. The letter from the objectors had been distributed to the committee and any appeal would consider which policies to apply. If an appeal took place and the Local Plan had been adopted, then yes the new Local Plan policies would apply. If not then the existing policies would apply and these were out of date. The highway representations had been received from the Highway Authority who were the expert consultees for the application. With regard to the tilted balance within the NPPF, this had been explained.

Discussion took place regarding:

- Within the reasons for refusal at 3.1 of the report, there was no mention of COR17 or COR 18 within the existing Local Plan or policies S13 and S14 within the emerging Local Plan, it was felt that these policies had limited weight and should be included within the reasons for refusal.
- The site was not included in either the existing or emerging Local Plans and that 61 houses were for sale within the village and whether there was a need for the additional housing.
- People were being encouraged to walk or cycle to work, but there was no regular bus service in the village.
- The highway surveys that had taken place.
- The need to identify material planning considerations for any refusal.
- Road safety issues onto the Exeter road.

It was therefore

**RESOLVED** that the application be refused on the following grounds:

The development is for the erection of up to 20 dwellings outside the settlement limit boundaries of Silverton and represents a major residential proposal on a site for which there is no development planned for within either adopted or emerging policy and for which there is no current need as the Council can demonstrate a 7.43 year housing land supply without this site. The Local Planning Authority consider that the proposed unplanned development would have an unacceptable visual impact, would cause unacceptable harm as a result of the proposed access arrangements and traffic generation arising from the development and would have an unacceptable cumulative impact on Silverton when taking into account other housing granted in the village. When tested against Paragraph 11 of the National Planning Policy Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1, COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and policies COR17 and COR18 of the Mid



Devon Core Strategy (Local Plan Part 1) and policies S13 and S14 of the emerging Local Plan Review.

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

Notes:

- i) Cllr Mrs C P Daw declared a personal interest as she was a trustee of a horse sanctuary in the village of Silverton;
- ii) A proposal to approve the application was not supported;
- iii) Cllrs Mrs F J Colthorpe and D J Knowles requested that their vote against the decision be recorded;
- iv) Cllrs Mrs C A Collis, R F Radford and B G J Warren would represent the Council should the application be appealed;
- v) \*Report previously circulated, copy attached to minutes.

## 82 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

## 83 THE PLANS LIST (00-51-01)

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 (***19/00718/MOUT – Outline for the erection of 26 dwellings – land at NGR 270904 112818 (The Barton), Belle Vue, Chawleigh***).

The Area Team Leader informed the meeting that the application had been considered at the previous meeting and it had been resolved to defer the application to allow officers to negotiate with the developer with a view to reducing the number of dwellings on the site to 20 in total. Officers had met with the applicant who did not wish to amend the number of dwellings sought and thereby wished the application to be determined on the basis of 26 dwellings.

He outlined the contents of the report by way of presentation identifying the site location plan, the access to the site and the indicative layout of the proposed dwellings and provided photographs from various aspects of the site. He highlighted the Highways Authority's updated view within the update sheet with regard to the number of dwellings being proposed for the shared highway surface. He explained the allocation of the site within the emerging Local Plan, the lack of objection from the Lead Local Flood Authority and the Highway Authority and the need for affordable housing in the village.

Further consideration was given to:

- The views of the applicant with regard to the allocation within the emerging Local Plan for a minimum of 20 dwellings on the site with 30% affordable housing, the lack of objection from consultees and that the internal layout of the site would be dealt with under reserved matters.
- The views of the Parish Council with regard to the number of dwellings proposed on the site and that 20 dwellings had been agreed with the Parish Council, however there had been no further dialogue with regard to the increase in the number of dwellings.
- The views of the Ward Member with regard to the increase in the number of dwellings on the site above the number within the allocation and whether this would set a precedent across the district.
- The proposed project within the parish for the public open space contribution.
- Any reserved matters application would deal with the detailed proposals.
- The allocation had outlined a minimum of 20 dwellings on the site.

It was therefore:

**RESOLVED** that the application be deferred to allow a site visit to take place by the Planning Working Group to consider:

- The impact of the traffic from the 6 additional dwellings
- The site access
- Possible road safety issues
- The impact of the development on the living conditions of neighbouring properties
- The impact of the development on heritage assets

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllr C J Eginton made a 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, the applicant and objectors to the application;
- ii) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had received a letter from the agent
- iii) Mr Turner (Applicant) spoke;
- iv) The Chairman read a statement on behalf of the Chairman of Chawleigh Parish Council;
- v) Cllr C J Eginton spoke as Ward Member;
- vi) A proposal to grant permission was not supported;

- vii) The following late information was reported:

Highway Authority - 15<sup>th</sup> November 2019

The above application was deferred by the planning committee for a review of the development, and the applicant has requested that the Highway Authority clarify its position in relation to the quantum of Housing being proposed from a shared surface road. In the initial response the Highway Authority commented on the delivery of 28 dwellings, but referred to the Design guide numbers and the previously agreed figures with the Parish council. The applicant subsequently reduced these numbers to 26. The design guide recommends 25 from a straight Cul-de-sac and turning head and up to 50 for a crescent. The application combines a straight Cul-de-sac (the existing) with a crescent (proposed). The Highway Authority advised that the 25 figure was flexible. Therefore the Highway Authority would raise no objection to the provision of 26 units on top of the existing from a shared surface road given the combination of the two types and the minimal increase above the lower figure. This position is subject to the conditions previously recommended.

**Recommendation: THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT**

- b) No 2 on the Plans List (*17/02020/MFUL – Erection of building comprising 44 retirement apartments with associated communal lounge, manager’s officer, guest suite, rechargeable electric buggy store, car parking, substation and landscaping – Astra Printing and Crown Works site, Willand Road, Cullompton*).

The Area Team Leader outlined the contents of the report by way of presentation explaining the site location plan which highlighted that the site was outside of the conservation area, the site was currently covered with existing buildings and that there was a full demolition programme due to take place. She identified the surrounding houses and explained that the current access to the site would remain and that parking would be retained to the north of the site. She outlined the proposed floor plans for the development, the proposed elevations and photographs taken from various aspects of the site.

Consideration was given to:

- The lack of a Section 106 agreement
- The views of the agent with regard to the local need for retirement accommodation in the town, the NPPF which outlined the need to provide retirement accommodation, the pedestrian crossing which was part of the application which would give access to the bus stop, the release of family homes in the town, employment opportunities and new homes on a brownfield site.
- The sensitive design which was thought to be in keeping with the surrounding area

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

(Proposed by Cllr Mrs C A Collis and seconded by Cllr L J Cruwys)

Notes:

- i) Mr Bendinelli (Agent) spoke;
- ii) The following late information was provided:

Please note the following amendment:

- a) The description should read 43 apartments not 44 – this is the case also where reference is made in the report to 44 apartments, this should be 43
- b) The number of parking spaces is 41 not 39
- c) No update to the drainage information has been provided but given that the LLFA satisfied that an ‘overall improvement to the surface water drainage system is being proposed’ it is considered that this can be dealt with via condition
- d) The balancing summary on page 69 should be amended to delete ‘That benefit would be added to here by an off-site monetary contribution to affordable housing in the district’
- e) Local finance considerations on page 70 should be amended so that it reads ‘With the introduction of the Localism Act 2011, the receipt of New Homes Bonus is a material consideration in the determination of planning applications although it carries limited weight.’
- f) Condition 10 should be amended so that the last sentence reads, ‘The approved scheme shall be implemented in accordance with the agreed details’
- g) The reason for Grant of Consent should be amended so that it reads, ‘The proposal would provide 43 additional apartments, thereby contributing appreciatively towards the supply of housing in an accessible location which is well positioned, with good pedestrian access to local shops, services and public transport links. As such, the Council attach significant weight to this consideration in the overall balance.

The proposed development would provide specialist accommodation for older people, for whom, according to the Planning Practice Guidance (PPG), the need to provide housing at a national level is ‘critical’. Evidence of a need for additional housing for older people in Cullompton has been presented by the applicant and the Council have no sound basis to challenge this. The Council is also mindful that the occupation of apartments would also free up a mix of housing for others. Therefore, the Council attribute significant weight to the benefits of providing housing to meet current and future demographic trends.

It is accepted by the Council that there is a significant need and policy requirement for the provision of affordable housing. However the applicant has been able to

successfully demonstrate that the scheme would be unviable with such contributions.

The Framework states that significant weight should be placed on the need to support economic growth. The construction of the proposed apartments would generate employment and the expenditure associated with the provision of 43 new units would benefit local shops and services.

In addition, paragraph 67 of the Framework also seeks to boost significantly the supply of housing. The Council places some weight on such considerations.

The Council have found no harm in respect of the effect of the proposed building on the Conservation Area, nor any material harm to views or the wellbeing of trees which contribute positively to the character of the Conservation Area that could not be mitigated through condition.

The benefits the development would bring, including housing for older people can reasonably be considered public benefits, and that these are substantial. The application proposal would accord with the development plan when taken as a whole. Accordingly, in the absence of any other harm, and taking into account all other matters raised, the application should be granted.

c) **No 3 on the Plans List (19/00794/FULL – Erection of dwelling and double garage, formation of vehicular access and associated renewable energy systems and landscaping – land at NGR 308470 112426 (Craddock Lodge), Craddock).**

The Area Team Leader outlined the contents of the report explaining that the proposed single dwelling was not within the settlement limit in the Local Plan, the site was also adjacent to the conservation area. She highlighted by way of presentation the existing and proposed site plan, floor plans, elevations and photographs from various aspects of the site which included the proposed access and highlighted neighbouring properties.

Consideration was given to:

- The views of the representative for the objectors with regard to the impact of the development on the neighbouring properties, the site was in the open countryside and there was a need to protect the countryside against development, he felt that the proposed visibility splay was inadequate, there would be an impact on the heritage assets and impact on wildlife and biodiversity.
- The views of the applicant who was very disappointed with the officers recommendation, he felt that the principle of development should be supported, the settlement limit was out of date and that the proposal would not cause any harm to the setting of the listed building, he felt that the proposal was infill, was of good design and would enhance the collective character of the houses in the area.

- The view of Uffculme Parish Council who felt that the proposal was an extensive building in the open countryside, there was no link to agriculture and was outside the settlement limit and not in the Local Plan.
- One of the Ward members stated that this was a proposed retirement home and the applicant was looking to downsize and the proposal was of good design.
- Caselaw with regard to the term 'isolated' infill and the fact that Craddock was not a settlement and that approval would be setting a precedent.

**RESOLVED** that planning permission be refused as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C P Daw)

Notes:

- i) Cllr F W Letch declared a personal interest as one of the objectors was known to him;
- ii) Cllrs S J Clist made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters he had received emails and phone calls with regard to the application;
- iii) Cllr L J Cruwys made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had spoken to the objectors;
- iv) Mr Dent spoke in objection to the application;
- v) Mr Marchmont (applicant) spoke;
- vi) Cllr Kingdom spoke on behalf of Uffculme Parish Council;
- vii) Cllr T G Hughes spoke as Ward Member;
- viii) Cllrs E J Berry and Mrs C A Collis requested that their vote against the decision be recorded;
- ix) Cllr E J Berry left the meeting at this point.
- x) The following late information was reported:

**The reason for refusal on page 87 should be amended as follows:**

1. National and local planning policy states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances to justify an approval. The Local Planning Authority consider the proposals, do not offer a truly outstanding or innovative

architectural design, or reflect the highest standards in architecture and result in harm from the development in respect to the local distinctiveness and character of the area, setting of designated heritage assets including Craddock Conservation Area and immediate listed building. The proposal is considered to represent an unsuitable and unsustainable development that harms these material considerations, and fails to meet the required economic, environmental and social objectives. On this basis the proposals are considered to be contrary to the following development Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM14 and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies) and the relevant National Planning Policy Framework.

d) No 4 on the Plans *List (19/00210/MFUL – Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping – 36 Post Hill, Tiverton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the inclusion of the site within the Tiverton Eastern Urban Extension, associated Tiverton EUE Masterplan and Design Guide and the sites proximity to the development at Braid Park (under construction). She highlighted an aerial photograph of the site, the existing properties, the established building line, the proposed site plan and preferred vehicular access connecting to Braid Park and beyond. She also highlighted the junction of the preferred route with Post Hill and the relationship of plots 1 and 2 with Post Hill properties. She explained that the redundant buildings would be removed and there was a tree removal plan for the site. She also explained the vacant building credit in relation to affordable housing provision, the planting plan for the development and highlighted the elevations for plot 1 which was to be a landmark building designed to turn the corner and plot 2 which did sit forward but did pick up the building line with the existing dwellings in Fairway. Members were also provided photographs from various aspects of the site. The officer also stated that answers to questions posed in public question time had been covered in her presentation.

Consideration was given to:

- The number of trees to be removed and the general tidying up of the site
- The access to the site and possible visibility issues when turning right onto Post Hill
- The number of parking spaces available in the parking court and their association to the dwellings
- The location, height and size for the units on plots 1 and 2
- The traffic calming in the area
- The views of the agent who referred to the road, cycle and footpaths link through the site into the wider Eastern Urban Extension, the extant planning permission for a care home on the site, that the site was proposed to be developed to a high quality and would deliver a link to the Eastern Urban Extension. Plots 1 and 2 were thought to be good urban design and had been proposed in line with the Design Guide.

- Whether plots 1 and 2 should be set back further into the site

**RESOLVED** that the application be deferred to allow for further discussions between officers and the developer to take place with regard to the siting of plots 1 and 2 and to consider specifically the height of plot 2.

(Proposed by Cllr L J Cruwys and seconded by Cllr Mrs C P Daw)

Notes:

- i) Cllr B G J Warren and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had been contacted by an objector;
- ii) Mr Frost (Agent) spoke;
- iii) The following late information was reported:

Proposed condition:

Condition 18

The occupation of any dwelling in any agreed phase of the development shall not take place until a minimum of two (2) electric vehicle charging points have been installed into two properties. The properties to receive the charging points shall be identified, for approval in writing, by the Local Planning Authority.

REASON: In the interests of proper planning in compliance with Policy DM8 of the Local Plan Part 3.

The report for 36 Post Hill makes reference (Page 105, para 3) to 'a separating distance of some 25m between No. 26 Mayfair and Unit 1'. Unfortunately this measurement did not take into account the carriageway and pavement of Post Hill road itself. The sentence in the report should read:

'...a separating distance of some 37m between No. 26 Mayfair and Unit 1'.

The 37m distance takes into account 20.5m (approx.) from the rear elevation of No. 26 Mayfair to edge of carriageway, 5m set back from edge of pavement for Unit 1 and approximately 11.5m for Post Hill carriageway, pavement and verge.

- e) No 5 on the Plans *List (19/00924/HOUSE – Erection of an extension and alterations to roof to include first floor accommodation and former window – 7 Rackenford Road, Tiverton)*.

The Interim Group Manager for Development outlined the contents of the report by way of presentation highlighting the existing and proposed plans, the existing and proposed roof plans, proposed floor plans and elevations and photographs from various aspects of the site. She informed the meeting of the history of the site and that the application before them was much smaller than originally received and that the proposal was virtually within the limits of Permitted Development Rights



Consideration was given to:

- Whether there were all bungalows in the area of the proposal
- The dormer was no higher than the ridge
- The views of the objector who had concerns of overlooking into the principle rooms of another property, the scale and impact of the proposal and whether obscure windows could be added to the dormer.
- The views of the local Ward members with regard to the impact on No 9 Rackenford Road, there was no lack of housing in the area but there was a shortage of bungalows and whether the garage would be lost
- What would be allowed under Permitted Development Rights

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

(Proposed by Cllr F W Letch and seconded by Cllr C P Daw)

Notes:

- i) Mr Lavery spoke in objection to the application;
- ii) Cllrs R J Dolley and E G Luxton spoke as Ward Members;
- iii) Cllrs E G Luxton and B G J Warren requested that their vote against the decision be recorded.

#### 84 **MAJOR APPLICATIONS WITH NO DECISION (3-29-00)**

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

It was **AGREED** that:

Application 19/01839/MOUT (Colebrook Lane, Cullompton) be brought before committee for determination

Application 19/01836/MOUT (Higher Town, Sampford Peverell) be brought before committee for determination

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

#### 85 **APPEAL DECISIONS(3-30-45)**

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.

86 **PLANNING PERFORMANCE 2019/20 - QUARTER 2 (3-32-54)**

The Committee had before it and **NOTED** a \*report of the Head of Planning, Economy and Regeneration regarding information on the performance of aspects of the planning function of the Council for Quarter 2 2019.

The Interim Group Manager for Development outlined the contents of the report stating that targets were being met with some areas outperforming the targets. There had been a backlog of applications that required decisions but this was being dealt with.

Consideration was given to the enforcement statistics and questions raised with regard to whether any monies had had to be repaid due to being determined beyond the 26 week period allowed and how many appeals there had been for non determination in the statutory time and if they were related to the applications for return of fees. The Interim Group Manager for Development stated that she did not have that information to hand but would find out and report back to the committee.

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

(The meeting ended at 6.15 pm)

**CHAIRMAN**

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 17 December 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

### **Also Present**

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

G Barnell, C J Eginton and Mrs M E Squires

### **Present**

#### **Officers:**

Maria Bailey (Interim Group Manager for Development), Maria De Leburne (Solicitor), Alison Fish (Area Team Leader), Christie McCombe (Area Planning Officer), Adrian Devereaux (Area Team Leader), Daniel Rance (Principal Planning Officer), Greg Venn (Conservation Officer), John Millar (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

## **87 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## **88 PUBLIC QUESTION TIME**

There were no questions from members of the public present.

## **89 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

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

## **90 MINUTES OF THE PREVIOUS MEETING (00-03-13)**

The minutes of the meeting held on 20 November were approved as a correct record and signed by the Chairman.

## **91 CHAIRMAN'S ANNOUNCEMENTS (00-03-57)**

The Chairman had no announcements to make.

## 92 DEFERRALS FROM THE PLANS LIST (00-04-07)

The meeting was informed that Item 9 on the agenda – application 19/00118/MOUT – land west of Siskin Chase, Cullompton) had been deferred to the next meeting to allow for the report to be updated.

## 93 THE PLANS LIST (00-04-51)

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 (***19/01189/OUT – Outline for the erection of 2 dwellings (revised scheme) – land at NGR 307538 116626 (North of Town Farm), Burlescombe***).

The Principal Planning Officer outlined the contents of the report by way of presentation explaining that this was a revised scheme submitted to address previous highway issues. He highlighted the location of the site and showed Members the proposed elevations and site sections of the proposal, the location of the Grade I listed church along with photographs from various aspects of the site. He explained that part of the historic hedge would need to be removed and updated the meeting on the recent advice from Historic England.

Consideration was given to:

- The views of the objector with regard to the impact of the application on the setting of the Grade I listed church, the previous highway objections, the heritage impact assessment, the work that would take place in an historical field and the removal of the hedge which had an ancient wall and that she felt that the application was not in line with policy DM27
- The views of the Parish Council with regard to the fact that the previous objections submitted by the Parish Council still stood, the application would have an impact on the setting of the listed church, there were a lack of pavements in the area and no local amenities, the development would impact on local roads and the ancient field had been green space in the setting of the church
- The views of the Ward Member with regard to the impact on the setting of the church, the lack of amenities in the village and that 2 additional houses was not a necessity for the village.
- An archaeological search would be required
- The historic value of the hedge and again the impact of the development on the setting of the listed church which included the statutory material considerations

It was therefore:

**RESOLVED** that: Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal, that of:

- The impact of the proposal on the historic hedge/wall

- The impact of the proposal on the historic location
- The impact of the proposal on the setting of the Grade I listed church
- The lack of pavements in the area and the narrowness of the roads.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllr S J Clist declared a personal interest for personal reasons and left the meeting during the discussion thereon;
- ii) Cllr R F Radford declared a personal interest as he knew the owner of the property
- iii) Mrs Hill spoke as objector;
- iv) Cllr Trevelyan spoke on behalf of the Parish Council;
- v) Cllr Mrs C A Collis spoke as Ward Member;
- vi) The following late information was reported:

Consultation response from Historic England dated 31 October 2019

Thank you for your letter of 22 October 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

**Historic England Advice**

Historic England has now commented on many iterations of this scheme. Our most recent letter expressed some reservations about the increasing intensity of the development which resulted from the need to provide off-road turning spaces. This revised scheme now proposes to cover one of the parking spaces, landscaping the cover into the garden. The other turning space remains as previously submitted.

Historic England regrets that it has not been possible to minimise the scope of the associated infrastructure for this development as any increase in the scale of the parking and landscaping will have an impact on the views to and from the adjacent Grade I listed church. It is also unclear how the proposed covered turning area will be constructed and therefore what the visual impact on the views towards the church from the road opposite will be.

However, providing the detailed design of this proposed revision can be shown to minimise this potential impact to the satisfaction of your Conservation Officer, Historic England have no further comments to make on this application.

**Recommendation**

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

b) No 2 on the Plans *List (19/00210/MFUL – Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping – 36 Post Hill, Tiverton).*

This item had been deferred from the previous meeting to allow for further discussions between officers and the developer to take place with regard to the siting of plots 1 and 2 and to consider specifically the height of plot 2.

The Area Planning Officer provided the meeting with an aerial photograph of the site and photographs of the access to the site from various directions, she also highlighted the site plan focussing on plots 1 and 2 which had been identified at the previous meeting. Revised drawings had been provided reducing the floor level of plot 2 and reducing the roof pitches of both dwellings also moving plot 1 back 300mm and plot 2 back by 1.5metres. She provided comparative street scenes and elevation drawings which highlighted the amended scheme.

Consideration was given to:

- The road link through the site to Braid Park
- The views of the agent with regard to the highway link and the applicant's positive response to members concerns and the amendments that had been made which would reduce the impact on neighbouring properties he also highlighted the parking area for plots 14-17
- Whether plots 1 and 2 could be moved further back

**RESOLVED** planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and the signing of a S106 agreement to secure:

- Two, affordable rent, housing units to be provided on site at Plots 14 and 15;
- £77,085 financial contribution to Devon County Council Education (including legal fees) towards primary education and early years.
- £23,744 financial contribution towards Phase I of the refurbishment of Amory Park, Tiverton.
- Road connection, up to and including the boundary of the application site, to be constructed and made available for public use prior to the occupation of the 9th dwelling. The road to connect to the road within the adjacent northern site, currently under construction.

(Proposed by Cllr D J Knowles and seconded by Cllr B G J Warren)

- i) Cllr E J Berry declared a personal interest as he knew people in the vicinity of the site and chose to leave the meeting during the discussion thereon;
- ii) Mr Frost (Agent) spoke;
- iii) Cllr D J Knowles spoke as Ward Member;
- iv) Cllr L J Cruwys requested that his abstention from voting be recorded;
- v) The following late information was provided: Please note the following amendment to the bullet point 4 of the recommendation:

Road connection, up to and including the boundary of the application site, to be constructed and made available for public use prior to the occupation of the 9th dwelling. The road to connect to the road within the adjacent northern site, currently under construction.

- c) No 3 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 Area Team Leader informed the meeting that the application had been considered at the previous meeting and it had been resolved to defer the application to allow a site visit by the Planning Working Group to take place.

The Area Team Leader informed the meeting that the site was allocated within the emerging Local Plan as policy CH1 for a minimum of 20 dwellings and that the inspector had no issues with the allocation, the access to the site from School Close was in line with the allocated policy and members had seen an indicative layout for 26 dwellings on the site. The Highway Authority had indicated that using a formula, 6 additional dwellings would provide 3 additional movements during peak periods.

Photographs were also provided from various aspects of the site.

Consideration was given to:

- Whether the construction route could be used as the access to the site
- The number of vehicle movements calculated for peak times
- The views of the agent with regard to the site being allocated within the emerging Local Plan for a minimum of 20 dwellings, the lack of objection from the inspector, the lack of opposition to the proposal from the Highway Authority, the haul road would be over 3<sup>rd</sup> party land and that the parking leading into the site was transitory
- The views of the Parish Council with regard to the capacity for 26 dwellings on the site which was a 30% increase on the policy allocation. The additional 6 dwellings would represent at least 12 extra cars with the knock on effect of increased traffic as well as parked cars on the road from visitors. The access to the site was through a chicane in School Close and that 6 additional

dwellings would impact on the sewage facilities and water drainage infrastructure

- The views of the Ward Member with regard to the chicane in School Close and the increased vehicle movements that 6 additional dwellings would provide; he felt that the site was unsustainable and that 26 dwellings was too many
- Some members concerns with regard to the road access (including width) to the site.
- Whether any refusal of 6 additional dwellings would stand up at appeal

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and the signing of a S106 agreement to secure the following:

- a) 30% affordable housing in accordance with a scheme to be agreed with the Local Planning Authority.
- b) 5% self build as serviced plots.
- c) A financial contribution of £67,497.00 towards primary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary. This figure arising from a development of 26 dwellings resulting in 7 primary pupils with the calculation as follows: £7.25 per day x 7 pupils x 190 academic days x 7 years = £67,497.00
- d) A financial contribution of £31,330 towards public open space provision in the Parish of Chawleigh, which this figure based on an outline application for 26 dwellings.

(Proposed by the Chairman)

Notes:

- i) Cllr C J Eginton made a 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, the applicant and objectors to the application;
- ii) Mr Smith (Agent) spoke;
- iii) The Chairman read a statement on behalf of Chawleigh Parish Council;
- iv) Cllr C J Eginton spoke as Ward Member;
- v) Cllrs: S J Clist, Mrs C A Collis, L J Cruwys and Mrs C P Daw requested that their vote against the decision be recorded



d) No 4 on the Plans *List (19/01132/MFUL – erection of 20 dwellings with associated access, parking and landscaping – land at NGR 283153 99974, Barn Park, Crediton).*

The Area Team Leader outlined the contents of the report informing the meeting that the site was allocated within the emerging Local Plan as Policy CRE8 and that the projects for the public open space and air quality contributions had now been received.

He highlighted by way of presentation the site location plan for 20 affordable dwellings, the block plan of development, the highway layout and site section, street elevations, house types, the landscaping plans and photographs from various aspects of the site. He explained how the application had been put forward for 28% affordable housing on the site but confirmed that 100% affordable homes would be built with Government funding.

Consideration was given to:

- The need to amend condition 6 with regard to construction traffic during school pick up times
- Why there was no turning head at the end of the road
- The number of houses on the site and the density
- The drainage connections
- The view of the applicant with regard to the affordable housing scheme, 12 houses for rent and 8 shared ownership houses were proposed, the high quality design and the support the application had received

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to condition 6 criterion (d) to add the hours of delivery and construction traffic being restricted between 8am – 9am and 3pm – 4pm during school term times; and the prior signing of a S106 agreement to secure the following:

- 1) 28% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) A financial contribution of £54,608.00 towards additional education infrastructure at Hayward's Primary School which serves the address of the proposed development.
- 3) A financial contribution of £14,980 towards public open space provision in the Parish of Crediton (Members to be updated on the allocated project prior to the Planning Committee).
- 4) A financial contribution of £62,076 towards Air Quality mitigation in the Parish of Crediton based on the calculation of 14 x £4434 (Members to be updated on the allocated project prior to the Planning Committee).

(Proposed by Cllr F W Letch and seconded by Cllr S J Clist)

Notes:

- i) Mr Hourcian (applicant) spoke;
- ii) Cllr F W Letch spoke as a Town Councillor;
- iii) Cllr F W Letch declared a personal interest as his daughter lived close to the site;
- iv) The following late information was provided:

Allocated projects for Public Open Space and Air Quality contributions are as follows:

A financial contribution of £14,980 towards public open space provision in the Parish of Crediton, allocated to the provision of new or replacement play and/or exercise equipment at Barnfield Play Area, Crediton

A financial contribution of £62,076 towards Air Quality mitigation in the Parish of Crediton based on the calculation of 14 x £4434 with the allocated project being measures necessary to assist with the flow of traffic through the Western Gateway, St Lawrence Green and/or the High Street in Crediton

- e) No 5 on the Plans *List (18/01966/TPO – application to part dismantle 1 Holm Oak tree, protected by Tree Preservation Order 10/00005/TPO – land at NGR 284218 100950 (between Old Tiverton Road and Pedlerspool Lane, Crediton).*

The Interim Group Manager for Development outlined the contents of the report providing photographs of the tree in question and highlighting the views of the arboricultural consultant and the recommendation that part of the holm oak should not be dismantled.

Consideration was given to:

- The views of the applicant with regard to concerns about the safety of the tree and that it may fall into the road, the report from Devon County Council stating that the tree was dangerous, he also had concerns with the view of the arboricultural consultant who did not want it dismantled. The tree was on his land and therefore he would be responsible if it did fall.
- The Chairman read a statement from Cllr Wainwright (Ward Member) who was in favour of keeping the tree and that the tree had no ailments or symptoms. She felt that the tree was part of the unique local character and habitat and would not easily be replaced.
- Cllr Mrs M E Squires (Ward Member and County Councillor) spoke in favour of the removal of the tree, she felt that it was dangerous and could fall into the road.
- Liability issues if the tree were to fall
- If the tree were to be dismantled then further trees should be planted

**RESOLVED** that: the application to part dismantle the 1 holm oak tree protected by Tree Preservation Order 10/00005/TPO be approved for safety reasons subject to a condition to refer to the planting of 3 additional trees in a nearby location within the first planting season following the dismantling of the tree.

(Proposed by Cllr E J Berry and seconded by Cllr L J Cruwys)

Notes:

- i) Mr Turner (applicant) spoke;
  - ii) The Chairman read a statement on behalf of Cllr Miss E Wainwright;
  - iii) Cllr Mrs M E Squires spoke as Ward Member and County Councillor.
- f) No 6 on the Plans *List (19/01608/HOUSE – Erection of single storey extension and separate garage/annex/workshop accommodation – Tanglewood, Dukes Orchard, Bradninch).*

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site location, the existing and proposed plans, the existing and proposed elevations, the garage elevations and floor plans and photographs from various aspects of the site.

Consideration was given to:

- Privacy issues with regard to the annexe above the proposed garage
- The positioning of the rooflights
- The views of the objector with regard to overdevelopment of the site and the impact on her dwelling; the closeness of the proposal to her boundary, overshadowing and loss of light and the number of vehicles using the driveway
- The views of the agent who felt that there would be no impact on the neighbouring property with regard to overshadowing or loss of light as the extension would have no more impact than the original dwelling
- Any minimum distance between properties required for maintenance

It was therefore:

**RESOLVED** that the application be deferred to allow for a site visit by the Planning Working Group to consider:

- the impact of the proposal on the neighbouring property
- The access to the site
- Any possible overlooking issues

(Proposed by Cllr S J Clist and seconded by Cllr B G J Warren)

Notes:

- i) Mrs Brown spoke in objection to the application;
- ii) Mr Renouf (Agent) spoke.

94 **APPEAL DECISIONS (2-37-09)**

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.

95 **APPLICATION 19/00118/MOUT OUTLINE FOR THE ERECTION OF UP TO 105 DWELLINGS, ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE AND ALLOTMENTS TOGETHER WITH VEHICLE AND PEDESTRIAN ACCESS FROM SISKIN CHASE AND PEDESTRIAN ACCESS FROM COLEBROOKE LANE - LAND AT NGR 301216 106714 (WEST OF SISKIN CHASE), COLEBROOKE LANE, CULLOMPTON**

This item had been deferred as outlined in Minute 92.

(The meeting ended at 5.05 pm)

**CHAIRMAN**

## COUNCIL 8<sup>TH</sup> JANUARY 2020

### APPOINTMENT OF INDEPENDENT PERSONS

**Cabinet Member(s):** Cllr Bob Deed, Leader of the Council and 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 appoint an additional Independent Person

#### RECOMMENDATION: that

- (a) **Mr Rob Jeanes be appointed as the Council's second Independent Person for a term of 4 years to 1 January 2024; and**
- (b) **Delegated authority be given to the Monitoring Officer to re-appoint Mr John Smith as an Independent Person from 14<sup>th</sup> December 2020, should he be willing to continue in the role at that time, such appointment (if made) to be for a term of 4 years to 14 December 2024.**

**Financial Implications:** the Council's agreed remuneration of an Independent Person is £500 per annum plus travelling expenses.

**Legal Implications:** the Council must, under the Localism Act 2011, appoint at least one Independent Person to advise and support the Monitoring Officer and the Council in dealing with code of conduct complaints and standards generally. The Council already has one Independent Person, Mr John Smith, who was appointed in 2016. Certain roles are performed by the Independent Person - and it is important that absence or conflict of interest does not prevent an Independent Person from being available to perform those roles. For that reason, and for resilience purposes, it is desirable to have at least two Independent Persons at any one time.

**Risk Assessment:** Without an additional appointment, there is a risk that an Independent Person would not be available to provide advice and support on a complaint at a particular moment in time. Whilst it is theoretically possible to 'borrow' an Independent Person from another Council on a temporary basis, this overlooks the advantage of building up a working relationship over time with the individual concerned.

**Equality Impact Assessment:** None directly arising.

**Relationship to Corporate Plan:** None directly arising.

**Impact on Climate Change:** None directly arising.

## 1.0 Introduction

- 1.1 The Independent Person is a creation of the Localism Act 2011. Their statutory role is centred on the arrangements which the Council must put in place for making decisions on allegations of failure to comply with the Code of Conduct. The Independent Person must be consulted by the Monitoring Officer before making a decision on a complaint and, if it goes to a hearing, by the Standards Sub-Committee.
- 1.2 The Council must have at least one Independent Person, but there is no bar to appointing more than one. By appointing two or more Independent Persons, the Council can ensure that it always has an Independent Person available who is familiar with the Council's own processes and expectations.
- 1.3 On 14 December 2016, the Council appointed two Independent Persons, namely Mr John Smith and Mr David Williamson. Due to other commitments, Mr Williamson stood down in 2018. Informal arrangements were put in place with neighbouring authorities in the event of needing standby support from one of their Independent Persons, but it has been recognised that this is not a long-term solution. Accordingly, a further appointment is recommended.

## 2.0 Recommended appointment

- 2.1 The Monitoring Officer and the Member Services Manager interviewed three applicants in December 2019. All three performed well, but one subsequently withdrew their candidacy for personal reasons.
- 2.2 Mr Rob Jeanes is already an Independent Person with North Devon Council where he was first appointed in 2012. He has extensive past experience of governance and audit in the retail banking sector. He also sits as a lay person on the Schools Appeal Panel of Devon County Council. It is recommended that he be appointed for a period of 4 years to 1 January 2024.

**Contact for more Information:** Kathryn Tebbey, Group Manager for Legal Services, (01884) 234210 [ktebbey@middevon.gov.uk](mailto:ktebbey@middevon.gov.uk)

**Circulation of the Report:** Cabinet Member

**List of Background Papers:** None.